COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

ANNUAL FALL TOWN MEETING

Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

TOWN CLERK:   Michael Palmer
MODERATOR:    David T. Vieira

Wednesday, November 13, 2013
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>1-14</td>
</tr>
<tr>
<td>2</td>
<td>Unpaid Bills</td>
<td>1-37</td>
</tr>
<tr>
<td>5</td>
<td>Fund AFSCME Contract</td>
<td>1-39</td>
</tr>
<tr>
<td>6</td>
<td>Fund Firefighters Local 1397 Contract</td>
<td>1-50</td>
</tr>
<tr>
<td>7</td>
<td>Fund Police Federation Contract</td>
<td>1-56</td>
</tr>
<tr>
<td>8</td>
<td>Fund Police Superior Officers Contract</td>
<td>1-57</td>
</tr>
<tr>
<td>9</td>
<td>Fund Police Lieutenants NEPA Local 165 Contract</td>
<td>1-57</td>
</tr>
<tr>
<td>10</td>
<td>Position Classification Plan: Police Dispatcher</td>
<td>1-58</td>
</tr>
<tr>
<td>11</td>
<td>Position Class. Plan: Add Grade 3A Admin. Asst.</td>
<td>1-59</td>
</tr>
<tr>
<td>12</td>
<td>Position Class. Plan: Admin. Asst. Police/Fire</td>
<td>1-64</td>
</tr>
<tr>
<td>13</td>
<td>Position Classification Plan: Community Development Planner</td>
<td>1-65</td>
</tr>
<tr>
<td>14</td>
<td>Position Classification Plan: Police Captain</td>
<td>1-78</td>
</tr>
<tr>
<td>15</td>
<td>Position Class. Plan: Seasonal Employee Compen.</td>
<td>1-78</td>
</tr>
<tr>
<td>16</td>
<td>Capital Improvements</td>
<td>1-152</td>
</tr>
<tr>
<td>17</td>
<td>Energy Management Services Contract</td>
<td>1-103</td>
</tr>
<tr>
<td>18</td>
<td>Replace Inner Harbor Pump Out Station, Equipment</td>
<td>2-7</td>
</tr>
<tr>
<td>19</td>
<td>Additional Voting Booths and Supplies</td>
<td>2-11</td>
</tr>
<tr>
<td>20</td>
<td>Remove Dangerous Materials Menauhant Beach and Davisville Ext. Beach</td>
<td>2-12</td>
</tr>
<tr>
<td>21</td>
<td>Open, Staff Mitchell Bathhouse/Fund Mailing Beach Sticker Applications</td>
<td>2-14</td>
</tr>
<tr>
<td>22</td>
<td>Petition: Reports to Town Meeting</td>
<td>2-16</td>
</tr>
<tr>
<td>23</td>
<td>Petition: Oversight Committee</td>
<td>2-26</td>
</tr>
<tr>
<td>24</td>
<td>Petition: Selectmen’s Meetings: Public Comments</td>
<td>2-46</td>
</tr>
<tr>
<td>25</td>
<td>Petition: Demolition Bylaw</td>
<td>2-63</td>
</tr>
<tr>
<td>26</td>
<td>Petition: Regulate Traffic on Woods Hole Road</td>
<td>2-66</td>
</tr>
</tbody>
</table>
# Annual Town Meeting Index

<table>
<thead>
<tr>
<th>Article</th>
<th>Description</th>
<th>Vol-Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>27</td>
<td>Petition: Mitigation Fund</td>
<td>2-79</td>
</tr>
<tr>
<td>28</td>
<td>Petition: Wind Turbines Operation</td>
<td>2-116</td>
</tr>
<tr>
<td>29</td>
<td>Petition: Overhead Utility Wires in Velocity Zones</td>
<td>2-135</td>
</tr>
<tr>
<td>30</td>
<td>Funding Non-Criminal Code Enforcement Expenses</td>
<td>2-137</td>
</tr>
<tr>
<td>31</td>
<td>Community Preservation: Capital Improvements</td>
<td>2-138</td>
</tr>
<tr>
<td></td>
<td>- 20 Academy Lane</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>CPC: Little Pond Conservation Area Restoration</td>
<td>2-143</td>
</tr>
<tr>
<td>33</td>
<td>CPC: East Falmouth School Playground Renovation</td>
<td>2-146</td>
</tr>
<tr>
<td>34</td>
<td>CPC: Sandwich Road Field Complex Improvements</td>
<td>2-148</td>
</tr>
<tr>
<td>35</td>
<td>CPC: Skate Park Facility</td>
<td>2-154</td>
</tr>
<tr>
<td>36</td>
<td>CPC: Teaticket Park Path, Boardwalk, Observation Platform</td>
<td>2-157</td>
</tr>
<tr>
<td>37</td>
<td>CPC: Purchase Beach Parking Lots Gates</td>
<td>2-158</td>
</tr>
<tr>
<td>38</td>
<td>CPC: All Purpose Athletic Field - Falmouth High</td>
<td>2-159</td>
</tr>
<tr>
<td>39</td>
<td>CPC: Morse Pond Playground Renovations</td>
<td>2-181</td>
</tr>
<tr>
<td>40</td>
<td>CPC: Falmouth Housing Stabilization Program</td>
<td>2-181</td>
</tr>
<tr>
<td>41</td>
<td>Amend Town Bylaw: Article VII- New Silver Beach Sewer Service Area</td>
<td>2-184</td>
</tr>
<tr>
<td>42</td>
<td>Petition State Legislature: Sewer Service Area Betterments</td>
<td>2-196</td>
</tr>
<tr>
<td>43</td>
<td>Petition State Legislature: Exemption for Eco-Toilet Installations</td>
<td>2-208</td>
</tr>
<tr>
<td>44</td>
<td>Land Swap: Preservation Restriction “Great Rock”</td>
<td>2-214</td>
</tr>
<tr>
<td>45</td>
<td>Accept Road Layouts</td>
<td>2-220</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 with the League of Women Voters. Attendance will be published in the Falmouth Enterprise.

Our tellers this evening: in the first division will be Mr. Netto; in the second division will be Mr. Dufresne; and in the third division will be Mr. Hampson.

[Pause.]

THE MODERATOR: Hopefully when we take this quorum count we’ll have a quorum. Some of you may have heard last night in the Town of Truro they did not have their town meeting because they could not get a quorum. So the Selectmen are deciding if they’re going to hold all the articles until the spring or if they’re going to post another warrant.

But I’m sure, as a representative Town Meeting, we’ll have our quorum tonight.

So, would all Town Meeting Members present please rise for the establishment of the quorum and the tellers will return a count.
[Pause.]

THE MODERATOR: Mr. Netto in the first division.

MR. NETTO: 46.

THE MODERATOR: 46.

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

MR. HAMPSON: 60.

THE MODERATOR: 60.

In the second division, Mr. Dufresne?

MR. DUFRESNE: 92.

THE MODERATOR: 92.

By a counted vote of 198, we have a quorum and the Town Meeting is in session.

All present please rise for the presentation of the colors by my alma mater, Cub Scout Pack 41.

[Pause.]

[The Pledge of Allegiance was taken.]

THE MODERATOR: At this time I’ll recognize Joe Martinho for an invocation.

MR. MARTINHO: Lord, when it comes to meeting and communicating with each other, help us be good listeners. Help us to be open-minded,
putting aside our own agendas. Help us to be
honest, without being insensitive. Help us to be
respectful, without being too formal or
artificial. Help us to question and challenge
without being harsh.

Help us be aware that this is just one
moment, just one meeting. And lastly, help us to
remember that you, too, are always meeting and
communicating with us. Amen.

THE MODERATOR: Please remain standing
for a moment of silence in honor of our Town
Meeting members who have passed since our last
gathering.

[Pause.]

THE MODERATOR: Colors post.

[Pause.]

THE MODERATOR: Cub Scout Pack 41 from
East Falmouth.

[Applause.]

THE MODERATOR: Last night I asked you
all to swing by the Service Center the Sunday
before Thanksgiving and drop off some fresh
turkeys. What I should have told you to do is
drop off some frozen turkeys. So I’ve just been
asked to make that correction.

So, if you are able to do that, please bring a frozen turkey, not a fresh turkey, although you could bring a fresh frozen turkey.

[Laughter.]

THE MODERATOR: Okay, Article 18 was the next one on our list, here. We, as you remember, didn’t use the blanket last night, so we’ll go right back to Article 18.

Madame Chairman.

CHAIRMAN MAGNANI: [No mic:] Mr. Moderator, I move that the Town [Inaudible].

Sorry. Mr. Moderator, move that the Town vote to transfer from the Waterways Improvement Account the sum of $12,804 for the purpose of replacing the Falmouth Inner Harbor pump out station and equipment located on Robbins Road. Said funds to be expended under the jurisdiction of the Marine and Environmental Services Department.

THE MODERATOR: Okay, you’ve all heard the main motion; any discussion?

Mr. Anderson.

MR. ANDERSON: Gary Anderson, Precinct Tinkham Reporting
7. In the explanation, it says that at times the Island Queen, I believe, uses this pump out station. Coastal Management suggested we seek funding from them. Are we going to get funding from them? Can somebody give an update. Thank you.

THE MODERATOR: We have our Harbormaster here with us. Mr. Frazier.

MR. FRAZIER: Good evening, Greg Frazier, Director of Marine Environmental Services. As of today we had not gotten word from CZM whether we’ll get that grant, but we have an excellent opportunity. In fact, they were the ones that suggested that we actually apply for it to replace the CBA funding. So I expect that we will get that grant and that’ll be a 75 percent reimbursement to the Town. We have to fund the full purchase price and then they’ll reimburse us.

This – that grant actually replaces the CBA grant and that station has been under the CBA grant since I’ve been here and, up until this designation as a No Discharge Zone, we were unaware that they would consider the Island Queen
pump out boat a commercial boat, and specifically asked us not to allow that pump out boat to use the pump out station, which goes directly against the No Discharge because that was part of the whole designation, was we were trying to get all boats, not just recreational boats, to stop discharging.

THE MODERATOR: Okay, further discussion? From the center.

MS. TOLENTINO: Stella Tolentino from seven. The Island Queen is not the only commercial vehicle in the harbor. There are other ferries and commercial vehicles, so what’s the status? Is it for everybody or just for one?

THE MODERATOR: Mr. Frazier.

MR. FRAZIER: I’m sorry, I didn’t actually hear the question. The difference between the commercial and the recreational -

THE MODERATOR: Are there other commercial vessels in Falmouth Harbor that would use this.

MR. FRAZIER: There are some commercial fishing vessels that pull up to the pump out station, but this is the primary one that uses
it, and they make three or four trips a day to
the pump out station and I think Gerry - if
Gerry's here, he was part of the team that worked
together on the No Discharge Zone and, as you
know, the only other entity in town that is
exempted from the No Discharge Zone currently is
the Steamship Authority, and even they are
working towards retrofitting all their boats.
They have an exemption now of a channel exemption
to go over to the Islands, but that too will be
going away. Eventually there'll be no discharge
for any vessel, including the Steamship
Authority.

THE MODERATOR: Mr. Donahue.

MR. DONAHUE: Mr. Moderator, through
you. Bob Donahue, Precinct 3. Is there a charge
for commercial vehicles and is there - I assume
there's a charge for private vehicles. What is
the difference? I would assume that their waste
would be quite substantial compared to most of
the boats that I've seen in Falmouth Harbor in
the recent years. Thank you.

THE MODERATOR: Mr. Frazier.

MR. FRAZIER: The Town of Falmouth does
not now nor have we charged for pump out services, and that includes the pump out station, fixed station at the head of the harbor, or the Town pump out boat.

THE MODERATOR: Okay. Any further discussion?

Okay, the question will come on the main motion as recommended. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 19, Madame Chairman.

CHAIRMAN MAGNANI: Mr. Moderator, I move that the town vote to transfer $8,500 from Certified Free Cash for the purpose of purchasing additional voting booths and related supplies. Said funds to be expended under the jurisdiction of the Town Clerk.

THE MODERATOR: Okay, $8,500 from Certified Free Cash for additional voting booths and related supplies. Any discussion?
Hearing none, then the question will come on the main motion as recommended. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 20, Madame Chairman.

CHAIRMAN MAGNANI: Mr. Moderator, I move that the Town vote to transfer the sum of $30,000 from Certified Free Cash to fund the removal of dangerous materials at Menauhant Beach contingent on the approval of the Conservation Commission. Said funds to be expended under the jurisdiction of the Town Manager.

THE MODERATOR: Okay, you’ve all heard the main motion as recommended. Any discussion? Mr. Finneran.

MR. FINNERAN: Yeah, I just wondered who’s going to do this work and has it been bid?

THE MODERATOR: Mr. Hoffer?

MR. HOFFER: [No mic:] A private contractor.
THE MODERATOR: Let’s just do a mic, please, Mr. Hoffer.

MR. HOFFER: It has not been bid, but a private contractor will have to bid it out and for contractors that are knowledgeable in this type of work.

THE MODERATOR: Okay. Any further discussion?

MR. HARGRAVES: Thank you. Peter Hargraves, Precinct 9. Yesterday we approved Article 16, and it had $400,000 for road maintenance, construction and sidewalks under direction of the Town Manager. This is additional funds, it seems, for the same type of activity, also under direction of the Town Manager, and I guess that these are remnants of a road bed that was previously worked, but the project was incomplete.

I would just like to know why we have a separate article to cover this when we’ve already approved $400,000 for road maintenance.


MS. HARPER: This request came in later than the general Capital Plan is prepared. It’s
a result of significant coastal erosion that’s
made these underground structures very apparent.
It’s a serious danger to public safety and it
needs to be repaired.

THE MODERATOR: Okay, further
discussion, Article 20?

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

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

THE MODERATOR: The ayes have it by a
majority.

Article 21, Madame Chairman.

CHAIRMAN MAGNANI: Mr. Moderator, I
move that the Town vote to raise and appropriate
$5,000 to fund the mailing of the beach sticker
applications with the tax bill. Said funds to be
expended under the jurisdiction of the Town
Manager.

THE MODERATOR: Okay, further
discussion on Article 21?

Mr. Netto.
MR. NETTO: I’m Joe Netto, Precinct 9.

Mr. Moderator, in the explanation it says – excuse me, in the article it asks for money to fund the opening before Memorial Day, and then in the explanation it says no monies from this article will be used to fund the opening –

THE MODERATOR: That’s correct. The motion is only taking the second part of the article to fund the mailing.

MR. NETTO: Should we then get rid of the beginning part of the article?

THE MODERATOR: That’s your vote – no, because the article is the agenda item posted to the public, and then the motion is what we’re going to take action on, and the motion is within the scope of the article. It’s smaller than what was posted.

MR. NETTO: Thank you for the explanation. Thank you.

THE MODERATOR: Is there any further discussion on mailing of the beach sticker applications?

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 22 is a petitioner article. The Board of Selectmen’s recommendation is indefinite postponement.

Mr. Shearer, would you like to place a positive motion on the floor?

MR. SHEARER: Yes, I would like to.

Dan Shearer, Precinct 6, and I’d like to amend the article, please, if you will, if you could follow me along.

I’d like it to read: To see if the Town Meeting will vote to ask the Town Manager to have the Town Finance Director and to ask the Superintendent of Schools to have the school Finance Director report to the Annual Spring Town Meeting on all current overrides, capital exclusions and debt exclusions. And from there it would be as printed.

THE MODERATOR: Okay, so it is what is
printed in the article, there, except for after
the Town Manager telling the Finance Director,
it’s having the Superintendent have the School
Finance Director report to and the language
that’s there.

Mr. Shearer.

MR. SHEARER: I put this article in
because I get questions, when I was on the
Finance Committee I got questions; now as a Town
Meeting Member for many years, and people really
don’t understand what happens to overrides, debt
exclusions and capital exclusions.

I believe those are not taxes; they are
gifts from all of us. Gifts that are given to
the Town for particular reasons and things that
we want done, and I believe we need to be – a
report being made that they have been done, what
it’s cost and what is going to happen to the
money that if left over if there is any.

Many years ago we had a nice override,
permanent, for the School Department, and every
year for – it was for books, technology, school
aids, teacher’s aides, and staff for new
positions, new ideas. And lately it’s gone well
over half every single year to just payroll or staff, as they put it. No new positions.

A few years back we had – and I’ll just take a couple, I could go on for quite a while if I went back the 18 years I’ve been up here doing this, that we had a nice study for the Waste Management Facility, and we had a capital exclusion of $200,000 to improve it and to fix it and to make it safer. I think it was seven years ago. Where is that money? It has never been done and it’s been taken out of our pockets. I was told in the office that yes, they have an IOU for it and part of it was taken to buy a truck. I don’t think that’s right. I think it’s almost fraudulent.

And lately, now, I have been asked constantly and I have asked where is the $2.2 million from the high school that was left over. I have heard more stories about where it is, what’s happened to it, and I don’t get any answers.

And I think it’s about time that we get reports on where these gifts that we give the Town go and how they work out. Thank you.
Please vote yes.

THE MODERATOR: Ms. Magnani.

MS. MAGNANI: Mr. Shearer –

MR. SHEARER: Yes.

MS. MAGNANI: I’m going to ask the Finance Director to answer your question about that infamous $2 million that nobody knows where it is, okay?

MR. SHEARER: Good.

MS. MAGNANI: Jennifer.

MS. PETIT: Jennifer Petit, Finance Director. As I’ve stated in the past and have circulated a letter from bond counsel, is when Town Meeting voted the $18 million to finish the high school project, we borrowed the money. We didn’t bond the full 18, so we took two million to pay off the short term note. It was never taxed as the full amount and it’s – and that’s really what happened. So it’s not an authorized and unissued. There isn’t $2 million. We borrowed it and we paid it back and then we bonded the rest.

THE MODERATOR: Okay, Mr. Shearer.

MR. SHEARER: Will we see any kind of a
return on our taxes, like is it going to –

THE MODERATOR: We never collected the
money because we didn’t –

MR. SHEARER: Well, we haven’t
collected a lot on the money. I mean, it still
goes on for quite a few years.

THE MODERATOR: No, from the two
million, we didn’t –

MR. SHEARER: Well, how much do we
still owe on the high school?

MS. PETIT: We didn’t collect that two
million. We didn’t tax you on that two million.
We taxed you on the interest on the two million
and paid back the two million. It hasn’t been
taxed.

There’s a debt exclusion and there’s
principal and interest that is owed on the high
school with a numerous amount of other projects
for debt exclusions.

MR. SHEARER: Okay, thank you.

THE MODERATOR: Mr. Hargraves.

MR. HARGRAVES: I’d like to ask the
Moderator a question on procedure and then make a
comment in support of the petitioner’s article.
I assume you didn’t have a discussion on the amendment because the petitioner rephrased the article, is that –

THE MODERATOR: That’s not an amendment. He placed the main motion on the floor.

MR. HARGRAVES: Oh.

THE MODERATOR: And it was within the scope of the agenda item as posted in the warrant, so the main motion includes the changed language.

MR. HARGRAVES: Okay, thank you.

Frankly, just looking at this absent my experience with the collaboration in the group, here, and the spirit of cooperation, it’s kind of disheartening to look at the explanation and one might even think that a body of Town government was stonewalling the request of a citizen by picking on a detail like that to recommend indefinite postponement. I really feel that – and so, the reason I asked about discussing this as an amendment is I’m concerned that there may still be some technicalities that prevent this article, even if we vote for it, from being
implemented. But I don’t see why this
information shouldn’t be summarized as requested
and presented to the citizens as a step towards
more transparency and in government and how we
spend our capital.

And so I would like to say that I think
this is a good thing and we should get the
language right so that it’s legal and can be done
whether – and in fact just direct the Town
Manager to provide this information absent the
how –

THE MODERATOR: Okay.

MR. HARGRAVES: - the what -

THE MODERATOR: So, so the legal
language, Town Meeting doesn’t have the right to
direct the executive authority to do anything.
We ask; which is what the language he uses here.
It’s a resolution asking them to do this. You
have the power to raise and appropriate and to
create Town bylaws, zoning and general. And to
petition through the Board of Selectmen, request
the petitioning of the state legislature for X.

Town Meeting, again and again, whether
it’s wind turbines, whether it’s cranberries, or
whether it’s financial reports, cannot direct the specific activity of the executive branch of government to do anything. So the language asking the Town Manager to do this and asking the Selectmen to do that is a resolution doing just that: asking the executive authorities to take some action that the Town Meeting, if it votes by a majority, feels would be appropriate action to take.

MR. HARGRAVES: Please excuse me for my bad phrasing.

THE MODERATOR: So that, but we’re all set as far as the language, because it’s a resolution asking them to take those steps. Okay?

So next I have Mr. Putnam.

CHAIRMAN PUTNAM: Good evening, ladies and gentlemen, Brent Putnam, Chairman of the Board. The Board voted indefinite postponement because we did not hear from Mr. Shearer. All of the petitioners are invited to come to the Board of Selectmen and make a presentation. Unfortunately for whatever reason, Mr. Shearer was unable to make our meeting that evening and,
absent any presentation from him, we did not have enough information to make a recommendation other than indefinite postponement.

On a personal level, I support Mr. Shearer’s petition and I would recommend, personally, that you do vote for this.

THE MODERATOR: Okay, Mr. Shearer.

MR. SHEARER: I’m sorry I did not make the meeting, however I never got informed because you sent the letter to my street address in West Falmouth. We do not get delivery. I got the letter finally about two weeks after the meeting.


I’ve got you on the list. I’ve got Ms. Lichtenstein first; you’re on the list.

MS. LICHTENSTEIN: Lesley Lichtenstein, Precinct 8. I support this and I think it’s important to the people of the Town when they go to the ballot and we ask them to vote for things and people always ask me, “Well, didn’t we just vote for that?” And remember back when our old fire chief used to come in and say, “See, this is what your money got us. It
got us this, this and this and now we need that”?

If we see that, I think that the townspeople will be much more likely to say, “Yeah, we’ll vote for that because we know what we’re doing.”

So I urge you to support this. Thank you.

THE MODERATOR: If you could just pass the mic forward, there, and then we’re going to go into Mr. Alliegro, then Mr. Latimer.

MS. FINNELL: Margaret Finnell, Precinct 8. I strongly urge you to vote for this as amended. This is information that’s very important for all the citizens and taxpayers of the Town to have. Thank you.

THE MODERATOR: Okay, Mr. Alliegro.

You’re all set? Okay.

Mr. Latimer. With a microphone, Richard.

MR. LATIMER: I move the question.

THE MODERATOR: You move the question, okay.

The motion to close discussion. All in favor, signify by saying aye.

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

[No.]

THE MODERATOR: The ayes have it; discussion is closed.

The question will come on the main motion as printed, but asking the superintendent to have the School Finance Director do that part of the report.

All those in favor of the main motion signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority.

Article 23. This was a petitioner’s article; the recommendation of the Board of Selectmen is indefinite postponement. Mr. Finneran petitioned this.

A main motion.

MR. FINNERAN: [No mic: Inaudible.]

THE MODERATOR: As printed. Okay.

Article 23, the main motion is as printed. Shall the Town Meeting vote to form an audit – a
Capital/Audit oversight committee made up of 50 percent plus one members of the public (no municipal connections)?

Mr. Finneran.

MR. FINNERAN: Thank you, Sir. Thank you, Town Meeting Members. The purpose of my article is to give a little more public insight into what’s going on here. It reads Shall – as he read it. I won’t read it again.

In my problem with the first Capital Committee -- other than not getting appointed to it and a few other things that we’ll not – not mention – is that – can you put the next slide on there?

The Capital Committee as formed really did not consider waste, fraud, abuse. They didn’t consider theft. They didn’t consider what I consider to be quite important: a town-wide purchasing agent. They didn’t look at incompetence or corruption. And capital items that are clearly regular maintenance, routinely asked for as capital items.

These things all occur: the waste, the fraud, the abuse, theft. I’m sorry, but it’s
true. I’m aware of it. A town-wide purchasing agent would not only give us more volume discounts, it would give us the advantage of the fact that everyone would know someone was looking over their shoulders. Waste, fraud, abuse and theft would most likely be cut by about 50 percent overnight. I think incompetence is everywhere and no one’s held responsible for it. Leadership should be, but it’s not.

The Capital Committee basically looked at nothing but raising our taxes and fees. The main idea that they came up with was to reinstall the meters on Main Street. I mean, Main Street has finally come back after the years and years of empty buildings, poor – poor business or whatever. Now there – there’s a complaint that there’s not enough parking and they don’t want the farmer’s market there. Well, I think if you put the parking meters in there, you’re just going to be killing yourself and it’s – it’s just the wrong way to go.

Can I have the next slide, please.

This town is a hundred million dollar corporation. It really needs to be run like one.
Nobody should be beyond oversight. And I think we have a spending problem, as well as a capital problem. Outside review seems needed and I think it’s evidenced by many of our capital projects: the high school, the Town Hall insulation, the dump debacle, the turbines, the water tower — which was a waste, the water quality, the lack of maintenance of many Town assets.

There is a — when I presented this article, I said that it was — I think I used a reference it was like an inside job. I think more fairly it was a lot of group-think. There were too many people inside the government that were involved in that and I don’t think that they looked at things properly. And I’m going to show you some examples.

Next slide, please. There’s an inside job. The sealer of weights and measures job. When this job became open, the husband of a Town employee was used as a placeholder. He was hired, but he never worked. The job was advertised as part-time, no benefits, and once the applicant that was hired, that was all
changed; the benefits were given.

Seven applicants applied. They were all deemed or judged unfit. When they had their interviews, they were asked whether they could lift a certain amount of weights. Like, five gallons of gasoline weighs 35 pounds. I mean, who can’t lift 35 pounds?

There’s a person in this room that applied for the job and they gave him the same run-around. They didn’t think he was physically capable. I know the man personally; he goes to the gym every day. Also his age was brought up, which is actually, it’s age discrimination and it’s grounds for a lawsuit against the Town. He wasn’t given the job. A former Selectman was given the job.

A resident of the Town asked me about the thing; I wasn’t really that familiar with it, but I asked around and I found out how it went.

I talked to -

THE MODERATOR: Mr. Patrick.

MR. FINNERAN: Pardon me?

MR. PATRICK: Mr. Moderator, point of order. I think this is beyond the purpose of

Tinkham Reporting
the article.

MR. FINNERAN: Really? It says right here: oversight. I think that’s all within the realm of oversight. I think if there was some oversight, this wouldn’t have happened.

THE MODERATOR: Okay, let’s –

MR. FINNERAN: And it didn’t happen in a vacuum, either.

THE MODERATOR: Okay, Mr. Finneran? Let’s finish your presentation on the Capital and Audit Committee and then let’s open it up for discussion.

MR. FINNERAN: Oh, well, I’m just addressing the comment.

This person that I knew spoke to – went to the Ethics Commission and –

THE MODERATOR: Mr. Finneran, let’s talk about the need for the committee and not a specific case.

MR. FINNERAN: Okay. Well, the need for the committee is because this happened. The – whatever – you can put the next one on. If you don’t want to look at it, that’s fine. But there are some things that need to be looked at.
Obviously.

You can go on to that. You can go on to
the next slide, if you like. If you don’t,
that’s too much detail.

[Laughter.]

MR. FINNERAN: There’s a parking space
that this person has. It’s not metered. It’s
not painted. It’s in a small village. It’s
unfair, it’s not right. It shouldn’t happen. It
needs to be looked at. With some oversight, such
things shouldn’t happen.

THE MODERATOR: Mr. Finneran, this is a
Capital and Audit Committee.

MR. FINNERAN: And oversight.

THE MODERATOR: So let’s talk – and
oversight committee. Let’s talk about the
committee.

MR. FINNERAN: Okay, well, I think a
committee’s needed. And the oversight, a little
oversight, and these things wouldn’t happen. I
mean, nobody deserves a free parking space.

You can go on to the next one. You’ve
heard this from me before. This is about the
Waste Management Facility, and I would just like
to close the loop on this. Right in the beginning, we were told that the dump was losing $400,000. When we asked for accounting of that, we were given this sheet that charged off even the affirmative action; the entire affirmative action budget was charged to the dump.

Eventually, after numerous meetings, the amount that the dump was supposed to be losing was down to $100,000 or just over. The 2.50 a bag fee was supposedly saving us $80,000. But when I went to get the – calculate the sticker sales, it turned out that we were losing about $210,000 a year. Now, that auditing, that accounting is completely wrong.

That – after that, we became aware that there were 104 hundred yard containers of scrap metal that went unaccounted for. I brought that to Town Meeting. Town Meeting asked Town Counsel to pursue it. Town Counsel brought it to court in Falmouth. I went and actually gave the court information; it never went anywhere. So, after several months, almost a year, I went to the Inspector General’s Office with a complaint. They went to Town Counsel. Town Counsel re-
energized his efforts or whatever. They ended up
going to mediation and we were awarded nothing.

Can you go to the next. At the same
time, we were told the accounting at the dump, it
was losing money. We were paying to have our
recycles removed. Not only that, we’re paying
to have them taken away. We’re paying to rent
the container that they’re in. There was a
drastic increase in roadside dumping. There was
never an accounting for municipal trash; a
minimum of 30 percent of the volume. There was
no flow control enforcement.

There was a pay-as-you-throw grant
addressed to the Town Manager and we were told
that it was for a study. Why?

The accounting is just completely wrong.

For anyone to ever have told us that the dump was
losing money, it’s impossible to say. They
didn’t count the metal. They didn’t count the
recyclables, they didn’t count the sticker sales.
That would be the equivalent of somebody going
into a grocery store, doing an accounting there,
telling you they were losing money, but not
accounting for the produce or meat. It just
makes no sense; it can’t be done. Anybody with a pencil can figure that out.

That would be same as going in and auditing a liquor store and not counting the Bud Light and the vodka. It just doesn’t make sense. And it took me a lot of years to figure out what was going on, but I think I finally did.

You can turn the next page. It’s all about the pay as you throw on the curb. If we went to the 2.50 a bag, which was the plan, that would mean that the two and a half million from the budget that goes to the curbside would go back in.

THE MODERATOR: Okay. Mr. Putnam – I mean, Mr. Finneran. Let’s open up for some debate. You’re getting into things that this audit committee should do if it’s formed. The question before Town Meeting is should we form an Audit/Oversight/Capital Committee.

MR. FINNERAN: I’m just trying to give evidence as to why we should.

THE MODERATOR: I understand, but the idea that there’s an article that will allow us to go through every issue in Town government is
not appropriate. This article is to create the
committee and these topics can clearly be subject
matter of the Committee.

MR. FINNERAN: Okay. Well, basically,
this turned out to be a proposition override
without the override vote. It’s not illegal;
it’s unethical. It should be held in check
somehow. There needs to be oversight. This kind
of thing should not go on.

And, I mean, does that appear to be
honest to you? It certainly doesn’t to me.

The next slide, please.

FROM THE FLOOR: No.

MR. FINNERAN: This is about the
filtration plant which we’re going to be asked to
spend $50 million for. I mean, if you could just
go through that. This is from the cover sheet
that presents the plan to the town. It basically
says that no process is more important than the
process before that.

And if you can go on. I’m sure you’re
bored with it already.

This is from the second paragraph that
basically says the same thing: no process is more
important than the process in front of it.

You can go to the next slide. The DNR arranged to have the USGS come and survey our pond for free. They were going to conduct a survey and tell us how to clean the pond simply using hydrogen peroxide. When the DNR agent was gone, the DPW threw them out of the pond. This was all free work for the town.

THE MODERATOR: [Inaudible.]

MR. FINNERAN: $50,000 worth.

THE MODERATOR: Okay, Mr. Finneran, the time for the opening presentation is expired. You can request an additional amount of time –

MR. FINNERAN: Can I have another minute? I mean, it’s –

THE MODERATOR: Okay, so one more minute is the request for an additional – for the presentation. All those in favor of an additional minute, 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 we’ll begin
working through my list.

Mr. Putnam.

CHAIRMAN PUTNAM: Good evening, again, ladies and gentlemen, Brent Putnam, Board of Selectmen. Also the former chairman of the Capital Advisory Committee appointed by the Board of Selectmen at approximately this time last year.

The Board – there’s an explanation there, but I wanted to provide a little bit of background about what the Capital Advisory Committee did because, if you hadn’t seen the report that was presented in June, you may not have realized all the work that we did.

It was a committee formed of two members of the Board of Selectmen, two members of the Finance Committee, two at-large members, two individuals from the general public, and a representative from the Town Manager’s Office. And, to the Town Manager’s credit, oftentimes not only would Jennifer Petit show up, the Town Finance Director, but the Town Manager would show up as well.

They were open public meetings. They
were advertised. We often invited department heads, the public, to come in to share their thoughts, questions, concerns, whatnot.

The long and the short is the report, and of course the highlight of that report that a lot of people like to talk about is the parking meters. But there were other recommendations in there and other honorable mentions. But the Board focused on revenue — or, excuse me, the Committee focused on revenue generation for several reasons. One is that we did not have the experience or the time to audit or examine waste, fraud and abuse in all the Town departments to look for theft, incompetence, corruption. Whether these exist or not we cannot prove or disprove and we didn’t have the time to go through those.

We also had to make some assumptions; one of them being that Town department heads are the best determiners, if you will, of how efficient their departments are, and if they have some ideas or suggestions or ways of making their departments more efficient, that they would be able to do that without the Board’s input or
without Town Meeting’s input immediately. And if it required some additional effort or approval from the Board or Town Meeting, that they would come to us for that, by default.

So we didn’t necessarily try to seek out waste and ways of doing things more efficiently. And so the June report was focused entirely on revenue generation and opportunities, if you will.

As for Mr. Finneran’s suggestion for a Capital slash Audit Oversight committee, well, the Finance Committee had a Capital Advisory Committee. Out of that was born the request that the Board appoint a Capital Advisory Committee, which as I just explained to you, that work was wrapped up in June and the report is publicly available.

Audit functions are handled by the Town Accountant’s Office. There may be some merit in what Mr. Finneran is looking to do here, but I did want to make sure all of you understood what it was that the Capital Advisory Committee did.

Thank you.

THE MODERATOR: Ms. Lowell.
MS. LOWELL: Vicki Lowell, Precinct 1.

I just wanted to ask if this audit oversight committee would have subpoena power. I mean, I think we’re getting into a whole legal quagmire here that this – any committee like this would have to have a lot of framework to work in or it would just be a witch hunt. Thank you.

THE MODERATOR: Okay. As the way it’s written there, it doesn’t establish any structure to the Committee, so.

MR. FINNERAN: No. I mean, why would it be necessary? I mean, if it came down to it, maybe it would be. But I mean, somebody should at least open these doors and look. There’s a lot of things going on here that aren’t nice and I think a lot of you know that, too.

To just assume that everyone is doing a great job is – is – it’s just unacceptable. And we know that it’s not true. And we’re about to spend another hundred million dollars that we really don’t have.

Does anyone here know how much we owe in unfunded liabilities just for retirement alone? It’s $144 million. That’s 4400 for every man,
woman and child in this town. I mean, we need to
get a handle on this. There’s a lot of waste.
There’s a lot of fraud. There’s a lot of abuse
and there’s a lot of overspending. Um –

THE MODERATOR: Mr. Antonucci.

MR. ANTONUCCI: Bob Antonucci, Precinct
6. Accusations that are being made on this Town
Meeting floor in my opinion are unacceptable.
We’re chastising people who work for this Town in
a manner that we have no proof. Just because we
see words up on the screen doesn’t mean they’re
true. Let’s stick to the article, but I really
am uncomfortable with the accusations being made
about our Town officials, our elected officials
and Town Meeting Members.

I feel this Town is well run. There’s
enough checks and balances in this Town to ensure
that we have proper accounting, proper auditing,
and proper meeting state guides. To come to this
meeting and make the accusations that we’re
hearing tonight is wrong. Let’s correct that
wrong. Let’s vote this article down. Let’s
move on and let these guys do the job they’re
intended to do. Thank you.
[Applause.]

THE MODERATOR: Mr. Hampson.

Okay, let’s go.

Mr. Hampson.

MR. HAMPSON: Usually we open this meeting with a prayer about understanding and things we do not want to say, and feelings and things like that. All of this has been breached in this. You can get and make your point without going through what he just did, and it’s tough on some of us. I’m sure a lot of you feel the same way as I do. And our good friend here said exactly what I said. We don’t have to go through this. And Mr. Finneran can act and do this in another way and be much more effective.

So let’s just call the question, okay?

THE MODERATOR: Okay, Mr. Medeiros.

George, you know that my practice is after you speak you can’t call the question. You have to raise for the purpose --

MR. HAMPSON: Thank you.

THE MODERATOR: -- of calling the question.

So Mr. Medeiros was next on my list.
MR. MEDEIROS: Robert Medeiros, Precinct 7. Mr. Finneran brought up a lack of maintenance on facility assets, which is a big interest of mine, particularly the fire – I’m sorry, fire hydrants being in severe disrepair, and the fact that we don’t properly flush them.

I believe a committee of this nature would be a large tool in alleviating issues like that, and I would urge you to vote yes.

THE MODERATOR: Mr. Latimer.

FROM THE FLOOR: Question.

MR. LATIMER: I agree with some of the criticism here where Mr. Finneran’s article is way too comprehensive. He talks about many specific problems which I think would be more appropriately addressed to the new committee that Mr. Putnam described.

I do want to speak on one point that he made to which I can personally attest, and that is the per bag charge at the dump, instead of the way it used to be just paying –

THE MODERATOR: Okay –

MR. LATIMER: – for a sticker. I just want to address that –
THE MODERATOR: Yeah –

MR. LATIMER: – because it’s an important –

THE MODERATOR: I want to go back to whether or not we should create the committee.

MR. LATIMER: Well, just let me –

THE MODERATOR: That’s where I want this discussion to be.

MR. LATIMER: – finish the point. Let me just finish my point.

The last time I went to the dump, and this has to be five, six years ago, now, I was told my load of about 20, 25 bags was going to cost me close to $80. I turned around, I went up to Bourne, and I weighed in and I weighed out; it cost me $25. I haven’t been back to the Falmouth dump since then and I haven’t bought the sticker again. And I won’t buy the sticker. Because that is just – you know, when the Town has the stuff hauled, they pay by the ton.

THE MODERATOR: Okay, okay.

MR. LATIMER: They don’t pay by the bag. So we’re being ripped off by that. Thank you.
THE MODERATOR: Okay, so the question's going to come on the main motion as printed. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

Article 24, this was a petitioner's article. The Board of Selectmen recommended indefinite postponement.

Mr. Finneran, would you like to place a positive motion on the floor?

MR. FINNERAN: I certainly would.

THE MODERATOR: As printed?

MR. FINNERAN: As printed.

THE MODERATOR: As printed. This is shall Town Meeting vote to ask Selectmen to reinstate Chairman Brent Putnam's public question/comment period.

Mr. Finneran.

MR. FINNERAN: This one was pretty simple to me, anyway. When we first had the - you can put the next slide up, if you want.
When Chairman Putnam first had this question/answer session, comment session or whatever, it was universally welcomed by everyone that I spoke to, and I speak to a lot of people. And I think sometimes you people should speak to people more, too.

It’s done in Sandwich, it’s done in Bourne, as well as many other towns, and it was stopped just as soon as it was started. And, again, that raised a lot of ire with people. They thought that they had something decent going and it was – the rug was pulled right out from under them immediately.

The public deserves open government and as much as the Selectmen and the management do not want it, it’s a pretty part. I’d just like for you to explain to me why we shouldn’t be doing that. I mean, it’s – it’s open government. We lack it. No matter what people seem to think, there’s – as a friend of mine who used to sit up there likes to say: we have transparency, but it’s behind closed doors. I think that this is just a little thing to open the door a tiny crack and I can’t see why we wouldn’t do it. But,
again, it’s entirely up to you people.

THE MODERATOR: Okay, Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6.

When I got interested in government in this town somewhat, and relatively old, I guess, but our Selectmen used to have times when we could come in and talk to them. And one or two selectmen would be there and you could bring up a point, ask a question, or get some help. And now we really don’t know exactly what’s going on and there’s no way of asking. And I think it is hurting the Town. I think it’s not getting us all together and I think Mr. Putnam’s idea was an extremely good one. Thank you.

THE MODERATOR: Okay, further discussion on the main motion. Yeah, Mr. Herbst and then Ms. Fenwick.

MR. HERBST: Ralph Herbst, Precinct 8. The Community Preservation Committee does this. It’s the first item on our agenda at every one of our meetings. It says “Public Comment”. And I have to agree that this is a good way to let the public express how they feel about any issue that they want to the Selectmen.
It seems to me as though the way this is worded it’s not going to be debated when the person brings or says whatever they have to say, it’s simply an expression of a concern that they want to bring forth, and it’s very open.

If you have a concern like this of any sort and you send an email to the Selectmen or you talk to one of the individual selectmen, there’s no real guarantee that that’s going to be discussed or disseminated, that information disseminated amongst all of the Selectmen.

So I think this is a great idea, and it would certainly give Mr. Finneran an opportunity to say some of the things that he brought in the previous article in front of the Selectmen. So if they would put a time limit or something of that sort or entertain two or three comments from the public every time they meet, I think it would be very beneficial and very transparent. And I would vote for this.

THE MODERATOR: Ms. Fenwick.

MS. FENWICK: Judy Fenwick, Precinct 1.

I think the method of this article is going about it the wrong way. The School Committee and many
school committees in the state of Massachusetts
have policies that they set. It’s actually in
our policy manual, with public comment being
regulated in a way to be effective for both the
speaker and for the committee to receive
information. If you check the policy manuals of
Bourne and Sandwich, since you’ve given them as
eamples, you’ll probably find that it’s a policy
that’s been set by the board.

So, I don’t believe Town Meeting can
legislate or recommend to the Board how they
should function, but I would strongly recommend
that the Board check into other municipalities
and see what kind of policies they have about
accepting public comment.

THE MODERATOR: Mr. Bidwell.

MR. BIDWELL: Good evening, Tod
Bidwell, Precinct 4. Through you, Mr. Moderator,
would one of the Selectmen just give an
explanation as to why the process was stopped?

MR. FINNERAN: That’s all I wanted.

THE MODERATOR: Go ahead.

MR. JONES: I’ll have to admit one of
my concerns is they will have exactly the kind of
report that Mr. Herbst was actually suggesting
Mr. Finneran make at our meetings. The idea that
he can stand up here, he can insult me as an
elected official, I have no problem with that.
But the insult that was directed to some
fantastic Town employees, suggesting that we are
rife with fraud, theft and corruption, I need to
stand up for our employees who do a fantastic
job.

We may have some issues and of course we
want to look into that, and that was not the
purpose of the Capital Advisory Committee. But
we are a town that I am extremely proud of. I’m
proud of the honest way it is run. I know the
way our elected board works, that we are an
honest group of people doing our best to serve
you. And I know that we hire employees who do
their best.

And to open up a forum where we can have
that kind of diatribe vitriolic statements made,
open forum, concerns me. The idea of having
public comment and open period for five minutes
for people to raise issues -- we can’t discuss it
because it’s not on the agenda of the Selectmen.
We can only discuss things, by Open Meeting Law, that are on our agenda. But to have a period in which people can raise questions, have comments, I would have no problem with if we had a very strict policy that we would not tolerate that kind of treatment we got tonight.

[Applause.]

THE MODERATOR: Mr. Latimer. Let’s go.

MR. FINNERAN: Can I respond to that?

THE MODERATOR: Mr. Latimer.

No.

Mr. Latimer.

I’ll put you back on the list.

MR. LATIMER: Richard Latimer, Precinct 1 and a member and former chairman of the Planning Board. I agree in principal with the intent of Mr. Finneran’s proposal here to provide more openness. I’m not entirely persuaded by Mr. Jones’s problem with vituperative comment, although I do think he was correct in pointing out that any comment received would have to be within the scope of what was put on the agenda, and it would be very difficult to control that.
Now, I know that on the Planning Board when we have a hearing, with notice, published, and a public hearing, anybody who wants to come and testify at the public hearing can do that. I’m very uncomfortable if we’re just simply having a discussion, not a noticed hearing and people then come and offer opinions when not everyone in the Town was given an opportunity, as with a published notice of hearing, to come and similarly testify. That causes me great concern and I would ask Mr. Duffy to comment on that.

Thank you.


MS. FLYNN: Yes, thank you, Mr. Moderator. Pat Flynn, Precinct 6.

The Board of Selectmen has over time, at least in the many years that I’ve been on the Board, has not had a public comment period within the agenda. The Attorney General’s Office, through the Open Meeting Law, provides guidance to all boards, whether they’re elected or appointed, about public comment if they wish to have public comment. It’s really a Board decision. It’s the Board decides if they want to
include that in the agenda or not.

And I know I have been on boards that
have public comment, and usually what happens is
the comment period, the public comment period is
set aside for usually ten minutes or 15 minutes,
usually at the beginning of the meeting, and
anyone who wishes to speak will have two minutes
to make a comment. The boards cannot respond to
the public comment, as was mentioned earlier by
Selectman Jones, because if it’s not on the
agenda the Board cannot have a discussion. But
it does provide the opportunity for any citizen
to come before the board and make any comment
they wish to make. And then, depending upon the
comment, there is usually follow up, and then the
Board, through their procedures and through their
policies as Judy Fenwick said, have a method by
which the person who makes that comment receives
a response to that.

So, that’s usually the way it goes.

This Board has decided not to do that. It
doesn’t mean that it could not be considered at a
future time, but at this time that is the current
policy of the Board.
MS. ALLIEGRO: Mary Ann Alliegro, Precinct 7. Actually, the way this is written: voting to ask the Selectmen to reinstate, where we would have a public question and comment period, I think is fine and I think it would be good to vote for this. I think it would be very troublesome to think that our Selectmen, no matter what a citizen had to say, would not want to at least hear it and comment on it.

According to the United States of America and our Constitution, we do have a right to free speech. Everyone won’t always be happy and sometimes there will be hard questions and hard comments, but I think it would be very important for all of our elected officials, including Town Meeting Members, to listen to those comments and to listen to the citizens of this Town. I think that’s very important. Thank you.

MS. O’CONNELL: Yes, Maureen O’Connell, Precinct 4. I’m not a Constitutional scholar, but I think this has something to do with the
First Amendment. While I do respect what Madame Selectman Flynn and Selectman Jones have put forth, I think that, following up on what Selectman Flynn has stated, it would be a good idea and the proper thing to allow the people of the town, the elected officials, the employees and the people at home, now that we’re televised with these meetings, to hear what the issues are or the concerns are of the people who pay the bills.

There was a – this – There was an – there is an MIT professor, Noam Chomsky, and he wrote a – he’s fairly well known, and I just want to – this is a quote. It’s very short. The smart way to keep people passive and obedient is to strictly limit the spectrum of acceptable opinion, but allow very lively debate within that spectrum and even encourage the more critical and dissident views. This gives people the sense that there’s free thinking going on while all the time the presuppositions of the system are being reinforced by the limits put on by the range of that debate. Thank you.

[Applause.]
THE MODERATOR: Mr. Patrick. Mr. Patrick.

MR. PATRICK: Matthew Patrick, Precinct 7. Just a clarification to the Board of Selectmen through you, Mr. Moderator.

The Selectmen do allow comment after each – or during each item on the agenda. I believe that’s the way we did it when I was a selectman; I think that’s how they still do that. Is that true?

THE MODERATOR: Mr. Chairman, can you explain the current policy?

CHAIRMAN PUTNAM: I’m dropping pieces of the microphone. Comment – public comment, it depends on the item. We – it’s usually at the discretion of the Chair, and my practice while I’ve been Chair has been to look at items and determine whether or not public comment would be valuable to the Board or whether it would be necessary.

For example, when we’re discussing items such as developing a policy on how the Board might conduct its own business, how we for example run a meeting, we generally don’t accept
public comment in those situations because it’s more Board business as opposed to something which is going to affect the general public.

If, on the other hand, there’s an item on the agenda, for example wind turbines, that falls somewhere in between. We’ve had meetings with wind turbines where – or where the subject was wind turbines and the Board has decided not to take public comment at the time because we did not feel that there was a sufficient – that the issue had not been sufficiently framed yet, and perhaps to the point that Ms. O’Connell made, that we were trying to develop a solution or come up with an option that the people could comment on as opposed to being flooded with general comments.

At other times we would open up the floor to general comments.

And then there are some items – I could even tell you, for example coming up on the agenda: fee hearings, for example, where public comment is welcome and encouraged because obviously we want to get as much feedback as we possibly can. So it does depend on the agenda
item.

THE MODERATOR: The gentleman in the back row. The gentleman in the public section, there. I can’t see who – yeah.

MR. DONALD: Mr. Malcolm - Malcolm Donald, Precinct 6. I’d like to follow up on this fellow’s question to the Board through the Moderator. We didn’t get an answer to the question. We got some verbiage, but we really didn’t get an answer as to why the Board of Selectmen discontinued the practice.

THE MODERATOR: Mr. Putnam.

CHAIRMAN PUTNAM: Well, I guess I’m being drawn into this. I was reluctant to speak because my name has been mentioned here, but the Board voted – and I will note that I was the dissenting vote – the Board voted not to continue these sessions.

Some of the reasons that were raised were, as has been mentioned here earlier, is that there is public comment that is generally allowed on other items and that some members of the Board felt that that was sufficient.

Some members of the Board raised
concerns about, as has also been discussed here this evening, that members of the public might say things that are objectionable or insulting to members of the Board or other members of the Town, and again, those were some of the answers that were given by members of the Board in deciding against this.

THE MODERATOR: Okay. Ms. Kozens-

Long.

MS. KOZENS-LONG: Quite frankly right at this second I don’t know if I support this article or I don’t. However, I don’t think we should hide behind the Open Meeting Law. Open Meeting Law says that you can’t make a – discuss to vote a decision.

My question is maybe that you should look at the policy for the Board of Selectmen so that – because it’s not always an opinion or a comment. It could be an issue to request that an agenda item be put on from the Board of Selectmen. That it’s not 100 percent driven from the Manager’s Office and what the Board of Selectmen’s agenda looks like.

I know, years of volunteering with the
Town, it's not always easy to get the attention of the Board of Selectmen when you need to go in front of them. And it's not always critical and it's not always an off opinion, but a suggestion, an idea, an improvement to the community, and get the community involved. We talk about participation and volunteerism, but if you can't get to your Board of Selectmen who represent you and want you to represent them, it's really tough not having that open idea.

But maybe that the Board of Selectmen maybe take a look at a policy and maybe a couple of rules as to how you act in the Board of Selectmen's room if that's necessary. Unfortunately I guess it - it might be, but it's something to think about and I think that the Board of Selectmen, even tonight, just with the conversations here, might - might want to put that on the agenda?

**FROM THE FLOOR:** Move the question.

**THE MODERATOR:** Okay, Mr. Wilber.

**MR. WILBER:** Jude Wilber, Precinct 8.

I was Chairman of the Planning Board and, without an agenda, there's no meeting. You have to have
an agenda. And the agenda is set by the Chairman, through working with the administrator of the particular board. And anyone can petition to be put on an agenda if they have a specific issue.

I suggest that there’s compromise here that say, once a month, twice month, an agenda item is put on which includes this sort of comment to the Board. And that that agenda have an agenda within it: one, two, three, four, five, these people have asked to say - make a comment concerning this, this, this, this, this, and we will give them each five minutes.

The Board doesn’t necessarily have to react to this. They don’t have to give an answer, they don’t have to supply a solution to a problem, but they are taking input. That input is being received by them. It is being broadcast on television and, if it’s important, I have faith that the Board will pick it up and return at some point with their opinions on this, or what to do or what can - they can do, or what someone should do.

In many cases, I think it’s very easy -
it’s been my experience it’s very easy to sit in
the seats, in the cheap seats, and take potshots
at the people at the big table. Okay? And it’s
awful hard, then, if the people at the big table
are not prepared for this, to appear like they
know what’s going on. It’s not fair. It’s not
Kosher, it’s not ethical. Okay?

So I suggest that you consider, once a
month, an agenda item which has an agenda within
that agenda item, to deal with this sort of
public comment on a very short basis without any
necessarily response at that time by the
Selectmen. Thank you.

THE MODERATOR: Okay, with that, by a
call fo the Chair, all those in favor of the main
motion as printed, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

THE MODERATOR: It’s the opinion of the
chair that the ayes have it by a majority. Is
there a challenge? Hearing none, a majority.

We’ll go on to Article 25.

Article 25 was an indefinite
postponement recommendation by the Board of Selectmen. This is a petitioner’s article by Mr. Donald. Mr. Donald, a positive motion.

MR. DONALD: Malcolm Donald, Precinct 6. Article 25 came about as a result of –

THE MODERATOR: We need a main motion from a Town Meeting Member for Article 25. Do you have someone to make a main motion?

MR. DONALD: I don’t have anybody. What do I need to make a main –

THE MODERATOR: Mr. Waasdorp.

MR. WAASDORP: [No mic. Inaudible.]

THE MODERATOR: As printed. Okay, Mr. Waasdorp has placed a main motion as printed.

Mr. Donald.

MR. DONALD: Okay, thank you. Thank you very much.

Article 25 came about as a result of the Nimrod fiasco. Under the current bylaw, demolition of a landmark of Falmouth’s historical involvement in the War of 1812 was approved for demolition before the general public was even aware that a demolition application had been filed.
How could this have happened? The current bylaw needs strengthening, but I must concede that this article needs refinement. I thank the Board of Selectmen in their wisdom to refer this change to both the Falmouth Historical Commission and the Planning Board. I look forward to working with both those bodies to craft a bylaw change to prevent other historic artifacts from Falmouth’s inventory of historic buildings from being removed from the earth.

I believe that everyone can understand that people come to Falmouth not only for its beaches and its road race, but also for the historic character of the town. Destroy that character and we lose a significant part of the attraction responsible for our economic vitality.

I hereby withdraw my article and look forward to appearing before you in April with a bylaw change ready for your consideration.

THE MODERATOR: Okay. We don’t have a formal process for withdrawal, so I’m just going to take a main motion. The petitioner would like you to vote no.

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 we’ll dispense with it and go on to Article 26.

Article 26, this is another petitioner’s article.   The Board of Selectmen are recommending indefinite postponement.

Mr. Adelman was the petitioner.  Do we have a positive motion from a Town Meeting Member?   And the motion?

MS. BUMPUS:   I have an amended motion that Michael has, and we have a slide for it.

THE MODERATOR:   Okay. Is there a -

MS. BUMPUS:   I’ve been asked to -

THE MODERATOR:   Is there a copy for me, or?

MS. BUMPUS:   I didn’t hand you one last night.

THE MODERATOR:   Okay.

MS. BUMPUS:   You can have mine in a moment, I’m sorry.
Catherine O’Brien Bumpus, Precinct 1.

I’ve been asked to put an amended motion on the floor, and then Susan Houghton will speak to this. She is a Precinct 1 resident but is not a Town Meeting Member.

The amended motion will be to see if the Town will vote to request that the Falmouth Board of Selectmen ask the Woods Hole and Martha’s Vineyard Steamship Authority to avoid in town heavy and noisy exceeding 10 dB(A) over ambient noise levels per 310 CMR 7.10 vehicular traffic using its ferry service, except those vehicles required for emergency and official government purposes, e.g., fire trucks, police, civil and national defense vehicles, ambulances, tow trucks, etcetera, between the hours of 9:00 p.m. and 7:00 a.m. every day, due to such traffic noise causing sleep disturbances to the residents along that thoroughfare and during these hours, or do or take any action on this matter.

Susan.

THE MODERATOR: Okay, so the main motion as presented is asking them to go. I just want to make sure that we’re clear that this is
one of those resolution type things where we’re getting the will of Town Meeting to ask someone to do what we don’t have the authority to require them to take an action in this arena.

MS. BUMPUS: Right. Yes.

THE MODERATOR: Okay. Yeah.

MS. HOUGHTON: I’m Susan Houghton, Precinct 1. And the residents along the road corridors that approach the Woods Hole-Martha’s Vineyard Steamship Authority, they’re awakened by noise of heavy vehicles, typically more than two axles, almost every night and no later than 4:00 a.m. each morning. This has caused a lack of sleep that adversely impacts their health and effectiveness of their work, and study, in the case of students for the latter.

The noise from these vehicles often exceeds the Department of Environmental Protection Regulations 310 CMR 7.10 by exceeding ten decibels or pure sound in two adjacent octave bands by the three or more decibels above ambient and at the nearest inhabited buildings.

In addition to the noise issue, I’d like to bring up one other issue that affects me as a
15 year resident on Woods Hole Road, and as an 
R.N. This is regarding the safety issue that 
surfaces almost daily along that Woods Hole Road 
corridor. With so many 18 wheelers heading to 
supply the Vineyard with flammable crude oil, 
with flammable gasoline, these trucks are 
massive. Combine these 18 wheelers with one 
slight mishap with a deer – and I was fortunate 
to meet our good Chuck Martinson of the DNR who 
came to my yard looking for a deer that had been 
hit on Woods Hole Road just a few days ago. He 
enlightened me into understanding that it’s a 
very massive crossing point for deer. 

So, combine that – these 18 wheelers 
with deer or with pedestrians or with bicyclists, 
you can only imagine the outcome. 

I personally witnessed a near fatality 
in front of the Sea Education Association when I 
– when a young student – this is less than a year 
ago – when a young student pulled out in front of 
an 18 wheeler. And before my eyes I saw just 
about a fatality with the skill of that driver 
was remarkable and that he was able to miss. 

You can ask anyone on Martha’s Vineyard
and they can tell you what happened two years ago
to a young mother riding a bike with her family
and she lost control of that bike and there an 18
wheeler was coming around the corner. These are
real scenarios, happening almost daily on Woods
Hole Road.

The scale of the truck traffic on this
road is no longer sustainable, as it might have
been 20 years ago. The number of trucks has
increased dramatically, the size of the trucks
has increased dramatically, the noise of the
trucks have increased dramatically, and the risk
to human safety has also increased. And at a
time when the Woods Hole-Martha’s Vineyard
Steamship Authority is proposing to double the
size of its lot in Woods Hole and add a third
slip for the boats, it just leaves you wondering.

Please vote for this article and I
really appreciate your time in listening.

THE MODERATOR: Mr. Dufresne.

MR. DUFRESNE: Adrian Dufresne,
Precinct 2. Before we get into any extended
dialogue on these types of things, I would ask if
we could get the Chief of Police down here to
explain the regulatory process. Woods Hole Road
is a state highway that provides provisions and
livelihoods for the people of Martha’s Vineyard,
and I don’t think we have the authority – this
body has the authority to regulate a state
highway.

So I would ask if the Chief of Police
could come down and give us the opinion that I
think we’d like to hear from before we vote on
this.

THE MODERATOR: Okay, and Andy I just
want to call your attention to – I’d want to call
your attention to the main motion. So that, the
main motion is asking the Selectmen to talk to
the Steamship Authority. It’s – you know, that’s
different than the original printed article that
tried to seek a regulatory relief that we don’t
have the authority to do. I just want to make
sure –

MR. DUFRESNE: My question – my
comments is I believe if we heard from the Chief
of Police –

THE MODERATOR: We can hear from the
Chief of Police. I just want to make sure you
know that that’s the motion up there. We’re not regulating anything on Woods Hole Road with this motion. We are, again, asking the Board of Selectmen to talk to the Steamship Authority –

MR. Dufresne: Yes, I understand.

THE MODERATOR: – about taking some action.

But, the Chief, if you want to address that. And Chief, when you come down, I just want to editorialize for a moment.

We are the legislative body of the Town of Falmouth. And over my 15 years this month, as Town Moderator, I have seen us become two things: the legislative body, which is what we are, and a community forum to vent our frustration with the executive branch of government. And I want us to be very careful of balancing our responsibilities to be that legislative branch of municipal government, and losing the desire and the will of the people to preserve this form of government.

When I wrote my letter in 1998 to then-Chairman Flynn to express my interest to be Town Moderator, they said, “Why? We’re going to put
your name in nomination.” I said it was to preserve the form of government, of a representative Town Meeting and an executive branch. And so I just want to, for the petitioners of this and all articles, to really think about when you submit a petition to Town Meeting, does it belong, first, at Town Meeting or does it belong first as a request for action to the Board of Selectmen, and then maybe the Board of Selectmen don’t make a move on that and so then you come to the legislative body to express a larger desire for the Selectmen to go that way.

My concern, really, is that we will come to Town Meeting and have a warrant full of things that we want the Board of Selectmen to do, and we will lose quorums, we will lose – we already have some precincts that don’t have enough Town Meeting members because folks are not running for Town Meeting.

And so I just wanted to editorialize a little bit about that. I’m not saying these things don’t belong here at all. I’m saying we need as a community to really look at what this
forum is for and balance our ability to preserve it.

Mr. Chief of the Police Department.

MR. DUNN: Edward Dunn, Chief of Police. Woods Hole Road is a state highway. Locust Street, Palmer Ave., all that, which connects to Route 28, it's all state highway. The Falmouth Police Department has the right to enforce rules and regulations under the CMRs on a state highway. And, as we do anywhere else in the Town of Falmouth, but that road is governed by the state.

THE MODERATOR: Mr. Dufresne.

MR. DUFRESNE: Could you explain to the petitioner of this article what the legal –

FROM THE FLOOR: We can't hear you.

MR. DUFRESNE: Say again?

FROM THE FLOOR: Speak up.

THE MODERATOR: They can't hear you.

[Laughter.]

MR. DUFRESNE: You know, this is the first night I put my hearing aids in and I can't hear myself.

But, anyway, what the legal speed limit
is on a state highway, the Woods Hole Road.

MR. DUNN: The speed limit on that particular road is regulated by the state.
Route 28, as you know, coming into Falmouth, is 55 miles an hour. It does change as it comes into Palmer Ave., but all those signs and everything as far as the speed, is regulated by the Commonwealth of Massachusetts.

THE MODERATOR: Okay, further discussion on this article? Mr. Donahue.

MR. DONAHUE: [No mic:] Through you, Mr. Moderator –

THE MODERATOR: Yeah, with a microphone, please. With a microphone, please, Mr. Donahue.

MR. DONAHUE: Bob Donahue, Precinct 3, through you, Mr. Moderator, to the Chief of Police. Can’t we request that the speed limit on that highway be changed to the – where it is on Palmer Avenue and can’t we request that these kind of vehicles be limited somehow?

There should be some kind of – this is an only access to Woods Hole, that I’m aware of, unless you’re going to kind of go through County
Road, is it? I’m trying to remember the streets that – the back roads to go into Woods Hole. But I would think we should be able, if we can eliminate – if we can ask the state to regulate the speed limit through Main Street to 20 miles an hour, then we should be able to ask them to put the speed on that road maybe down to 30 miles an hour and regulate times of trucking, of that kind of a vehicles on the road. Thank you.

THE MODERATOR: Chief Dunn, could you just briefly touch on the Chapter 90 provisions for the setting of a state highway speed.

CHIEF DUNN: Again, anything to do with state highways has to be regulated through the state so you’d have to petition the state for that, as far as the speed limits. The speed limit, they do surveys, that’s how they come up with the speed limits, and again you’d have to petition the state to do that type of survey. That’s nothing the Town can do because it’s a state road. We don’t own that road, the Commonwealth of Massachusetts owns it.

THE MODERATOR: Mr. Nickerson, I think I had a hand up there. And then in the center.
MR. NICKERSON: Notwithstanding the state control of the highway, I think if this thing was approved, I think we’d end up with significant problems. I’m in Woods Hole regularly before 7:00 a.m. and there are a lot of Stop & Shop trucks waiting to get on that ferry, the first ferry in the morning. And I think they’d have to be there first of all to get their product over there, number one, and number two to beat all the other tourists and other kinds of passengers that are bringing their cars over.

If this - if the trucks were restricted from going on Woods Hole Road, the alternatives would be Sippiwisset and Quisset Road and I think the other one would be Surf Drive, Nobska and Church Street and I think the bike path bridge over that Nobska Road section wouldn’t allow the trucks to go through.

So, there isn’t another alternative route. This is the only way they can get down there and those trucks have to get down there.

THE MODERATOR: Okay, in the center.

MS. MURRAY: Kathleen Murray, Precinct 1. I live on Woods Hole Road and I’m against
this article. One reason could be if the Selectmen did make this request, we could have double the traffic during the daytime and I’m not sure anybody here really wants that.

THE MODERATOR: Okay.

Mr. Netto.

MR. NETTO: Call the question.

THE MODERATOR: Okay, we have a motion to move the previous question. All those in favor, signify by saying aye.

[aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it and we’ll move the question.

The question will come on the main motion as presented in the overhead slide to ask the Board of Selectmen to talk to the Steamship Authority about the Woods Hole Road.

All those in favor of that motion, signify by saying aye.

[aye.]

THE MODERATOR: All those opposed.

[No.]
THE MODERATOR: It's the opinion of the Chair that the no's have it by a majority and the article fails.

Article 27 is a petitioner's article.

There is a recommendation by the Board of Selectmen for indefinite postponement. This was petitioned by Ms. Driscoll.

Would you like to place a positive motion on the floor?

MS. DRISCOLL: Yes, as printed.

THE MODERATOR: As printed. At this time I'll recognize the Zoning Board for a disclosure.

MR. MCNAMARA: Thank you, Mr. Moderator. Matt McNamara, Precinct 7, Chairman of the Zoning Board of Appeals.

As we did at our last Town Meeting, these two petitioner's articles relate to the wind turbines; the Zoning Board of Appeals has two pending appeals regarding these turbines. There are four members of the Zoning Board of Appeals that are also Town Meeting Members. I wish to disclose that we will not be participating in the deliberation or vote on
THE MODERATOR: Okay, Article 27 as printed. Ms. Driscoll.

MS. DRISCOLL: Good evening and thank you. I’m Kathy Driscoll, Precinct 7.

Tonight we are presenting a mitigation fund related to the Wind Turbines. It is as printed in your warrant book. This mitigation fund is - this is a non-binding article to encourage the Board of Selectmen to create this fund on behalf of those neighbors that have expressed impacts from the wind turbines.

The mitigation fund will have a no tax impact to the citizens of Falmouth and will allow the Board of Selectmen to operate the turbines accordingly and not in a deficit, but most importantly as I indicated, that the neighbors would have a protocol and a fund to help with impact issues.

The Board of Selectmen or their designee will determine the appropriate process to work with individual homeowners on the mitigation needs.

State law does allow for an
owner/operator of an issue, whether it be a sound
or another impact, to mitigate. Mitigation is to
make something less severe and to assist with a
process of allowing that process to be in place.
The current operating protocol that was voted on
September 16th does not allow for any other
mitigation other than the curtailment process
that is in place, so there would be no other
funds, no other ability to provide mitigation.

Some of the mitigation options, and
these are just some things that have been, you
know, talked about during the Wind Turbine
Options Process, some other public meetings: home
buyout, noise easements, paying tax - or tax
abatements, paying electricity bills, landscape
improvements, speciality blinds for flicker.
None of these things would be available or are
available under the current operating protocol
because those funds are not there. That
operating protocol is considered a break even.
It pays the bills for the operation and
maintenance of the turbines.

No one size fits all. It's not going to
make everybody happy, but at least we are making
this attempt – this process forward to establish
a fund where monies would be available to work
with individual homeowners on their impacts.

How much can be designated? First we
need to pay the bills, the operation, maintenance
and debt on there, and then there would be
available funds from the net revenues for the
mitigation account.

This article is asking for ten percent
of those revenues, but it could be established by
the Board of Selectmen on whatever they deem
appropriate.

Okay. This slide right here, the Town
administration, Town Manager and his staff,
worked very, very hard over the summer and into
the fall establishing about eight different
operating protocols. What you see here are four
of those operating protocols that actually
allowed for mitigation. These were operating
scenarios that allowed for the generation to
cover all of the expenses for the wind turbines
and to provide mitigation for those neighbors
with an impact.

Next slide. The Town Manager
recommended the actions during the meetings.

This is in a report presented to the Board of
Selectmen on September 13th, okay, to determine
what the total hours of operation, to engage a
facilitator, create this fund, request a Special
Town Meeting – this would have been something
that we could have been doing anyway, this week.
To authorize the Town Manager to continue
negotiating relief.

Next slide. Town Counsel’s guidance
followed the same thing, okay, to allow for
broad-ranging opportunities for the community
interest to handle potential liability, all these
lawsuits that we keep hearing about. This is
working with the neighbors to be able to mitigate
their impacts from the turbines.

We’ve heard over many years the things
that have been happening here in town. I have
been a supporter of the wind turbines since the
questions first came up to Town Meeting many
years ago. I think it’s been seven or eight
years, now, that we’ve been talking about
installing the wind turbines, operating the
turbines.
I've listened to neighbors. There are many, many neighbors in this - in and around the wind turbines, whether they be on Blacksmith Shop Road, Craggy Ridge, Route 28A, and some of the other streets and neighborhoods around the wind turbines. You know, over 170 homes. Some have no impact, some have an impact but it - they're fine with that. But then we do have our neighbors that do have a significant impact.

The vote on September 16th and on September 30th to run the turbines for 16 hours a day for each turbine was called a mitigation. It allows for overnight - or, does not allow for overnight operation of the turbines. There's been even some issues with that. But without - but under a break-even scenario, we're still going to be dealing with those issues that the neighbors have been talking about for the last three years.

I ask that you vote yes on Article 27 so that we can establish this mitigation fund and begin moving forward to help our neighbors with the impacts that they have been dealing with.

Thank you.
THE MODERATOR: Mr. Putnam.

CHAIRMAN PUTNAM: Brent Putnam, Chairman of the Board of Selectmen. The Board of Selectmen has voted to recommend indefinite postponement for both petitioned articles 27 and 28 relating to the Town Wind Turbines.

The Town is currently involved in complex and sensitive matters relating to the ongoing operation of these turbines. These matters have significant legal ramifications for the Town and its taxpayers. Given these circumstances, it is not appropriate for the Board to consider any other action which may be advocated by Town Meeting at this time. This includes the Article 27 proposal for establishing a mitigation fund from wind turbine revenues as well as the next article, Article 28, which proposes expanding the operating hours of the turbines.

Upon the Board working through all challenges and issues and ultimately determining a definitive direction, which would involve the action of Town Meeting, we anticipate a further discussion at that time. In the meantime, we
appeal to you, to Town Meeting, for your patience and your support.

And finally, contrary to what’s been published, the Board has not voted to make any change to the operating hours of the turbines. They continue to operate as noted from 5:00 a.m. to 9:00 p.m. daily. Thank you.

THE MODERATOR: Okay, Dr. Clark.

DR. CLARK: Hello, I’m Peter Clark, Precinct 1. I had crafted an amendment because I support this article.

I spoke at the April Town Meeting against the dismantling of the turbines because I wanted to see a balance between our ethical commitments to the nation and world broadly and also to our neighbors. And the fact that the turbines are there and operating meets part of that, but it doesn’t meet my concern that the Town must make a good faith effort to deal with the concerns of the neighbors. And of course they’re not all the neighbors. They’re very individual and unique needs and concerns.

And so I’m very concerned to support the effort to find ways to mitigate. And I’m very
concerned that the Town is only doing that through the revenues collected by the turbines, which of course are zero unless the turbines are run at a point where they’re making some money. Which means we’re making, except 40 hours, we’re making no other mitigation efforts. Perhaps in — behind important legal maneuvers that’s happening, but we’re making no public signal that the Town recognizes that there are some impacts and wants to do something about them.

I had submitted an amendment that actually tried to kick-start the process by making money available from Certified Free Cash, and the Town Meeting Moderator has told me that is outside the scope of the article because the article was not presented as a fund-raising article, and I’ll accept that and perhaps he wants to say more about that.

But it still leaves open the need, as far as I’m concerned, to make some very direct and positive steps to try to meet the needs of those individuals to preserve that balance that I wanted to see between our ethical commitments to our neighbors and our ethical commitments to the
world as a whole and the nation as a whole.

The Town Manager’s suggestions for a facilitator that could be used under general funds still leaves open the potential for the Board of Selectmen and the Town to make some very direct steps to tap expertise on this issue. As I’ve talked with you, some of you at least, and some other townspeople about the issue, everyone is in awe of the complexity of trying to grapple with mitigation. It is complex. But we should not hide behind the fact that it is complex.

These kinds of complex issues have been solved in a number of communities over a number of issues. There are experts that we can call on to help us frame a protocol for applying, for assessing those applications and for resolving those applications. It has been done, and we can do it here, too.

So, I will accept the limitation I had – the amendment had asked for up to $40,000 out of a mitigation fund to be made available for tapping that expertise to start the process, and then to grow it from there. As it is, there is no financial way to help people who want
conditions mitigated. The Energy Stabilization Fund gets its money from the income from the production or from sales of the RECs, but the first uses of that money have to be for paying off expenses. So that leaves nothing available. Which I think is very unfortunate in terms of our need as a community to balance the needs of the world, the needs of our community and the needs of the neighbors.

I support this article. I wish it had some money to kick-start the process.

THE MODERATOR: Okay, Mr. Moriarty.

MR. MORIARTY: Good evening, everyone. My name's Dave Moriarty, Precinct 6. I do not support this article.

As you've heard earlier, the Town has put itself in a very serious legal, financial bind here. We have no idea how much this turbine fiasco is going to cost us. This could get into the hundreds of millions of dollars. There's been a ruling in Superior Court, Barnstable. The judge is not happy with the Town. He's not happy with their decision to turn the turbines on even more, extending operation after knowing what they
It just doesn’t make any sense, Folks.

If we’re serious about our neighbors, if we’re serious about being good neighbors, if we want our children to get sleep at night, if we want them to get a decent shot at an education to go forward with their lives, if – we need to not support mitigation.

The only mitigation for infra sound is distance, and unfortunately either the turbines have to be curtailed or the neighbors have to be moved. There’s no mitigation for infra sound.

It was studied by NASA. They spent $20 million on this. They tried this experiment in Boone, North Carolina in 1979. What Boone, North Carolina, decided to do and the Department of Energy and NASA, is take the turbines down. And that’s what they did. And that’s how they mitigated their situation.

So, in lieu of what’s going on – and you can’t say you didn’t know because I stood up here four years ago and explained to you what was going to happen. Of course nobody out there believed me, but here I am four years later and
it’s all come true and it’s going to get even
more expensive. So, please, let’s use our common
sense this time, okay? Let’s hope that we did
our due diligence. I know you all did your
homework, you went home, you looked up infra
sound on the Internet. You know what it is. You
know there’s no way of mitigating infra sound.

So, why don’t we be good neighbors? Why
don’t we decide to do the right thing and, you
know, do we really want a judge deciding how much
money we need to pay these people? I don’t think
so. I don’t think it has to go that far and I
think we can do the right thing here and save the
taxpayers of Falmouth a lot of money. All you
folks watching at home: we don’t have to lose
$200 million. We don’t have to let the judge
impose, you know, reparations. We don’t – how do
you – how do you – oohhh.

You know, what’s – how much do you pay a
family? What’s the price you pay on a child
losing their opportunity for an education?

What’s that worth? I wouldn’t – I wouldn’t want
to be on the other side. So I say – I say we
vote this down. I say we do it now and we let
cooler heads prevail. Because this is only going
to get more expensive as we go down the line.

And we – and it’s unnecessary. We can’t
afford this, folks, and this is getting a little
– a little out of hand and that’s all I have to
say. Thank you very much, for your
consideration.

THE MODERATOR: Mr. Stetcher.

MR. STETCHER: Bernie Stetcher,

Precinct 3.

We’re talking about mitigation. The
Selectmen have been working, what, three years
now with an arbitrator and they’ve gotten just
about nowhere. We’re now in court. The judge is
deciding it. We’re sort of forcing the Board to
decide if they’re going to go back to the
original hours rather than the extended hours.

The people that I can see that are
affected by this don’t want mitigation. Money
isn’t going to pay them off. It’s impossible. I
say vote this thing down.

THE MODERATOR: Okay. I had a
gentleman in the center back. Did you move from
the center?
MR. SCHMIDT: Yes.

THE MODERATOR: Okay. If you get my attention, if you could stay where you’re at so I don’t lose you. Okay, go ahead.

MR. SCHMIDT: Hello, Edward Schmidt, Precinct 8. I’m here to speak because I’m very much in favor of this Article 27 as well as Article 28 to follow.

I feel this way because I’m convinced that unless and until some kind of mitigation is offered for the turbine neighbors, this problem that we’ve all been debating for several years now will never be solved. We’ve got to do something.

I also look at both of these articles, 27 and 28, as articles which support the neighbors of the turbines. And I think up until this point in time I don’t think anything specific has been put on the table for them to react to one way or the other, and I think that needs to be done.

And Mr. Moriarty brought up the concept, you know, of letting a judge make decisions for Falmouth. I’d agree with him that that is not a
very good idea and I ask all of you to think
which do you believe is preferable, to control
our own destiny or leave it to a judge in which
this case will – in which case I think we will
all have to live with whatever he decides.

Personally, I think we ought to control
our own destiny; this article will do that.

And one other additional point, here,
would be by creating a dedicated fund for
mitigation purposes, funded by turbine revenues,
I think we can avoid the necessity of going to
the voters to ask their approval and I think
that’s a good idea to try and avoid that because
that process, as we have learned, is not without
risk. We learned that last May when the voters
rejected a proposal to fund the removal of the
turbines.

Now, while Article 27 is not specific as
to the types of mitigation, I would certainly
hope that the Board of Selectmen will put on the
table a full range of options so each of the
neighbors can choose what is best for their own
situation. It’s up to the neighbors to choose to
accept or not to accept, but I think they ought
to be given that option.

I would suggest, however, that the options include a generous buyout, a very generous buyout offer for those who feel they cannot live with the turbines, so that they have a chance to move and get on with their lives.

Another option might be for the Town to pay for soundproofing improvements to homes. And, as an aside, I recently bought a new dishwasher and my wife and I are both amazed at the technology today that can really trap sound and make something so quiet we can’t hear it.

A third option, very simple, is it might be something as basic as providing for the installation of window shades or blinds to prevent flicker during those weeks of the year when the angle of the sun is such that it creates an annoyance.

It’s been more than three years that this Town has been debating a lot of options. I think it’s time we finally put together some kind of a specific offer for the benefit of the neighbors. And if you agree with that I think I would like to ask you to support both Article 27
and Article 28. Thank you.

THE MODERATOR: Okay, Mr. Heath. And then I’ve got Mr. Patrick.

MR. HEATH: [No mic:] Austin Heath.

THE MODERATOR: With a microphone.

MR. HEATH: The Moderator gave a nice little talk a few minutes ago about what was our powers as this body in the legislature. The Chairman of the Board Brent Putnam laid out the fact that we are in litigation. This is a very serious matter. There’s a lot of things going on that we don’t know and probably shouldn’t know in negotiations.

That I think it’s inappropriate for us to take any action or even a vote just to vote indefinite postponement because there comes a time when there are people that we elect to do a job and we have to let them do it. We can’t all be in on any settlement agreement. We can’t all go down to the courthouse and demand time. And anything we say here is advisory and that’s about it.

We can’t direct them of what to do.

There’s no money involved; we can’t set up a
fund. When we debated this in April, we spent a long time on it. It didn’t resolve anything. In that case, money was involved and required a 66 percent vote. We did not get the 66 percent vote and the motion was defeated. But 63 percent of Town Meeting voted to take them down, and I believe we should take them down. But at this time there’s no real sense in us spending the rest of this evening on this subject, because we simply don’t have the authority to do anything that means anything no matter what we vote.

I would hope someone will call the motion and I would hope we’d vote for indefinite postponement. This just isn’t the right forum, it’s not the right motions. I’m not even going to discuss the motions, but I don’t think either of them will work.

We should leave this in the hands of the people we elected and just hope to come of it okay. Thank you.

THE MODERATOR: Okay, Mr. Patrick.

MR. PATRICK: Thank you, Mr. Moderator.

Matthew Patrick, Precinct 7. And I think a lot of good points have been made by previous
speakers. Dr. Clark, especially. Mr. Schmidt, as well.

I think this is the first thoughtful proposal that has been given to anybody in the town to help the residents that are burdened by the noise from the wind turbines. I think mitigation has to happen. I’ve been talking about that since this problem began. We have to get serious and really start working on mitigating the impact from the wind turbines.

I support this article, but I can see technically that it might have a problem. And I’d like to offer an amendment that would — and I have this in writing, I can give it to you. But it would strike the first few words of that — of the opening paragraph: “To see if the Town will vote to establish” and replace it with: “Ask Selectmen to consider establishing”.

[Pause.]

MR. PATRICK: So what this does, it makes it advisory. It makes it clear that it’s advisory. You could almost say that it’s advisory now but I think it makes it clear that it is, and I think it’s a good directive to give
to the Board of Selectmen. They should start
thinking about this seriously. We should form a
committee and make this happen. And it can
happen during or as the court case is evolving
and I think the judge would be – clearly, he
would be happy to know that this was in the
process.

I’d also like to make a point that there
are a lot of people that are impacted up there.
Not all of them are as desperately impacted as –
as the 12 families. So there may be other
families up there that could live in this area,
live in their present home with some mitigation.

Thank you, Mr. Moderator.

THE MODERATOR: Okay, so I just want
to very quickly do the amendment. The amendment
is to just change the language, “Vote to
establish”, make it “Ask the Selectmen to
consider establishing”. So let’s just focus on
that. Discussion on that amendment.

Okay – yeah, on the amendment, yes.

Hargraves.

MR. HARGRAVES: Peter Hargraves,

Precinct 9.
I like the amendment. I appreciate what the Selectmen were trying to explain to us with as much as they could disclose about the position it puts us in when offering mitigation on something. It’s acknowledging in a sense that there’s a problem when all along we’re saying there isn’t one, because we’re running the turbines.

Now, let me be clear I’m in support of both these articles as a humanitarian measure and from a practical business sense to maximize the use of our resources and generating revenue, but at the same time to respect the issues that those more directly impacted because of their proximity have. And so mitigation to me seems like a very fair offer and whatever form that takes, it could be, as the presentation said, not one size fits all.

So, the reason that I support these articles in spite of my concern from a legal understanding of what the Selectmen said is I have come, and one of my motivations for being at Town Meeting and my first Town Meeting is, and I’ll say very plainly that I don’t trust the
Selectmen on this issue. They’ve shown a remarkable lack of leadership and inability to listen to the citizens of the Town. When Town Meeting said we’re not going to spend this money, they said, “We’ll go to the ballot.” The voters said, “We’re not going to spend this money,” and now they seem to be headed on a predetermined outcome which is not consistent with my beliefs about what a fair and responsible stewardship of our resources, our capital money, and how we run our town in a democracy.

So, I support any amendment that will not disadvantage the Town in the present court proceedings but will send a clear message and hopefully the Selectmen will be listening this time and will hear and understand what the citizens really want, where in a democracy you cannot please everyone but the majority must prevail.

THE MODERATOR: Okay, so the question will come on the amendment to just change the language in the opening sentence. All those in favor of the amendment signify by saying aye.

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

[No.]

THE MODERATOR:  The ayes have it by a majority and we’ve made the little language change, there.

So back to the discussion on the main motion as amended.  Ms. Putnam was next on my list.

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

I think that if we vote this particular article we are really setting ourselves up in front of this particular lawsuit that has been found to have merit according to a judge.  I think we really have to let this play out through the judicial system and, whatever we want, there is a judge that is going to make a ruling regardless of what this body wants, and we have to at this point let them do their job and let the Board of Selectmen do their job.  Thank you.

THE MODERATOR:  Okay, Mr. Anderson.

MR. ANDERSON:  Gary Anderson, Precinct 7.  Through you, Mr. Moderator, I have a question for Mr. Duffy and/or perhaps Ms. Petit.
The amendment as well as the underlying recommendation or the article suggests that a mitigation fund be established as part of the Energy Stabilization Fund. The Stabilization Fund, if I’m not mistaken, is established by the legislature for specific purposes. When we set up this Energy Stabilization Fund at Town Meeting, or requested the legislature to do it, it was for specific purposes, and you cannot go outside those purposes.

Would this mitigation fund be permitted under the language that this stabilization fund was created, number one? And, number two, it requires a two-thirds vote to take money out of a stabilization fund. Are we setting ourselves up for more argument and rancor within the Town Meeting body? Thank you.

THE MODERATOR: Mr. Duffy.

MR. DUFFY: Well, Mr. Anderson is correct that the article does reference an energy stabilization account, and they normally require a two-thirds vote to put money in and to take money out and there are usually, on stabilization funds, limitations on what the money’s going to
be used for, and this article doesn’t say. So yeah, we could be looking at some problems trying to deal with that.

THE MODERATOR: Okay, Ms. Siegel.

MS. SIEGEL: Deborah Siegel, Precinct 6.

Aside from the fact that I think this is all moot because of the legal situation, I’d like to know if the people who wrote this article have talked to the abutters who are affected by this and asked them how they feel about – about this, because I suspect that they haven’t. Thank you.

THE MODERATOR: Ms. Driscoll.

MS. DRISCOLL: Myself and other people that were helping to develop this petitioner’s article have spoken with many, many people in the neighborhoods. There have been – I sat on the Wind Turbine Options process with some neighbors. But, like I said, there are over, you know, 170 homes within one-third of a mile. Not just, you know, the eight, ten, twelve home – residents that we usually hear from.

I have, you know, friends up there. I have acquaintances and hopefully people I don’t
know to be friends and acquaintances, as well, that have - that I have spoken with, that other people have spoken with. As I indicated, there are many, many people out of those 170 that have never stood up and said anything.

    There are some people that have said, “Oh, yeah, I do have flicker, but it’s not a problem.” Or, “Oh, I hear them, but it just kind of goes away after a little while,” or, “Oh, I hear it, but I also hear the highway; it doesn’t bother me.” Or - and some people have expressed that they do have a concern, but they don’t know what process or protocol they can follow to be able to - to receive some kind of mitigation from the Town.

    These lawsuits have really hindered the Town to be able to work with other people in these neighborhoods.

    I do understand that we have several homeowners that have active lawsuits against the Town that ties the hands from working with - that ties the hands of those homeowners from working - or with the Town from working with those homeowners because of that lawsuit - those
lawsuits.

The purpose of the mitigation fund is to be able to start. It is to show that good faith effort. It’s to show the good faith effort of, you know, our Town Meeting as well as, you know, reenforcement of the votes that have been taken last May, last April, over the last several years to the court system that we want to do something.

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct 1. I’m going to start with a brief anecdote and I’m not going to speak very long, but I have several points I want to make.

I’ve spent a couple of weeks over the past two years up in Prince Edward Island. There are wind turbines all over the place, big ones. Right next to farm houses. I see nothing in the Charlottetown or Summerside newspapers about wind turbine syndrome or civil or human rights violations, some of the absurdities we’ve heard here.

But, talking with people, because I, you know, generally am interested in this issue, talking with people, the buzz is, well, some
people have complaints about the noise but
they’re satisfied when the power company pays
them money. Now, this is pretty much what polls
all over the world have shown, that when people
are compensated for having to live near these
turbines the complaints generally decrease
markedly. And I’m supporting this article
because that’s exactly what this is talking
about, is to build up a fund for compensating the
people who have some legitimate complaints.

Now, as has been pointed out, not
everybody complains. There’s the squeaky wheels
that have been complaining very loudly, as I
mentioned, with absurd claims about human rights
violations, symposiums at the public library
about that. But there are legitimate concerns.
The large turbine next to your house can be
disconcerting, sure. There may well in fact be
some susceptibilities by some people, but not
everybody, to this infra sound.

What all of this amounts to is something
that can easily be compensated under a rational
system of compensation. In fact, that’s what we
have. I mean, we’ve heard Mr. Moriarty wildly

talking about $200 million. Well, you know, I practice in Barnstable Superior Court and I just wish you could get that kind of money out of a Barnstable jury or judge for what is essentially a nuisance case or a – actually an effective taking.

In fact, one of the plaintiffs in one of those cases, I forget his name off the top of my head, has recently said he would be happy if the Town would pay him the assessed $380,000 value of his house so that he could leave. And I agree with that. That – that’s a rational, sensible approach to this. That is what this proposed fund will enable the Town to do when it comes time to do it.

There’s no reason to delay creating such a fund. The claim that this will somehow adversely affect lawsuits is absurd. If anything, it will find some favor with the judge if the judge is told the Town is seriously, through Town Meeting, considering creating a fund not simply to satisfy the plaintiffs but also to cure the problem for other people who may not feel the need to file a lawsuit but who may have
some issues.

Someone just told us that, well, this Town Meeting voted by 63 percent, not quite the two-thirds necessary to tear the turbines down.

Yeah, but the voters of this town, the people who we represent - we don't represent us, our own biases. We represent the voters of this town, that they voted overwhelmingly not to waste money just to waste more money by tearing the turbines down. Those voters deserve the opportunity to vote on a question of whether we are going to go through mitigation procedures. Whether we're going to - or for us to vote on that, as to whether we're going to spend money to mitigate.

There are many options here. One that I have proposed is buyouts, voluntary buyouts. Now, again, the one gentleman whose name escapes me right now has said that he'd be willing to sell for the assessed value of his house. I would be surprised if there weren't others who will be in the same boat.

There are less drastic means than buyouts. We could do changes in the way people's houses - pay for improvements to people's houses.
There’s a wide –

THE MODERATOR: Okay –

MR. LATIMER: I’m going to be very brief. There’s a wide range of options that we could do.

But I want to say that there’s a wide range of options that we would have, but tearing the turbines down is not. Not move the turbines, move the people who want to be moved to –

THE MODERATOR: Okay, we’re not talking about that, Richard. We’re talking about whether or not to start a mitigation fund, okay?

MR. LATIMER: What?

THE MODERATOR: We’re talking about whether or not to ask the Selectmen to start a mitigation fund. I’m not going to get into whether – the debate, again, about taking them down.

MR. LATIMER: Okay, but the mitigation fund would provide the means to do that. And that’s why I support it.

THE MODERATOR: Okay –

MR. LATIMER: And I also want to point
out one other thing. We have the option of
taking. Mr. Murphy last year said Falmouth
doesn’t do takings. Well, we do. You enjoy
going to Old Silver Beach? That was a taking.
And the Town won in court. They lost on the
issue of the value, but it was a taking and it
was upheld by the court.

The parking lots at the Woods Hole
Railroad right of way was also a taking. Henry
Ballantine, a former member of this Town Meeting,
I believe, sued the Town because his bid for the
property was overdone by the Town’s taking the
property. Again the Town won basically on the
taking issue.

THE MODERATOR: Okay.

MR. LATIMER: We have – yes, yes, Andy,
I will be quiet.

THE MODERATOR: Okay –

MR. LATIMER: I just wanted to point
out that that is an option –

THE MODERATOR: All right, Mr.
Latimer.

MR. LATIMER: That it’s an option we
should not have to pursue.
THE MODERATOR: Okay.

MR. LATIMER: We should pursue –

THE MODERATOR: All right, here we go.

Here we go. The question will come on the main motion as amended. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

And we’ll take a 20 minute break.

[Whereupon, recess taken.]

THE MODERATOR: All Town Meeting Members present please come forward so we can re-establish the quorum.

[Pause.]

THE MODERATOR: Here we go. Quorum count. All Town Meeting Members present please rise for the establishment of the quorum and the tellers will return a count.

I want to remind all guests at Town Meeting that only Town Meeting Members are allowed to vote. Okay? That’s on voice votes
and standing votes. So if you are a guest at
this meeting in the back, you are not allowed to
vote during a voice vote, or a standing vote.
Okay.

[Pause.]

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

MR. NETTO: 47.

THE MODERATOR: 47.

In the third division, Mr. Hampson.

MR. HAMPSON: 57.

THE MODERATOR: 57.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 80.

THE MODERATOR: Eight zero?

MR. DUFRESNE: Eight zero.

THE MODERATOR: Eight zero, 80.

By a counted vote of 184 we have a quorum and we’re back in session.

Based on the last voice vote that we took before the break, I am getting reports from folks that were in the back that there were folks voting on the voice vote. And because of that, we are going to just take a vote, a standing
vote, on the last article. And if this becomes a problem, then I’ve got a constable and the police chief back there to keep an eye on it. If we see that this is a problem again, we will then close the bottom of the auditorium only to Town Meeting Members at the next Town Meeting and all guests will be in the balcony.

It’s absolutely unacceptable for visitors to this forum to breach the rules of this forum. I want that very clear. You do not have a Constitutional right according to the Massachusetts Supreme Judicial Court to speak before this body, but our Town has a bylaw that if you’re a citizen, resident or taxpayer we give you the privilege to speak before this body. You are to speak through the Constitutional rights of your elected officials and those are the Town Meeting Members that have the right to vote and to make amendments.

So, at this time we will take a standing count on Article 27. This was to ask the Selectmen to establish the mitigation fund. All those in favor of Article 27, signify by standing and the tellers will return a count.
[Pause.]

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

MR. HAMPSON: 18.

THE MODERATOR: 18.

In the first division, Mr. Netto.

MR. NETTO: Six.

THE MODERATOR: Six.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 22.

THE MODERATOR: 22.

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

[Pause.]

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

MR. HAMPSON: 40.

THE MODERATOR: 40.

In the first division, Mr. Netto.

MR. NETTO: 38.

THE MODERATOR: 38.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 57.

THE MODERATOR: 57.
By a counted vote of 46 in favor and 135 opposed, the motion does not pass.

Article 28. Article 28 is another petitioner’s article. The recommendation of the Board of Selectmen is indefinite postponement.

Ms. Driscoll, would you like to place a positive motion on the floor?

MS. DRISCOLL: I place the motion as printed.

THE MODERATOR: As printed, Article 28, this is to operate the Town turbines by the manufacturer’s specifications.

Ms. Driscoll.

MS. DRISCOLL: Good evening, Town Meeting, thank you. Cathy Driscoll, Precinct 7.

I’ve been asked to bring this petitioner’s article to you to ask that we support operating the turbines per manufacturer’s specifications, and ask the Board of Selectmen to consider the – what would be the full time or operate the operational standards of the turbines.

I mentioned in the last article that back in September when the Board of Selectmen met
to determine what the operating protocol would be for the turbines, the Town administration provided around eight different operating scenarios. What you are looking at are four of those scenarios. The other four that I’m not showing you all have the turbines operating at a deficit.

The Board of Selectmen, under the special legislation related to the installation of the wind turbines, do not allow them to operate the turbines at a deficit. So, what we’re presenting here today is asking that the Board of Selectmen essentially reconsider their September 16th vote and look toward operating the turbines at their manufacturer’s specification.

Turning the turbines on and off at the pre-set times can have some issues with the longevity of the turbines.

There are other ways to be able to meet the needs of the concerns of the neighbors through some specialized curtailment. It’s called smart operation; that, when it is either high winds or wind direction, wind speeds, that those are the times when those largest number of
concerns from the neighbors arise; that those
would be the times in which the turbines could be
curtailed, or, as you see here in these different
scenarios that were presented to the Board of
Selectmen. Once again, with an opportunity for
the ability to do mitigation, which was a strong
recommendation by administration and town
counsel, and also through, you know, the recent
court case of talking with the neighbors and
trying to come to a determination.

One of the aspects of the wind turbine
project is to be able to generate those revenues
to be able to not only pay for wind – the debt on
Wind I, but it is also under Wind II where
there’s still a question about whether or not
Wind II, the loan, will be turned into a grant.
Under current operating standards, we could
venture to say that we’re going to have to repay
the loan on Wind II rather than having that
turned over into a grant.

A letter that was received by the Board
of Selectmen last April from -- I think it’s on
one of the next slides – from the Massachusetts
Water Pollution Control Abatement Trust, said
that if that turbine does not operate according to the standards of that pilot project for energy – energy efficiency and renewable energy at wastewater treatment plant, then the monies that went toward installing Wind II would end up being a loan and would need to be repaid.

Wind II could be turned into a grant if it is operational.

If I could have you go back a moment.

If you – and I know this is hard for some of you to see based on the angle, but this is available on the Falmouth Wind Turbine page on the website, Town of Falmouth website. It’s a report by the Town administration dated September 13th.

Under one of these conditions, Wind II could operate 24/7. Wind I could operate for 16 hours a day, which is what its current operation is. Under this, there would be an 84 percent production, with revenues over time of almost $2 million. Okay. This is revenues. Again, we can decide -- this goes into the Renewable Energy Stabilization Account -- what we can do with this money towards other energy projects, whether it
be the increased electrical costs under - through the Wastewater Treatment plant, whether it’s the increased energy costs for the new water filtration program that’s being proposed. But there’s also some flexibility.

There’s been question about the number of operating hours for Wind I of being eight hours. There is room for that 16 hours to be 14 hours. So that you could meet greater than eight hours of overnight curtailment. There is flexibility here that was not really vetted through during a lot of the process. It was talked about, it was reported, but when the vote came down to just operating both turbines 16 hours at a break even -- it’s really not a break even. Because the energy and the electricity at that wastewater treatment plant is expected to increase. So that means that it’s not going to be sustainable in the time that is coming.

Your vote tonight will just encourage the Board of Selectmen to go back and look at the operating hours as well as the potential for revenue. And I know you voted down Article 27, but it still gives - leaves us an open door with
lawsuits and legal situations that we would have
funds available should we need them. Thank you.

THE MODERATOR: Okay, Ms. Moffitt.

MS. MOFFITT: Good evening. Rebecca Moffitt, Precinct 3. I just want to speak to you
tonight. I want to give you some information
that possibly hasn’t been talked about.

It’s been three years since the turbine
operation has been interrupted and not allowed to
run in the manner that they were manufactured.
This has happened at the request of neighbors who
have felt a change in their health. In three
years, they have shared their stories with the
Town of Falmouth of not being able to function as
they had done previously to the arrival of the
turbines.

It’s been three years of protest to the
Board of Selectmen, the Board of Health, the
Zoning Board of Appeals. It’s been three years
of telling their story that includes the wind
turbine operations process that did not come to a
consensus. It’s been three years of writing to
the newspaper, sending emails, attending
meetings. This is what I know.
The Selectmen voted to curtail the turbines three years ago in hopes that the state would provide financial assistance to help pay for the resources that are lost with the turbines. There’s been no evidence that the state will share some of their revenues and resources for our turbines.

So today we have many lawsuits. We need to respond to them and the turbines need – that are not running is not according to the manufacturer’s recommendation. We need 24/7 as far as the manufacturer is concerned.

Clean energy, alternative energy and climate control are all part of the purpose of the turbines. Falmouth is a town to favor clean energy, climate control and alternative energy.

We’ve talked about a mitigation fund to give assistance to the families. In September, the Board of Selectmen voted to run the turbines at – for 16 hours and that eliminated our mitigation fund.

I am asking for an increase in the hours of operation to 20 hours so that we can have a fund available to assist our neighbors. The
fund would allow the purchase of homes so that
our neighbors can have their holidays and
grandchildren and families together. Some of
the most negative actions for Falmouth could be a
possibility if the turbines run for less than 20
hours a day.

I will quote our Town Manager in his
affidavit to the court, that the Town has a – if
the Town has a permanent shutdown, the cost of
lost RECs is $2,054,808. The Town will be
required to make all of these payments from
general revenue. From the taxpayers, as there is
no revenue from the sale of electricity and the
RECs to make these payments.

The Massachusetts Water Pollution
Abatement Trust, or known as the Trust, will not
allow the Town for forgiveness on our ARRA loan.
A-R-R-A. The Town cannot borrow to repay
indebtedness as the state of Massachusetts
prohibits it.

Now let’s talk about Vestus, the
manufacturer of the turbines. Our turbines are
designed and manufactured to run continuously.
The Town contacted Vestus concerning the turbines
not running continuously and Vestus did not have
any information to give us that that has not been
an issue for them. The Town Finance Director
has project $6,531,824 as a deficit if the
turbines are shut down. If this happens, there
will be glaring deficits and will eliminate
current programs and services that are not
provided.

There will be a preparation for this
imminent financial crisis. Also on the horizon
is our bonding. Municipal bond rating agencies
review a town's projected revenue, operating
budget, available reserves and to determine the
municipal bond rating for borrowing purposes.
I’m asking each one of you to consider the effect
on our town if the turbines are running less than
20 hours a day. They serve a municipal purpose.
Thank you.

THE MODERATOR: Ms. Peterson. And
then Mr. Netto.

MS. PETERSON: Laura Peterson, Precinct
3.

I’d like to thank Kathy Driscoll and
others who brought this towards - for us for our
review. I don’t usually stand up here to speak to all of you. I usually stand over there in my corner, but I think it’s important that I look at all of you in the face and I tell you that I’m someone who cares about Falmouth and I’m a caring person and I support Article 28. And the reason why I can stand here and look at all of you and say that is because, without the revenues, with the loss of revenues by not running the wind turbines, we’re going to have to cut into programs that make Falmouth the exceptional community that it is. A community that I’m really proud of, and that I work very hard for to make sure that we have what we need for our citizens, including students, including the elderly.

I would love to get a center for a Senior Center for the elderly, but that’s going to require money.

And the reason why I also wanted to talk about Article 28 is because we had 6,001 voters vote in May in support – actually not in support. Not in support of taking down the wind turbines. So are you telling me that they voted to leave
them up and not have them run? That makes no sense to me. And I can’t faithfully represent my precinct or two-thirds who voted without asking that question.

So, I wanted to bring that before you. I think it’s something we need to think about. I think it’s also something that you need to see that I’m committed to Falmouth like so many others in this room and so many others, you know, throughout the whole town.

But the things that we do that make Falmouth special require money. And I’m concerned that without the funds from these turbines it’s going to affect our standard of living here in Falmouth and I think it’s something that we should consider, because Falmouth can still be a caring place as long as we go back to the mitigation funds where we’re helping these people get the support that they need, and I’m hoping that you will vote in favor of Article 28. Thank you.

THE MODERATOR: Okay, Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9.

I come to the podium because this is not
for or against the wind turbines, I think, and
obviously the petitioner’s article here is asking
for the full operation. And I’m asking you to
vote on this article where the – forget about if
you’re for turbines or against them because I
think – and I’ll ask Town Counsel through the
Moderator his legal opinion. But since this
article in the warrant booklet was published,
we’ve had a judge, as Mr. Moriarty has reminded
us. I’m sure we all read in the paper.

And, if I’m not mistaken, the Board of
Selectmen have not had a meeting since the judge,
correct, Mr. Putnam? That’s not – you haven’t
had a meeting since the judge gave the ruling?
You have? Have you come up with a decision?

THE MODERATOR: Mr. Putnam.

MR. NETTO: Because I think it would be
pertinent to this article, then.

THE MODERATOR: Mr. Putnam. Can you
just –

CHAIRMAN PUTNAM: If I may, I’ve got a
few –

THE MODERATOR: Yeah, can you speak
from there or?
CHAIRMAN PUTNAM: I’d prefer down there, if you don’t mind.

THE MODERATOR: Okay. I mean, we might as well stop renting these mics. Go ahead.

[Laughter.]

MR. NETTO: I’m glad I asked the question, then, because I guess we’ve got a decision.

CHAIRMAN PUTNAM: Brent Putnam, Chairman of the Board. I apologize, Folks, I much prefer to address you from down here than from on high. A pet peeve, I guess, but.

First of all, I’d like to make it clear – and while I appreciate Ms. Moffitt’s position, I want to make it clear that it is her position and not the position of the Board.

And I’d also like to correct a few things that have been said.

A few speakers have talked about what essentially are a parade of horribles and financial crises that we’re suddenly facing, and that is not the case. The ARRA grant is not a loan that is going to become a grant; it’s a grant that the state has threatened to turn into
a loan. And one of the reasons why the Board voted to increase the operation of the turbines from 12 to 16 hours a day was to help satisfy the state’s concerns that the turbines were not being operated enough.

We are currently – and again, I stated earlier, that these are some sensitive issues. To answer Mr. Netto’s question, yes, we had an executive session earlier this evening. We’re going to be having another executive session next Monday. We are working on this thing week in and week out.

The Town Manager’s Office is in constant contact with the state trying to work out the details of the ARRA grant, trying to work out the situation with the renewal energy credits. At this point, there is no parade of horribles. It is a delicate balance.

We have to on the one hand be considerate of the neighbors, and we’re trying to help them out, we’re trying to address their concerns, but of course there is a financial impact, and that’s where we are today with the 16 hour a day operation. It is a zero sum game.
There was a slide from the presentation showing the numbers; could we get that back up there? Because I'd like to show, folks – it was said that energy costs are going to increase and we're going to go in the red. In fact, the slide shows you the opposite. And we had this information, and what you don't see on the slide – or you don't see on the slide is there were other options that were also presented to the Board, and each and every option, ladies and gentlemen, as time goes on and the loan for the Wind I is paid down, the revenues go up. Even for the 16 hour a day operation.

That's why we chose the 16 hour a day operation, it's revenue neutral. It's not going to put us in the red; it's not going to give us a load of cash as some of these things do. It was a compromise position in order to try to address concerns and not put the Town in the red.

I can't stress enough that we are working on this and there are a lot of issues to be resolved and a lot of difficult questions that need to be answered. But there's also a lot of misinformation that's being presented and I
really don’t have enough time, I don’t think we
all have enough time here to go over some of the
things that are being said and some of the
information that’s being tossed around.

We simply ask as we did before, we’re
recommending indefinite postponement on this
article. Thank you.

THE MODERATOR: Mr. Netto.

MR. NETTO: So the answer to my
question have you voted to abide by the judge’s
decision of 12 hours, can we be privy to that
now?

CHAIRMAN PUTNAM: I will give you the
same answer that I said before, Joe. Contrary to
published reports, the Board has not voted to
make any change to the operating hours of the
turbines. We do not have a decision from any
judge at this time.

MR. NETTO: Well, in ending, then,
again, I think when these articles get presented
to us, we are now in a legal process. And,
again, whether you are for or against the
turbines, I don’t think any of us, as Town
Meeting Members, would want to vote to jeopardize
the Town of Falmouth’s legal position.

And my attitude now towards all of these
turbine articles is to indefinitely postpone them
and not jeopardize the people’s position that are
on the stage. They’re the ones who are dealing
with the legal process. I’m sure there’s things
that they know that they can’t tell us because of
the legal process. And if Town Meeting votes
yes or no on certain articles, that that could
lead and jeopardize our position.

I think now it’s a neutral position.

That’s my personal vote, is I will vote nothing.
And I’m not a person that doesn’t like to do
nothing. But I think this is out of our hands,
now. And we have to respect it.

David and I had a conversation up there
after the last meeting, and we both came to that
agreement. No matter what side you’re on, now,
it’s in the legal process.

So, again, whether for it or against it,
I would urge you to vote for indefinite
postponement of this. I personally are not
taking any vote that’s going to, if we have to
use that terminology, pick a side. And let our
elected Board of Selectmen with the legal
counsel, and the legal system, solve this problem
for us, because now it’s out of our hands. Thank
you.

THE MODERATOR: Okay, Ms. Bumpus.

MS. BUMPUS: I respectfully ask that we
call the question.

THE MODERATOR: Okay, we have a motion
to close discussion, move the previous question.
Two-thirds.

All those in favor signify by saying
aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the
Chair that the ayes have it by the two-thirds and
discussion is closed.

Discussion will then come on the main
motion, the main motion as printed. All those in
favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]
THE MODERATOR: It’s the opinion of the Chair is that the no’s have it by a majority and I so declare.

Article – Mr. Latimer.

MR. LATIMER: [No mic:] I make a motion for reconsideration Article 27.

THE MODERATOR: Based on what substantially new information that wasn’t available at the time of the vote?

With the microphone. What’s the substantially new information not available?

MR. LATIMER: To clarify through Town Counsel what has been misrepresented about the legalities of the pending lawsuit. Some of it coming from Mr. Moriarty about $250,000 million. The plaintiffs aren’t even seeking damages. What the plaintiffs in those cases are seeking –

THE MODERATOR: Richard, your argument is not substantially new information that wasn’t available at the time of the debate. The lawsuit hasn’t changed. Nothing’s changed in the last 40 minutes –

MR. LATIMER: Oh, I –

THE MODERATOR: – other than my
patience.

MR. LATIMER: I’ve spoken with some people who didn’t understand that.

THE MODERATOR: Okay –

MR. LATIMER: Who didn’t understand those issues. Because –

THE MODERATOR: Well, I understand that the motion to reconsider is not in order.

Article 29. Article 29 is a petitioner’s article. The Board of Selectmen is recommending indefinite postponement. This was petitioned by Mr. Kisiel and he is not here with us tonight, so Mr. Hampson, are you going to make a position motion on Article 29?

MR. HAMPSON: Mr. Moderator, I made a boo-boo.

THE MODERATOR: Okay.

MR. HAMPSON: I was presented by Mr. McGrath an addendum to this article and I misplaced it.

[Laughter.]

MR. HAMPSON: So, what I’m asking is is it all right for him to present –

THE MODERATOR: Town Meeting has to put
a main motion on the floor, and if he’s going to change the wording, I need a copy. Otherwise, I’m going to take IP and we’re going to vote on it right now.

The petitioner wanted this before Town Meeting; he should have made sure that the motion was in the hall during Town Meeting.

Does someone have the motion in writing?

MR. MCGRATH: It was in it.

THE MODERATOR: At this point the Chair would entertain a motion from the Board of Selectmen for indefinite postponement.

Mr. Chairman.

CHAIRMAN PUTNAM: Mr. Moderator, the Board moves indefinite postponement.

THE MODERATOR: You’ve all heard the main motion: indefinite postponement. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority.

Article 30. This is a Board of
Selectmen for the main motion.

CHAIRMAN PUTNAM: Mr. Moderator, the Board moves that the Town vote to transfer $2500 from the Building and Fire Code Receipts Reserved for Appropriation Account to the Fire Department Wage and Salary Line Item 12 --01 -- excuse me -- 01220-5110 for the purpose of paying the Fire Prevention Hearing Officer. Said funds to be expended under the jurisdiction of the Fire Chief.

THE MODERATOR: Okay, the main motion is as recommended in the warrant booklet. Any discussion?

Hearing none, the motion will come as recommended. All those in favor, signify by saying aye.

[aye.]

THE MODERATOR: All those opposed no.

[no.]

THE MODERATOR: The ayes have it by a majority.

Article 31. This begins the Community Preservation Committee articles.

Madame Chairman.
CHAIRMAN HANEY: We recommend Article 31 as printed.

THE MODERATOR: Move as recommended.

Okay, the main motion, Article 31, as recommended. This is for the Lawrence Academy building, a sum of $210,000 from Fiscal Year 2014 Community Preservation estimated revenues for funding a capital improvement to the roof and the cupola.

Any discussion on Article 31? Mr. Dufresne.

MR. DUFRESNE: I’m strongly in favor of this project. Adrien Dufresne, Precinct 2.

My concern is it presently has an asphalt roof, am I – ? Yes.

MS. HANEY: Yes, it does.

MR. DUFRESNE: Is it mandatory that it become a wood roof and does that affect the insurance policy on the building?

THE MODERATOR: Ms. Haney.

MS. HANEY: I –

MR. DUFRESNE: If it changes to a wood roof, usually the insurance cost goes up.

MS. HANEY: That I don’t know, but the
plan is to do a wood roof.

MR. DUFRESNE: But is it mandatory under the use of the Community Preservation monies?

MS. HANEY: The Secretary of the Interior’s standards recommends it.

MR. DUFRESNE: It must be -

MS. HANEY: Yes.

MR. DUFRESNE: - wood. I hope we vote this article.


MR. PETERSON: Tom Peterson, Precinct 1. I also have a question about the roof. I’m not a roofing expert, but in my job I’ve been on a number of roofs in the course of my lifetime. And I don’t see the need for a wood shingled roof on that roof.

First of all, it costs about at least two or three times as much as an ordinary asphalt roof. They don’t last any longer. And that particular roof, you can’t even see it until you’re standing way back in the parking lot at Peg Noonan Park on the east side, and on the west
side you can’t see it at all because it’s covered with trees. So I can’t see the advantage of putting this historically correct wood shingled roof on it where you can’t see it and there’s no real benefit to the Town. And I’m just – I think we ought to look into spending our money more wisely on the roof.

THE MODERATOR: Ms. Haney.

MS. HANEY: I understand your comment and I could see that if you think about it in one way, but this is the Community Preservation Committee. We don’t have money to repair buildings just because the roof needs replacing. We have to do things in a way that’s going to preserve the historic nature of the building.

That’s the law.

THE MODERATOR: Okay. Mr. Donahue.

MR. DONAHUE: Bob Donahue, Precinct 3. Through you, Mr. Moderator, to -. How old is this building, first of all? I’m relatively new; I didn’t even know it existed, but how old?

MS. HANEY: It’s at least 200 years old.

MR. DONAHUE: Okay, so 200 years ago
they used wood on the roof. So I guess we’re—
we’re hooked into it if we had—you’re saying
that by law we have to put a wood roof on, is
that what you’re saying?

MS. HANEY: The Community Preservation
Act requires that we use the Secretary of the
Interior’s highest standards.

There can be an argument made for an
asphalt roof. However, in this case, this
building is a very historic building, and we’re
losing our buildings in this town. We plan to
put a Preservation Restriction on the outside of
the building and it will preserve it.

MR. DONAHUE: How long—one last
question, excuse me.

MS. HANEY: Uh-huh.

MR. DONAHUE: How long has the current
asphalt roof and previous roofs been on it? Do
we have an history on?

MS. HANEY: I don’t have a history and
nobody seems to know how long that asphalt roof
has been there, but it was a wood roof before
that, in all of the older pictures.

MR. DONAHUE: Oh.
Thank you, Mr. Moderator.

THE MODERATOR: Okay, Ms. Hayward.

Over on the right, Ms. Hayward.

MS. HAYWARD: Nancy Hayward. I’m a member of the Falmouth Historical Commission.

This building is the Chamber of Commerce building. This is listed on the Cultural Resources Inventory. This is a Town-owned building and the money from the CPC comes to help keep this as an historically appropriate building by putting this cedar shingle roof on the building.

I certainly hope that you will help the Town keep its quality and appropriate appearance of one of its more historic buildings, thank you.

THE MODERATOR: Mr. Brown.

MR. BROWN: So the asphalt roof is 25 or 26 years old and it had an asphalt roof on it before that.

THE MODERATOR: Okay, any further discussion, Article 31?

Okay, the question will come on the main motion. All those in favor, signify by saying aye.
[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

THE MODERATOR: The ayes have it by a majority.

Article 32, Madame Chairman.

CHAIRMAN BUCKLAND: Mr. Chairman.

CHAIRMEN HANEY: Mr. Chairman.

THE MODERATOR: Mr. Chairman, I'm sorry.

CHAIRMAN BUCKLAND: We're splitting up responsibilities. Ken Buckland, Precinct 2, Co-Chairman of the Community Preservation Committee.

I move Article 32 as recommended.

THE MODERATOR: I'm sorry for my ignorance. Who is the actual chair? Are you co-chairs, considered, or?

CHAIRMAN BUCKLAND: Co-chairs, yes.

THE MODERATOR: Okay. I'm sorry.

I thought Ms. Haney was the - the chair of the committee. So this is -

CHAIRMAN BUCKLAND: Maybe she should be.

THE MODERATOR: No, I just -
[Laughter.]

THE MODERATOR: I guess I should have known before coming to Town Meeting that we had co-chairs versus a chair, so I apologize.

So -

CHAIRMAN BUCKLAND: Quite all right.

THE MODERATOR: - the main motion is as recommended. This is to vote to appropriate the sum of $50,000 from the 2004 Community Preservation estimated revenues for the design, engineering, permitting and ecological restoration and access improvements to Little Pond Conservation Area.

THE MODERATOR: Discussion on Article 32?

Hearing none, then the question will come - Mr. Finneran.

MR. FINNERAN: The ecological restoration, does that mean any part of this is going to revert back to the swamp that it was and it may mitigate some of the nitrogen that flows through there?

CHAIRMAN BUCKLAND: That's quite possible, in the plan that's being done.
It’s going to have to go through the process of design and permitting with the Conservation Commission. Even though the Conservation Commission is the responsible agency for the property, they also have to do the permitting for it as well, too, and there may be mitigation that’s required.

As part of the plan, there’s going to be improvements of access and restoration of native vegetation and removal of invasive vegetation as well.

So the process will be to try to restore this and beautify the property. And get access back to the land.

THE MODERATOR: Okay, any further discussion?

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

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.
Article 33, Mr. Chairman?

CHAIRMAN BUCKLAND: I move Article 33 as recommended.

THE MODERATOR: Okay. As recommended.

This is to vote to appropriate the sum of $64,406 from Fiscal '14 Community Preservation estimated revenues for the purpose of renovating the East Falmouth Elementary School playground and to comply with the Americans With Disability Act.

Any discussion on Article 33?

CHAIRMAN BUCKLAND: If I could start, first?

THE MODERATOR: Yes, Mr. Chairman.

CHAIRMAN BUCKLAND: Just to let Town Meeting know, as you probably recognize there are quite a few recreational articles – recreational projects that come before the CPC, and for the use of the CPA funds this year. That's because of a change in the state law that says that you can use – that you can use the CPA funds for the purpose of improvement of recreational – outdoor recreation.

It's also because Heather Harper, the Assistant Town Manager, spent some time with a
group of people that she pulled together a team
to list out what the capital improvement projects
would be – would be appropriate for recreational
needs and the needs of the community.

These are the first of those projects
coming through. Right now, it’s an eight year
plan. I don’t mean to steal thunder from
Heather, but it’s the kind of plan that we like
to see because then we understand what the long-
term improvements might be for the use of CPA
funds, in particular for recreational projects.

THE MODERATOR: Okay, Ms. Putnam.

MS. PUTNAM: Rebecca Putnam, Precinct
9.

I just want to say I hope you all are in
favor of this. The PTO at the East Falmouth
Elementary School, which my sister has been
heavily involved with this playground, they
raised over a hundred thousand dollars in a year
and a half to do the main playground, and this is
for the preschool portion that still needs to be
renovated. So I hope that you all are in favor
of this and vote it. Thank you.

THE MODERATOR: Okay, any further
discussion on Article 33?

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

[aye.]

THE MODERATOR: All those opposed, no.

[None oppose.]

THE MODERATOR: The ayes have it unanimous.

Article 34, Mr. Chairman.

CHAIRMAN BUCKLAND: I move Article 34 as recommended.

THE MODERATOR: As recommended. This is to vote to appropriate the sum of $196,948 from the Community Preservation Undesignated Fund Balance for the purpose of making improvements to the Sandwich Road Field Complex, and to comply with the Americans With Disabilities Act.

Any discussion on Article 34? Mr. Stetcher.

Yeah, I’ll add you on the list, Andy.

Mr. Stetcher and then Mr. Dufresne.

MR. STETCHER: I don’t want to speak for or against this. I just want to bring
something to the attention of Town Meeting.

Tonight we’re going to be voting for or against $250,000 for the athletic fields at the High School. This is going to be $196,948 for the paving, more or less, of the parking lot. Excuse me. And we’ve already voted $200,000 for lights at the Administration Softball Field. So we come up with $576,948 so far that we’re going to be deciding tonight, and I just want the Town Meeting Members to realize we’re spending a lot of money on athletic fields and recreation.

That’s all.

THE MODERATOR: Okay. Mr. Dufresne.

MR. DUFRESNE: Adrien Dufresne,

Precinct 2.

Just a quick question. There are no structures. Could you explain very briefly what the $196,948 is going to do for the fields? Because the fields are already completed to my knowledge, they’re already fenced off, to my knowledge, and I’m very familiar and I’m a strong supporter of fields for the purpose. But what costs 196?

THE MODERATOR: Mr. Buckland.
CHAIMEN BUCKLAND: Good question. The
cost is associated with a parking lot, improvements to the landscaping around the parking lot, then the grading. The ADA accessibility, the Americans With Disabilities Act accessibility, and a basketball court.

MR. DUFRESNE: Thank you.

THE MODERATOR: Mr. Anderson.

MR. ANDERSON: Gary Anderson, Precinct 7.

First I would like to express my thanks to the CPC. Over the many years, they have done a lot of hard work, a lot of diligence, and certainly appreciate their efforts.

Having said that, I have a question or a request of the CPC, and it applies to Article 34, 35 and 38, and on an ongoing basis any other articles.

By way of reference, in each spring we have an Article 4 in the warrant which is a standard article, and it says, “To see if the Town will authorize the Board of Selectmen to apply for and accept state or federal grants they
deem beneficial to the Town, provided that the Board of Selectmen shall hold a public hearing prior to the Board’s acceptance of any such grant if said grant requires the Town to meet future conditions or requirements, including anticipated future costs to the Town.”

In the explanation of that, there is a standard explanation by the Finance Committee. It says, “The Finance Committee is concerned about equipment or programs that are obtained through grants which cost nothing at the outset, but eventually will cost taxpayers money in future years. These anticipated costs should be projected at the time the grants are accepted by the Board of Selectmen in order to forecast needs that will be included in the budget.”

I would request that the CPC do a similar analysis when they are evaluating the projects. The reason being is we are looking at fields, we are looking at basketball courts; Article 35 is for a skate park facility. And I would ask Mr. Jack of the DPW if he has anticipated in his costs or in his future budgets what will be the maintenance of these new things
that we’re getting. Thank you.

THE MODERATOR: Okay, want to comment, Mr. Buckland?

CHAIRMAN BUCKLAND: We do – the CPC does consider the maintenance costs associated with the projects. That’s part of our application reviews. I don’t have the numbers for that – the maintenance for this particular facility that I can find at this point, but we do consider that as part of our review of applications.


MS. ALLIEGRO: Thank you. Mary Ann Alliegro, Precinct 7.

I just have a question again as far as the allotment of the $196,000. If – how much of that is for the basketball court and fencing and how much of that would go towards a parking lot? And then, just to follow that up after it’s answered, if the majority of that is for a paved parking lot, would it be considered that we maybe have a shell lot or something else in this area that, you know, we can use that would be much less expensive – if that’s where most of the
money is going.

THE MODERATOR: Mr. Buckland.

CHAIRMAN BUCKLAND: I have a list of description; there are about 20 items on there. It includes the - the clearing and grading for the basketball court area; the fencing itself, as well. And I would estimate it’s probably about $15,000 for the basketball court.

A significant amount of the cost is the paving and the drainage associated with it, that comes along with the proper construction of a parking lot.

THE MODERATOR: Mr. Stetcher.

MR. STETCHER: In looking at the capital budget, I find a line item for the - a new soccer field at Sandwich Road starting in 2019, $250,000 a year for five years for a new soccer field at this place. Is this going to replace the ball field or be in addition to the ball field?

THE MODERATOR: We’re getting off of what we’re doing here. We’re making an appropriation for the Community Preservation Committee. Questions about the future of the
capital plan should have been done in the capital
planning article.

Mr. Latimer.

MR. LATIMER: I call the question.

THE MODERATOR: Okay. Mr. Latimer’s moving the previous question.

All those in favor of closing
discussion, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes it by the two-thirds and the question is closed.

The question will now come on the main
motion as recommended. All those in favor,
signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

THE MODERATOR: The opinion of the
chair is that the ayes have it.

Mr. Chairman, Article 35.

CHAIRMAN BUCKLAND: Article 35 I move

as recommended.
THE MODERATOR: As recommended. This is to appropriate the sum of $185,000 from Fiscal '14 Community Preservation estimated revenues for the purpose of constructing a new skate park facility located at the Trotting Park Fields and to comply with the Americans With Disabilities Act.

Discussion on Article 35.

Hearing – Mr. Donahue.

MR. DONAHUE: Mr. Moderator, Bob Donahue, Precinct 3. Mr. Moderator, I’d like a clarification. You said Trotting Park Field? Is that the new field – the new park that we have in Teaticket?

FROM THE FLOOR: No, no.

MR. DONAHUE: Where is Trotting Park?

FROM THE FLOOR: [Inaudible].

THE MODERATOR: Mr. Buckland.

CHAIRMAN BUCKLAND: It’s off Gifford Street.

MR. DONAHUE: Off of Gifford Street?

CHAIRMEN BUCKLAND: Yes.

THE MODERATOR: Yes. It’s right –

MR. DONAHUE: On the same side as the
pond?

CHAIRMAN BUCKLAND: No, no the other side.

MR. DONAHUE: Over near the Little League field?

CHAIRMAN BUCKLAND: It is.

MR. DONAHUE: Okay, thank you.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: A little history. A hundred or so years ago, trot racing - trotting racing was very big. People I’m sure were wagering on the outcomes and there is a racetrack that’s still there that goes around the fields, which has now been converted to soccer fields and youth athletics. It lies off of Trotting Park Road on one side, which is a little road that comes off of Teaticket Square where the Teaticket Market used to be and Gifford Street. It’s a very nice facility for people who would like to go out there and just walk around the park, even if you don’t have a kid playing soccer.

THE MODERATOR: Okay, so the question is going to come on the main motion as recommended. All those in favor signify by
saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority.

Article 36, Mr. Chairman.

CHAIRMAN BUCKLAND: I move Article 36 as recommended.

THE MODERATOR: As recommended. This is vote to appropriate the sum of $63,735 from Fiscal '14 Community Preservation estimated revenues for the purpose of creating a wetlands path, boardwalk and an observation platform at Teaticket Park and to comply with the Americans with Disabilities Act.

Any discussion on Article 36?

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

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]
unanimous.

Article 37, Mr. Chairman.

CHAIRMAN HANEY: [Inaudible].

THE MODERATOR: Madame Chairman. I have to look before.

CHAIRMAN HANEY: We recommend Article 37 as recommended.

THE MODERATOR: As recommended. This is to vote to appropriate the sum of $17,463 from Fiscal '14 Community Preservation estimated revenues for the purpose of purchasing beach parking lot gates for Menauhant, Surf Drive and Bristol beaches.

THE MODERATOR: Discussion on Article 37?

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

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

THE MODERATOR: The ayes have it by a majority.

Article 38, Madame Chairman.
CHAIRMAN HANEY: We recommend Article 38 as recommended. This is for the High School all purpose athletic field.

Just as an explanation for this, we’re recommending this money because we feel that this field should be given a chance. Whether you believe the Town should be funding it or not funding it in the spring, that shouldn’t really enter into this.

The way we have this set up in our letter of agreement, we would have the - all of the money raised for this field before our money goes in last. So if the money isn’t raised for the field, the rest of the money, the Town doesn’t expend the $250,000.

So I feel that if the Community Preservation Act money is committed, it does help significantly in fund-raising for the group that’s trying to get this going. If we refuse to put any money towards that, it really is a message that gets sent out to private funders and foundations. So I feel it’s important that we put some money behind this and the Town has nothing to lose.
So we’d recommend that you vote for this, please.

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct 1.

I am one of the original Clippers. In 1958 and ’59, playing football as a Freshman and a JV player, we were the Maroon Marauders; we were not Clippers. So I go back a long ways on Fuller Field. And I’ve come around reluctantly to the position that maybe the facility, the football facility, should be moved closer to the high school and leave Fuller Field for baseball, the Commodores.

However I have one caveat where the lot of discussion has been made on the issue of putting phoney turf out there. I am adamantly opposed to that and I would be adamantly opposed to any proposal to spend money on phoney turf. If we’re going to spend that kind of money, we would be better off protecting the safety of our high school athletes by investing in dual shell helmets rather than spending money on phoney turf.
But that’s my only caveat on this. I would agree at this point, since we have no specifics, that we vote for this article but look very closely at it when it comes up again as to exactly what the money is going to be spent on.

THE MODERATOR: Ms. Haney.

CHAIRMAN HANEY: I think you’ll be happy to know that the Community Preservation Act does not allow for us to spend money on artificial turf.

MR. LATIMER: Good.

CHAIRMAN HANEY: So rest assured that money will not go towards artificial turf.

THE MODERATOR: Mr. Lowell.

MR. LOWELL: Nick Lowell, Precinct 5. Vice Chairman of the Finance Committee.

The Finance Committee did vote on this and we took the rare step of not concurring with the CPC, which is fairly unusual for us.

Now, I will speak for myself from here on in. I personally like the idea of this field and I would like to be supportive of it. And I certainly have no problem with the CPC deciding that they want to spend money on this project.
The problem that I think that I have and I believe many of my fellow committee members have is with the timing. The problem is that additional funds will be needed in the spring. I don’t know what the exact number was. I thought I saw two and a half million dollars in the presentation last night. But it’s going to be a lot of money. And by queuing this up now, it sort of sets a sense of inevitability for the project.

But come in the spring when that money is needed, there are going to be several other very large projects that will be requesting it. The water filtration, sewering projects, potential other high-priority needs. So I don’t see a reason to put this money in right now when we don’t really have a good idea of how the field is going to stack up against these other projects.

I see the field as a want, something I want. But comparing it to the needs of some of the other things, I’m not sure that it makes sense.

So, you can vote it in now and assure
the funds won’t be committed, but I don’t want, at least speaking for myself, to think that there are other really high priority things in the spring that this may not stack up so well against, thank you.

THE MODERATOR: Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9.

I think we’re losing not sight of but something of where these funds come from, and I’m having a problem with the Finance Committee’s written explanation of why we shouldn’t vote for this because these are funds that are a tax on our real estate tax. Whether you vote these projects up or down doesn’t raise or lower your taxes. This is not the operating budget. And in the FinCom’s explanation of 38, I disagree with them. Because they’re – as the previous speaker just said, you know, a year from now we’re going to have wastewater projects and water projects. Well, those can’t be funded by the CPC funds.

So, it’s an apples and orange discussion here. And –

THE MODERATOR: Joe, he was just talking about the future commitments.
MR. NETTO: The future funds.

THE MODERATOR: Yeah.

MR. NETTO: But I think what’s happening is we’re getting some people here that might be confused. These funds have already been - whether we spend them or not, it goes back into the kitty. You vote this down, it’s $250,000 that’s not going to, you know, lower your tax rate. It’s already been appropriated from your taxes, it’s the three percent tax.

I think maybe the CPC personnel should remind us of where this money comes from, that’s all. I think we’re having some people confused here. Thank you.

THE MODERATOR: Mr. Lowell.

MR. LOWELL: Nick Lowell, precinct 5.

I’m sorry, I didn’t mean to confuse anybody. No, the issue here is not the $250,000, and as I said, I don’t have a problem with spending that money. What I don’t want to - I want to be clear about is that it’s not inevitable that there’s another two, two and a half million dollars of non-CPC money that will be available this spring. It’s very much not
clear that that would be available at this time, when we compare it to some of the other very important projects that I think, I mean, virtually everyone in town is in agreement that we need to do something on some of these big water and wastewater issues. Thank you.

And it will be competitive with those. It will have to compete with those. Thank you.

THE MODERATOR: Mr. Alliegro.

MR. ALLIEGRO: I’m still finding it a little bit disconcerting about how we’re deciding to spend money on our budgets.

Mr. Latimer pointed out that we’re very low on specifics on this project, and I’ve seen that as a pattern throughout almost all of our expenditures. And yet we’re poised to cough up $250,000 on a project that we were just told by an advocate of the project we have very few specifics on.

The other thing is that we understand the concept that we’re not going to spend this $250,000 on Astro Turf. But I think we also all understand that if we don’t spend the 250,000 on astro turf, we’re just freeing up $250,000 from
another little corner in the budget to do the
same thing.

FROM THE FLOOR: [Inaudible.]

MR. ALLIEGRO: So we are – no. No, no. I understand, right, it’s coming from private funds. But we’re putting –

FROM THE FLOOR: No.

MR. ALLIEGRO: Explain, then. Please clarify for me. When you have a project –

THE MODERATOR: Okay.

MR. ALLIEGRO: When you have a project and it costs a million dollars and you put $250,000 into it, you’re freeing up $250,000 from some other source. Clarify for me, please.

THE MODERATOR: Madame Chairman.

CHAIRMAN HANEY: I don’t understand the question.

THE MODERATOR: Okay. Mr. Duffany, did you want to address?

MR. DUFFANY: Thank you, Mr. Moderator. Michael Duffany, Precinct 6.

The idea of this money here, we look at it as a committee as seed money, if you will, to try to get more funds donated from people, you
know, in the town and organizations, etcetera, etcetera, to lower what we need to come to Town Meeting to ask for in the spring.

This money, here, if you don’t – if we don’t get this money, whether it’s now or in the spring, then we’re going to probably be coming to the Town and asking for the $250,000 that will come out of the taxable portion of the town, okay. This money is in an account now that can be spent for a number of different things. You’ve heard a lot of those here tonight.

So, it’s – by voting this, here, you’re just – you’re actually, what you’re doing is helping us to try save you money. Because if you – if you do that, then people will see that the town is behind this, okay?

MR. ALLIEGRO: Yeah, that’s precisely what I’m talking about. I – I – you know, I rest my case. That’s precisely what I’m talking about.

MR. DUFFANY: We have a very clear plan, very clear. We have done more than our due diligence in this project. As you know, we’ve been working on it for well over a year, now, to
try to make sure that we have all of our ducks in a row and when we come to you for the money, we’re going to have the exact numbers that we need and what we can raise and what we can’t raise. Okay.

But there’s nothing hidden, here, and I take offense to the fact that this is –

MR. ALLIEGRO: No, I’m not suggesting that you’re hiding anything. Honestly.

THE MODERATOR: Okay, through the Chair.

MR. DUFFANY: Well –

THE MODERATOR: Through the chair.

This is getting awful personal.

MR. ALLIEGRO: Yeah. No, no, I’m – I’m – I’m agreeing with him.

THE MODERATOR: Okay.

MR. ALLIEGRO: I’m not – I’m not arguing that point.

THE MODERATOR: Okay.

MR. ALLIEGRO: I’ll pass on, too.

MR. DUFFANY: This has been very transparent and so I take offense to that, so.

MR. ALLIEGRO: There was no suggestion
that there was no transparency.

THE MODERATOR: Ms. Schneider.

MS. SCHNEIDER: Barbara Schneider, I was formerly on the CPC and I did an awful lot of fund-raising, as many of you know, for the dog park.

What this group is presenting to you is extremely true. This is seed money that will make a huge difference, and while I appreciate the work the Finance Committee does in analyzing all this and bringing you their opinions on this, please know that the people who are going to support the athletic field are not going to also be asked, the private donors are not going to be asked to support the wastewater and the other things that Nick is talking about.

This is to help them go out and raise money privately, and that is the only thing we should all hope is happening so that the bulk of this is funded privately. And not through the Town and not competing for - against new ambulances and so on.

So I hope you will really understand that giving them this money now makes a huge
difference for the next four years of fund-raising. Thank you.

THE MODERATOR: Ms. Williams.

MR. DONAHUE: [No mic:] Mr. Moderator, point of order.

THE MODERATOR: You have a point of order?

[Pause.]

THE MODERATOR: Yell it out.

MR. DONAHUE: [No mic:] To the Chairman, could you explain where the CPC money comes from?

THE MODERATOR: The CPC money comes from a levy on your taxes, on your assessed value of your property.

CHAIRMAN BUCKLAND: And the state match.


CHAIRMAN BUCKLAND: It’s a significant state match.

THE MODERATOR: I mean, we need to do some kind of an orientation of other – like we do for procedure of Town Meeting, I think we need to
work with CPC and the Finance Committee and do another – and Selectmen, and do a Town Government orientation or something, just to make sure that we are all starting from a level playing field.

All right, so I’ve got Ms. Williams next.

MS. WILLIAMS: [No mic. Inaudible.]

THE MODERATOR: Mr. Brown. Mr. Brown.

MR. BROWN: [No mic.] I pass.

THE MODERATOR: Mr. Herbst.

FROM THE FLOOR: Question.

MR. HERBST: Ralph Herbst, Precinct 8 and a member of the Community Preservation Committee.

Just a couple clarifications. It’s very important to know that the tax levy this year will raise about two and a half million dollars. The state match will be about 26 percent, which is another $655,000. So it doesn’t come, even though Mr. Netto thinks it’s coming just from the levy on our property taxes, we do have a state match that increases it considerably.

Remember that the Community Preservation Committee is obligated to spend ten percent on
three different categories: affordable housing, historic preservation and open space and recreation. So this is part of the recreation. And it’s like it said: this is seed money for this project and we’re hoping that it will go forward if – if the committee that’s working on this project doesn’t raise the money in the spring, then the money will revert back to the Community Preservation Committee and we will re-allocate it for another open space or recreation project.

THE MODERATOR: Okay, Mr. Hargraves.

MR. HERBST: Sorry, I forgot one thing. The project that the Committee for this improvement of the field, they came to us and they said that their total project would be almost $3 million.

THE MODERATOR: Okay, Mr. Hargraves.

MR. HARGRAVES: Okay, thank you. Actually, that was the point that I would – was going to ask you for some clarification on, Mr. Moderator. When I came to the meeting yesterday and we started at 7:00 my impression was, from reading this, that this was $250,000 added to
$500,000 that was pledged by the Falmouth Road Race, and I thought I heard in a presentation that the total project was $3 million and that they couldn’t possibly raise all of the gap from private donors. This is different than what I thought when I first came here. And that they would be coming to the Town for approximately one and a half million dollars.

So, in the spirit of knowing what we’re getting into before we get in - before we start, I guess I’d like to ask those concerned at least somebody knows this on a high level or I was fantasizing on this presentation yesterday.

So, could someone clarify that, what was said.

THE MODERATOR: All right, if someone from the committee could give us -

MS. BISSONETTE: Karen Bissonnette, Precinct 3.

The presentation that I showed you yesterday was just to give you an idea. We don’t have the exact figures because the design and engineering is being done as we speak. So we will have gone out to bid and have bidding
numbers for you in April.

The example I gave you yesterday at two
and a half million dollars was giving you an
example of what it would cost the taxpayers if we
did a capital exclusion. That means that we
would have to get a vote here to take it to the
ballot in May. So that was an example.

We had some numbers, we had some
estimated numbers that the project came in around
$3 million. That was several months ago, so we
are getting real hard and fast numbers right now.
The $500,000 has been committed by the Falmouth
Road Race. $80,000 of that $500,000 is being used
for the design and engineering.

Are there any other questions about
that?

MR. HARGRAVES: [No mic: inaudible.]

THE MODERATOR: Let’s have a mic so we
can get it on the record, Mr. Hargraves, please.

MR. HARGRAVES: Thank you, that’s very
helpful.

What I would like to know is is the
intention, in spite of the example of the
override, is the intention that all the balance
after this 500 and after this 250, would be
raised by contributions, and not to come back to
the Town for a significant amount of money.

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: Mr. Antonucci.

MR. ANTONUCCI: Go ahead, I’ll give it
to you.

THE MODERATOR: Or Ms. Bissonnette.

MS. BISSONNETTE: Our intention is to
raise as much money as we can, get the numbers
in, and I thought I made it clear that yes, we
will be coming back to you in the spring with the
difference. And I’m not sure what that will be
because we’re going to work hard to make that
number as small as possible.

THE MODERATOR: Okay. Ms. Vogel,
anything new? New question, new concern?

MS. VOGEL: Yes. Hi, Wendy Vogel,
Precinct 4.

My question is: looking at this in the
big picture, $3 million for an athletic field.
My first question is how many athletes will be
using this? It’s a lot of money. We only have
I think 5,000 students total. So how many of
those will actually be using the field, and is this the best bang for our Community Preservation dollars?

THE MODERATOR: Ms. Cuny.

MS. CUNY: Sandra Cuny, Chairman of the Falmouth Recreation Committee and a member of the Community Preservation Committee.

I want to remind Town Meeting members that moving the football program off Main Street to the High School has been in the Local Comprehensive Plan since the '90's. It’s item 35 on page 41.

This Town of Falmouth also in May of 2002 - that’s eleven years ago - had a question on the ballot for the people of the Town of Falmouth to vote: do you want to relocate the football Facility to Falmouth High School? It was overwhelmingly passed eleven years ago.

We now have the Falmouth Road Race willing to donate $500,000 for a new field that will be used not only for football but for lacrosse, for soccer, because it will be an all purpose field. The CPC funds will help to fund this.
The Board of Directors of Falmouth Together We Can, Incorporated, have umbrella’ed this under them. We are the same organization of which I am the treasurer that does the after prom celebration, that built the first skate park, that helped the veterans here in Falmouth, that helped build the dog park.

We want to help make Falmouth a better place to live.

We have nothing to lose by voting this article and spending all this time. If our committee or the football does not raise the funds come spring when we bring everything back to you and it doesn’t pass the ballot, then the money from this article will not be issued.

So please, let’s move forward, let’s get the community, everybody is behind this. Let’s move this forward, it’s a long time coming to move the program there and get this up and running. Thank you.

[Applause.]

THE MODERATOR: Ms. Vogel. Let’s go, folks.

MS. VOGEL: The question was -
THE MODERATOR: Mr. Hampson – Mr. Hampson, the Chair would entertain a motion to extend past 11:00. So moved?

MR. HAMPSON: Yeah, I’m the bad guy and I would like to make a motion that we –

THE MODERATOR: Extend past 11:00, George, –

MR. HAMPSON: – extend this past 11:00.

THE MODERATOR: – okay. The motion is to extend past 11:00.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It is the opinion of the Chair that the ayes have it and we’ll extend past 11:00.

Ms. Vogel.

MS. VOGEL: The question of how many athletes will be using the field wasn’t actually answered, I don’t think.

THE MODERATOR: Okay.

Do we have an estimate of the numbers of
MR. CLARK: Yeah, I don’t have the exact numbers, but this field is intended to be a recreation slash athletic field. We’ve looked at other communities; they go from 6:00 in the morning until 10:00 or 11:00 at night.

It will be used by high school football, JV football, freshman football, lacrosse, boys and girls soccer, field hockey. And then it could be used on Sunday by Pop Warner. It could be used by the Recreation Department.

The intent of this field is to use it seven days a week. I have one at the university. We use it from 6:00 to 11:00 seven days a week. And it’s mainly a safety issue. So I think it will get its use. I can’t give you an exact number, because we haven’t used it yet, but it will never not be used.

MS. VOGEL: My point is that if there’s 5,000 total students, say 50 percent participate in athletics, you’d have 2500 athletes using the field. We have 10,000 seniors who could potentially be using a senior center. It’s just big picture allocation of the Town’s -
DR. CLARK: I totally agree with you.
We should build a senior center and we should
build this field, and we should call the
question.

[Applause.]

THE MODERATOR: Okay, Ms. Magnani and
then we’re going to take a vote.

CHAIRMAN MAGNANI: While we’re tossing
all this around, I think football is great, and I
think football fields are great, but in the back
of your warrant booklet, you will notice the
capital plan, and there are many items in here
who have been in the pipeline for years that
haven’t been done. So just keep this in mind
when we talk about the football field, thank you.

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of
the Chair that the ayes have it by a majority.

Article 39. Mr. Chairman.
CHAIRMAN BUCKLAND: I move Article 39 as recommended.

THE MODERATOR: As recommended. This is to appropriate the sum of $62,000 from Fiscal '14 Community Preservation estimated revenues for the purpose of rehabilitating the Morse Pond School playground and to comply with the Americans with Disabilities Act.

Any discussion on Article 39?

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 40. Okay, Article 40.

CHAIRMAN HANEY: We move that Article 40 be voted as recommended.

THE MODERATOR: As recommended. This is to vote to appropriate the sum of $40,000 from Fiscal '14 Community Preservation estimated revenues for the purpose of funding a Housing
Stabilization Program through the Falmouth Housing Authority.

Ms. Magnani.

Ms. Magnani: I just want to report to you that the Finance Committee did concur with Article 40.

The Moderator: Okay, any discussion on Article 40?

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

[Aye.]

The Moderator: All those opposed no.

[No.]

The Moderator: The ayes have it by a majority.

Article 41. Yes, Mr. Latimer.

Mr. Latimer: [No mic:] I would ask that we adjourn. It’s 30 minutes past 11:00.

The Moderator: We have a motion to adjourn right now.

All those in favor of adjourning, signify by saying aye.

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

[No.]

THE MODERATOR: All those in favor of adjourning signify by standing and the tellers will return a count.

[Pause.]

THE MODERATOR: In the first division.

MR. NETTO: 13.


In the third division.

MR. HAMPSON: 27.

THE MODERATOR: 27.

The second division.

MR. DUFRESNE: 35.

THE MODERATOR: 35.

All those opposed to adjourning, signify by standing and the tellers will return a count.

[Pause.]

THE MODERATOR: In the first division.

MR. NETTO: 27.

THE MODERATOR: 27.

In the second division.

MR. DUFRESNE: 36.

THE MODERATOR: Again, Mr. Dufresne?
MR. DUFRESNE: 36.
THE MODERATOR: 36.
The third division.
MR. HAMPSON: 27.
THE MODERATOR: 27.

By a count of 75 in favor and 90 opposed, we are not adjourned.

Article 41. Board of Selectmen for a main motion.

CHAIRMAN PUTNAM: Mr. Moderator, I would ask that we allow the Chair of the Water Quality Management Committee to make the motion.

THE MODERATOR: Okay. The Chairman of the Committee would like to make the main motion.

CHAIRMAN TURKINGTON: Mr. Moderator –

THE MODERATOR: Mr. Chairman.

CHAIRMAN TURKINGTON: I move the article as printed and as – I’m sorry, not as printed. As recommended in your warrant book, with the following modification, which is up on the board, here.

In Section 180-55, Modifications to Existing Parcels or Changes of Use in Sewer Service Areas, Multi-Family Residences (b) New
Development.

A new multifamily dwelling is allowed one bedroom per 10,000 square feet of lot by right. This is the change. In zoning districts where up to six units per acre are allowed, up to three bedrooms per permitted unit are allowed by right.

The other change is in this next sentence. The "Addition of bedrooms in multifamily dwellings beyond one bedroom per 10,000 square feet of lot area", that piece is taken out, and is replaced with the words, "that which is allowed by right shall require a variance from the Board of Selectmen in accordance with Section 180-56."

I am very sorry that this article is as long as it is. It’s a complicated subject and to do what we want to do for the Town, it has to be this long. And I am even more sorry that we’re making it longer, but once again, we want to do this right. So that’s why – that’s why we’re doing it this way.

Okay. So, you have the recommendation with that modified language.
THE MODERATOR: Okay, so the modified language in your warrant booklet should be page 22 is where this section appears in your copy of the warrant.

Mr. Chairman.

CHAIRMAN TURKINGTON: Right. Disregard everything before page 21. Start with page 21, move forward, and remember, the only change to that is what you see up there.

Okay. This article is one of four that we’re going to be taking up tonight. Don’t blame me, I voted to adjourn, but. [Laughs].

But they’re important. And let me tell you why.

First of all, I want to thank everyone here for the vote you took in April, supporting the Town’s plan to clean up the estuaries. It was a remarkable vote. It was a unanimous vote to pursue all the alternatives that we’ve been talking about to sewer ing. To sewer as little as possible and to finance whatever sewer ing we’re going to do with no tax rate increase. Those are the three key elements of this plan that you unanimously adopted back in April.

Because of you and your unanimous
support, the voters in May supported spending $9 million on planning and permitting not only these projects but the water filtration project. And they voted it by an astounding margin of 58 to 42. Now, that never happens. It almost passed in every single precinct. It came within 21 votes of passing in every single precinct. That tells you that this town is behind what you did.

These next four articles are designed to put into place the pieces of that plan that you adopted.

It’s important to vote them now and not to postpone them, and let me tell you why. In order for us to come back in April and to know what this is going to cost the taxpayers and the homeowners and to keep those costs as low as possible, we need to know first of all is the Town going to be eligible for zero percent loans. A zero percent loan is an amazing thing. If you borrow $50 million at two percent, it costs you a million dollars a year for interest. If you borrow $50 million at zero percent, that costs you a million dollars less a year. I mean, that’s big money; it’s worth doing; and that’s...
why we want to do it.

If we don’t act tonight, we won’t know in April whether we can do it.

The other issue that’s really important to settle tonight is is the Town going to have the infiltration bed it needs for the sewering portion fo this project to go forward. No infiltration bed, no project.

Finally, It’s really important to know is the Town going to have the tools to reduce the cost to the homeowners who are going to be paying a betterment if the Selectmen so desire. We have a mechanism in here to really tamp down the cost to the homeowners in a way that has never been done before in this town, but it can be done if we act tonight.

So your approval of Article 41, 42, 43 and 44 will answer all these questions. So I’m apologizing; I’ll be as brief as I can, but this is probably the biggest and most complicated project this town has ever encountered. It’s certainly, in my two years of being immersed in wastewater, this is –

[Laughter.]
CHAIRMAN TURKINGTON: - this is really something.

So, we’re going to move first with Article 41. And we have a slide back here.

Okay.

So, the two purposes of this flow neutral bylaw, number one, is to make the Town eligible for these interest free loans that we talked about and also to manage the capacity of the wastewater treatment facility and infiltration beds. You don’t want to put in a sewer system in any part of town and then have everybody build six story apartment buildings and then have your town ruined and your sewer facility over capacity. This law is designed to prevent that from happening.

By the same token, you want to help the homeowners who are being served by this, you want to make sure not only do they get to keep what they have now by way of the number of bedrooms, but you want to give them some benefit. They’re going to be paying a betterment; they ought to get a benefit.

So this bylaw will guarantee every
homeowner in the Maravista area and the eastern portion of the heights who are going to be in this sewer service area that’s proposed, it guarantees them all the bedrooms they already have now, and anyone who has less than four bedrooms can add on up to four bedrooms by right. By right. No going to the Zoning Board of Appeals, no going to the Board of Health, no going anywhere. You can do it by right. This is a great benefit to a lot of people there who have small houses and can’t add on because they’re on small lots and because they can’t make Title V work on those lots.

That’s the benefit for the people who live in these areas. It only happens with this bylaw being passed.

For the businesses in the area, the same deal. They’re all guaranteed the flow that they have now, and they’re guaranteed a ten percent increase by right.

Now, suppose they need more than the ten percent or suppose the homeowner for whatever reason has to have more than four bedrooms. I don’t know why they would, but people might.
There’s a process built into this bylaw that allows them to go to the Board of Selectmen and if the Board of Selectmen finds that there is capacity in the system, the Board can grant them the variance they seek.

This article is endorsed by the Board of Selectmen, by the Planning Board, by the Board of Health, and by the Water Quality Management Committee. It’s critical for us to know in April if we’re going to have a zero percent loan or not and it’s critical to the homeowners to know, going forward, that they’re going to have the ability to add onto their homes if and when a sewer goes by their house.

THE MODERATOR: Okay, we want to open the floor.

Ms. Alliegro.

MS. ALLIEGRO: Thank you. Mary Ann Alliegro, Precinct 7, through the Moderator. Just the question what will be required of these homeowners in this area when this is enacted. In other words, this sounds good. It sounds very fair to the homeowners and good, but what is going to be required of the homeowners or
is there going to be something? You keep speak- ing of the betterment and I just don’t understand that fully.

CHAIRMAN TURKINGTON: Fair enough.

There is no free lunch and there is no free sewer.

If – the cost of this will initially be funded, if – with your consent and with the voters’ consent – by the Town. The Selectmen, as is the custom in these kinds of things, will want part of that to be paid also by the homeowners who are benefitting. How much the homeowner pays and how much the Town pays is a discussion that we can’t have today because we have too many unknowns.

But I think every homeowner in the area can expect to pay a betterment for the privilege of having their area sewer ed. The article we’re going to come up on is going to provide a lot of mechanisms to make that betterment as low as possible. But a betterment is an annual charge that they will have to pay to join this thing.

Keeping the costs as low as possible is our – is one of our main goals. But right now we can’t
tell you how much that is.

MS. ALLIEGRO: [No mic: inaudible].

CHAIRMAN TURKINGTON: Yes. With a very tiny exception of the people who are going to be interested in having an eco toilet in their house and joining our eco toilet program, which is the subject of Article 43. We’ll get to that one. But everyone else, if it goes by the house or by the business, will – will have to join, that’s right.

And from what we’ve heard – I was – one thing you wonder when you start out on this kind of a mission is what are the people in the affected area going to think about this. And I think we’ve been pleasantly surprised, and in fact quite surprised and positively, that most of the people in the affected areas are very much for this.

You know, it’s sort of counter-intuitive, the idea that the Town is going to be sending them a bill for something isn’t normally welcomed with open arms by everybody, but in this case that area, because it’s so densely developed and so many people are on 5,000 square foot lots
or less, most of the homeowners in this area understand the need for it and are supportive.

THE MODERATOR: Okay, Ms. O’Connell.


I’m wondering will this apply to 40B developments, as well? Or will they be incorporated into this or is there – are they excluded from what might apply to me?

CHAIRMAN TURKINGTON: 40B developments would have to hook up and would want to hook up if it goes by their house.

MS. O’CONNELL: So they would be required to hook into the sewer system?

CHAIRMEN TURKINGTON: They would be required to hook into the sewer system if it goes by the street that the development is on.

MS. O’CONNELL: Okay, thank you.

THE MODERATOR: Hand over here to my right.

MR. CALLAHAN: Jim Callahan, Precinct 5.

I was just curious, not being able to hook up to the Silver Beach, my house wasn’t
quite in the zone, just for people in general in
this room, how much did the people at Silver
Beach pay? I thought I’ve heard figures
anywhere between 25 and 30 thousand over 30
years. Do you have those figures? It was just
a few years ago.

CHAIRMAN TURKINGTON: Silver Beach is a
very different situation. There were 200 houses
out there that were in the midst of a health
crisis and a financial crisis for the homeowners.
The health crisis was that their septic systems
didn’t work at all, and the financial crisis was
that they couldn’t be fixed and therefore they
couldn’t pass a Title V inspection and therefore
they couldn’t sell their houses.

This was a major disaster for these
people and the Town put in a sewer system for
them. I think the total cost of that system
ended up being about $27,000 a house, of which
they paid 70 percent.

MR. CALLAHAN: No, they paid 27.

CHAIRMAN TURKINGTON: They paid
$27,000? Okay. They paid much more than I
think we’re going to be looking at in the Heights
and Maravista for a number of reasons. But they
paid a lot, but for every one of them it meant
they could now sell their houses and flush their
toilets, so it was a big plus.

THE MODERATOR: Okay. Further
discussion?

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it
unanimous.

CHAIRMAN TURKINGTON: Thank you.

Article 42.

THE MODERATOR: Article 42. Mr.
Chairman.

CHAIRMAN TURKINGTON: Right. Mr.
Moderator, I move the article as recommended.

THE MODERATOR: Okay, as recommended.

This is to authorize the Board of Selectmen to
petition the legislature for an act regulating
sewer service area betterment assessments in the
Town of Falmouth. There’s two sections. One that talks about the sewer betterment assessment at a rate up to two percent above the net rate. Second part talks about going out over 30 years for this, trying to make the payments as nearly as equal as possible.

CHAIRMAN TURKINGTON: Uh-huh. Let me walk you through this, and we had a handout that was handed out last night and many of you have that, and we also have the same information up here on the chart.

So I’ll walk through the one on the wall. Okay, the purpose of Article 42 is to reduce, equalize and spread out the annual betterment costs for the property owners in the new sewer service area. This is by way of special legislation that we would request the legislature and our legislators to pass for the Town of Falmouth.

And it provides a number of things that the current state law doesn’t provide which we think are better for the people in Falmouth because it makes the project more affordable for the homeowners and the business owners.
Okay. Currently, the state law requires that on these betterments - you can - you can pay them all at once if you’re rich. Otherwise, you spread them out over a number of years. Current law requires that interest be charged if you spread it out over those years. The current law says you have to charge five percent interest or two percent above whatever the Town is borrowing its money at. So if the Town’s borrowing it at two percent, you get to pay four.

Under this special act, this would allow Falmouth to charge less than the current state law requires, so if Falmouth for example borrowed the money at the zero percent loan, Falmouth could charge as little as zero percent. Or up to two. And if it borrowed at two, it could charge two or three or four. It gives Falmouth all kinds of flexibility in terms of how much interest it wants to charge on people who want to extend out their betterments.

And so that’s the first piece of this. The second piece allows property owners to spread out the payments over 30 years. Current law says they have to do it over 20 years. If you spread
it out over 30 years, the annual payment is much less.

A couple of other pieces that made some sense, and they’re in here, too. It allows you to pay in equal installments, as you would with your home mortgage. Right now, the rules are you pay on a declining balance. The first year you pay a lot, because you’re paying interest on the whole amount of the borrowing and then each year it goes down.

That’s not how most home mortgages work, and it’s not how we think this should work, so we’re asking the legislature to give us permission to say to the homeowner, “You’ve got your betterment. You can spread it out over 30 years instead of the 20 and your payment will be the same for every one of those years.”

The final piece of this is to say to the homeowner, “You can pay it in quarters. Each time you get your quarterly tax bill, you can pay a quarter of it.”

All of this is designed to keep the cost down for the homeowner, the annual cost. To make the – it’s spread out as much as possible,
and to make it as easy as we can on the homeowner and the business owner who are going to have a betterment to pay.

So that those are the elements of this. Every single one of these elements has been adopted by the legislature for some other town in the Commonwealth. We spend a lot of time, Ron Zweig, in particular, spent a lot of time researching and we basically looked around and said, “What – what have they given other towns that will allow them to reduce the costs for their homeowners? We want that here, for our homeowners.”

That’s what’s in this Article 42. If you vote it, it goes to the legislature and they will make it happen.

THE MODERATOR: We’ll do our best.

Ms. Lichtenstein.

MS. LICHTENSTEIN: [No mic:] I want to thank the committee for all the work they’ve done and I hope it passes –

THE MODERATOR: Oh, no, mic. Mic.

MS. LICHTENSTEIN: I hope you pass this.
I just would like – we’d like to ask you to make one little change. We’d like to take every time the word “sewer” – there is a slide. Could we have that, please?

Every time there is the word “sewer”, to insert the word “wastewater”. Now, we did this at the April Town Meeting. It just gives us a little bit more flexibility and both sewers and upgrade to septic systems, which would be eco toilets and denitrifying systems, both get their funding ability from Mass. Chapter 80. So both 111, which would be the septic upgrade system for an eco toilet or an IA system, or 83 which would do it for the sewer, they both refer back to the same betterment law.

So it wouldn’t stop getting the sewer. You could do the sewer, there’s no problem in those areas.

If there was someone who wanted to put in an eco toilet, right now there’s no problem; the county has low cost funds for that, but there’s no guarantee that they would in the future.

This particular thing isn’t restricted
to one thing; we can set any sewer district we
want. So in the future if there’s people who
want to do an alternate system, they could also
get a low cost loan. That’s all we’re looking
for is a little bit more flexibility. Thank you.

THE MODERATOR: Mr. Chairman.

CHAIRMAN TURKINGTON: Mr. Moderator.

THE MODERATOR: Mr. Chairman.

CHAIRMAN TURKINGTON: Yeah. Much as
it pains me to disagree with Ms. Lichtenstein, I
have to say this is not a little amendment.
This is sort of a poison pill amendment, if you
don’t mind me being crude about it, here.

And let me just give you a few good
reasons why this amendment is not a good idea.
For one reason, it was already considered by the
Water Quality Committee and the motion to adopt
it died for lack of a second.

Number two, it assumes that betterments
can be used for installing fixtures or equipment
in private property. Betterments cannot be used
for that purpose, except in a very specific
circumstance, which is spelled out in Chapter 83
and Chapter 111, 127 B ½, which is the one that
was cited to you in the handout that you received from Ms. Lichtenstein and her colleagues.

Those two laws are completely inappropriate for what they are trying to propose that you do. Those two state laws refer to sewers, drains and sidewalks. Chapter 111, 127B ½ refers to properties that are unfit for human habitation, maybe a nuisance or maybe a cause of sickness or home accidents to the occupants of the public. On those properties and only on those properties, betterments are permitted when the homeowner can’t afford to fix the unhabitability issues and the Town has to come in and do it for him.

So that, it’s completely inappropriate to think it in any way fits into what we’re trying to do here.

Furthermore, it assumes that these eco toilets and innovative alternative systems are approved by the DEP for general use, for nitrogen reduction; they are not.

And if this amendment were adopted, it would completely change the context of this bill we’re sending to the legislature. Right now
we’re sending them a bill that includes all - all
the elements in the bill include things that they
have already given to other towns. If we put
this in, we’re basically asking them to redefine
betterments to include a whole bunch of things
that no one’s ever thought of up there.

It’s hard enough to get them to do the
easy stuff. If will be impossible -

THE MODERATOR: He’s right.

[Laugher.]

CHAIRMAN TURKINGTON: It will be
impossible to get to do the hard stuff, and this
would be hard. So I recommend you vote against
the amendment.

THE MODERATOR: Further discussion on
the amendment striking the word “sewer” and
inserting in its place “wastewater”.

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the
Chair that the no’s have it by a majority and we’re back to the main motion.

Any further discussion on the main motion?

Ms. O’Connell.


The slide that you had you up prior to the — with the four points. The last one was about income eligible seniors —

CHAIRMAN TURKINGTON: Yes.

MS. O’CONNELL: – will be able to defer.

CHAIRMAN TURKINGTON: Yes.

MS. O’CONNELL: Just for clarification, that means that upon the sale of their home, the betterment will be taken from the proceeds?

CHAIRMAN TURKINGTON: That’s right.

MS. O’CONNELL: Thank you.

THE MODERATOR: Mr. Hargraves. And then we’re going to take a vote.

MR. HARGRAVES: Thank you. My question is to clarify my understanding of the interest rate. According to the presentation and
what’s written in the explanation, the state
offers two options. One is either five percent
or a second one of two percent above the interest
rate the Town pays for the funds.

So, what we’re saying in the section one
that’s recommended is two percent above the net
rate of interest chargeable to the Town. The
presentation says we could offer monies at up to
zero - or down to zero percent interest. And so
I don’t know if the Town will be subsidizing some
interest for those hooking up to the sewer and I
wonder why we just didn’t use the language in
section one above the recommendation that said
the assessment would be at a rate equal to the
net rate of interest chargeable to the Town.

CHAIRMAN TURKINGTON: Well, we could
always do it better, but this is the way we ended
up doing it. And the premise here is pretty
simple: if the Town borrows money at zero percent
if this act passes, it gives the Town the option
of charging the residents zero percent. Or one
percent or two percent. But, to make it as low
as possible is the goal and every one of these
articles could be worded better, but I think this
article is worded in the way that reaches that purpose.

THE MODERATOR: So they’re not looking to subsidize. The Town would be charged zero percent. So the idea was you could charge the resident zero percent. That’s not a subsidy. Nobody’s paying interest.

MR. HARGRAVES: I’m sorry [inaudible]. I’m in favor of this amendment. I’m in favor of sewers and making this affordable, so this is a very important point.

So, if we adopted as the recommended section one as stated, the Town would have the option of charging up to two percent above the net interest rate that we actually get. And personally, I would rather say to people that we’re only going to charge you the net interest rate that we get for the funds that we’re going to use to do this project, and not make it a profit center to give loans to our citizens.

CHAIRMAN TURKINGTON: Mr. Moderator.

THE MODERATOR: Mr. Chairman.

CHAIRMAN TURKINGTON: Personally I agree with you, but the choice would be made by
the Board of Selectmen when the betterments were actually decided upon and all this bill does is give them options. We wanted to give them as many options as possible and the options range as we’ve discussed from zero to two. But, in any event, the options are a great deal less than the state law currently provides for options.

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

Article 43. Mr. Chairman.

CHAIRMAN TURKINGTON: Mr. Moderator, I move Article 43 as recommended.

THE MODERATOR: As recommended. This is to authorize the Board of Selectmen to petition the legislature for an act related to eco toilets.

Mr. Chairman.

CHAIRMAN TURKINGTON: Mr. Moderator.
This is a promise that we kept – or we are keeping to the folks who believe strongly that eco toilets should be part of the solution to wastewater issues.

As you may know, eco toilets are a very experimental thing in this country for that purpose. We in Falmouth are the pioneers. In fact, we in Falmouth are doing more than any other place in the country to move forward to determine if they are in fact a viable answer to wastewater treatment.

So this bylaw, again, has to go to the legislature. What it does, it allows participants in our eco toilet demonstration project to be exempted from the requirements to connect to the sewer and pay a betterment charge.

Now, it’s a limited universe of people who can take advantage of this. People who are in our eco toilet demonstration project program are people who, first of all, agree to put eco toilets in their house for all the toilets in their house replaced with eco toilets. The people who agree to have their ground monitored before, during and after to see what happens to
the groundwater when you do this. People who
agree to a whole bunch of things that they have
to do to be part of this program.

Right now we have five participants who
are actually having their plumbing changed and
their eco toilets installed. We have others in
the pipeline who are willing to do this and we
commend them for it. None of them, by the way,
are in this proposed sewer service area. So, in
some respects this is sort of a symbolic gesture.
But it’s also a real one.

If anyone in the sewer service area
decides they want to join this program, not only
will we give them the $5,000 you voted for a
grant, not only will we pump out their septic
tank for them, but if and when the sewer runs by
their house, we will give them the option of not
joining it.

The deal doesn’t get any better than
that, and hopefully it will encourage some people
to join the program.

If they join the program, put in the eco
toilet and some time later decide that they want
to join the sewer after all for whatever reason,
they get to pay the same as everybody else. So, it’s not a gift. It’s an option but a reversible one.

It has to go to the legislature to be passed, but it has to be passed here first.

THE MODERATOR: Okay. Discussion on Article 43.

Mr. Stetcher.

MR. STETCHER: Just a quick question. This says that the Town will pay for the pump out of the septic system that exists if you put in an eco toilet. Yet somewhere I think in the previous articles it says if you hook up to the sewer system, you have to disable your septic system, which I imagine is going to incur some kind of a cost. Why do they have to disable the septic system if you hook up to the sewer, but you only get a pump out if you put in an eco toilet?

THE MODERATOR: Mr. Chairman.

CHAIRMAN TURKINGTON: Well – Mr. Moderator.

If you join the eco toilet demonstration project, you replace all your toilets with the
eco toilets. That doesn’t deal with all of the water in your house. You take showers, you wash dishes, you wash – there’s other water that goes through your – the system in your house, and that water still goes to your septic tank and out your leaching field.

One of the tests that George Heufelder up at the test center is – is – is doing to determine is he wants to know how much that grey water actually contributes nitrogen to the ground water. You know, that’s a key question. If the grey water still has a lot of nitrogen in it, the eco toilets aren’t solving the problem. So we need to know if that’s true before eco toilets move any further along down the road to acceptance.

But that’s the answer to your question.

THE MODERATOR: Okay. Mr. Donahue.

MR. DONAHUE: Bob Donahue, Precinct 3.

We have the eco toilet project and there are two or three other projects that I’m vaguely familiar with. One of them is the oysters and there’s an abatement thing and a whole bunch of other things.
What is the length of time we’re giving to see if any of those work before we go with the sewering? In other words, if – are we doing all these just as an exercise or and we’re going to do the sewering no matter what? Or could these things come up and say to us, “Wait a minute, we don’t have to do the sewering”?

THE MODERATOR: Mr. Chairman.

CHAIRMAN TURKINGTON: I think the way Virginia and others have been describing this for the last three or four years is, is we’re running on parallel paths. We want to do as little sewering as possible and we’re doing it in the areas where it’s the most cost effective and most needed and there’s the most density, and the areas that we told ourselves we would do it 30 years ago and never did. That is where we’re doing the sewering.

Every other area is up for grabs, and all these demonstration projects you’re talking about are – in the next three to five years we will determine whether each one of them is consumer acceptable, whether it’s financially acceptable, whether it really does clean up
nitrogen and whether it does it cheaper than sewers. And we hope every one of them does.

But that’s where we are now. But we are doing a sewer piece now for a number of reasons, and we’ve talked about them in the past.

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 44. Chairman of the Board of Selectmen for a main motion.

CHAIRMAN PUTNAM MODERATOR: Mr. Moderator, the Board recommends the article – excuse me. We move the article as recommended.

THE MODERATOR: AS recommended. This is to authorize the Board of Selectmen to convey the parcel and have the preservation restriction for the Great Rock.

Any discussion on Article 44?

FROM THE FLOOR: We have a short
presentation.

THE MODERATOR: Okay.

CHAIRMAN TURKINGTON: Mr. Moderator.

THE MODERATOR: Okay.

CHAIRMAN TURKINGTON: Thank you.

Two years ago in this very room in this very meeting we had a lengthy discussion about the swap. The swap being two parcels of land off Thomas Landers Road. One was owned by the Steamship Authority; that’s parcel two. And then one that was owned by the Town; which is parcel one.

The one that was owned by the Steamship Authority was very advantageous for the Town to acquire because it was – it appeared to be the most useful and desirable site for a filtration bed. When we do additional sewer ing we had to find an additional filtration bed because the ones we already have in West Falmouth are – are to their limit, and the Town’s agreed to that.

So the idea of swapping parcel one, the Town-owned parcel, with parcel two, the Steamship parcel – the – was a good idea. The Town agreed to that two years ago; this meeting agreed to it.
by a two-thirds vote after considerable discussion. And the discussion included — in fact it was dominated by the fact that on parcel one, the one that we own that was going to the Steamship, there is a rock the size of — bigger than most of your houses. It’s a very large rock and it’s a very historic rock and we all have learned a lot about the history of that rock.

Well, apparently the Mass. Historic Commission did not learn as much as we did about the history of that rock, so when you voted to transfer — to do the swap subject to the rock being protected in perpetuity by the Mass. Historical Commission, we — the problem became the Mass. Historical Commission, who looked at it and said, “It’s not historic enough for us.”

[Laughter.]

CHAIRMEN TURKINGTON: So if they won’t agree that it’s historic enough, we can’t protect it in perpetuity.

So our crack legal team up here said, “Well, what can we do without them?” And what they came up with was we can put a 99 year restriction on it and that we don’t have to go
see them for. We can go to our own Historic
Commission and – and they will go along with it
and we can do it that way. So that’s the
solution they’ve come up with.

The article you have here is exactly the
same as the one you had two years ago, except it
brooms out the Mass. Historic Commission and
brooms in the Falmouth Historic Commission, and
that’s the difference, quite frankly.

Ninety-nine years versus perpetuity is –
is the other difference and I can’t tell you that
to me that makes much difference.

[Laughter.]

THE MODERATOR: Can we do one of those
pre-programmed emails to go to the Town Manager
in 99 years and remember him to – remind him to
renew it?

Okay, any discussion on this article?

Yes, Ms. Lowell.

MS. LOWELL: Sorry, everybody. Vicky
Lowell.

I was on the Planning Board when that
lot was set aside because of the Industrial Park
creation and the Planning Board judged the
terrain and the significance of that area was the part that should be protected, and I don’t object to the swap, but I just want to know who’s going to decide the nature of the preservation because a rock just surrounded by a dirt - dirt in a parking lot won’t be very historic. But, so I’m hoping that somebody, the Historical Commission or somebody, will set some parameters on how the rock is preserved. Thank you.

THE MODERATOR: Mr. Chairmen.

CHAIRMAN TURKINGTON: Mr. Moderator.

THE MODERATOR: Mr. Chairman.

CHAIRMAN TURKINGTON: I know this is going to be of interest but the rock is on a very topographically challenged parcel.

[Laughter.]

THE MODERATOR: It’s on a big hill.

CHAIRMAN TURKINGTON: It’s a big hill and it’s a big hole, and to make it worse there are vernal pools around. There are lot of reasons why it will never be a parking lot.

But the Steamship Authority can use some of the parcel. It matches and meets up with parcels they do have that are flatter, so it has
an advantage to them.

The parcel we’re acquiring has a huge advantage to us because it includes the site as we’ve said where the infiltration beds are planned to go, and for the last two years this Town has spent an enormous – and this committee and the Selectmen have spent an enormous amount of time and money examining that site and determining that it will not impact West Falmouth Harbor, that it will not impact Crocker Pond and that it is in every other respect a suitable site for the quantity of water – treated water, tertiarily treated water, that we would propose to put there.

THE MODERATOR: Okay, Ms. Lowell.

MS. LOWELL: The last thing I want to do is to prevent the swap, but the Steamship Authority we have very little – being a state authority, we have very little control over what they do there and I just want to make sure the rock is decently preserved in its setting. Thank you.

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority. A two-thirds – a two-thirds majority and I so declare. Is there a challenge on the two-thirds?

Hearing none, we’ll move on to Article 45. The Board of Selectmen for a main motion.

CHAIRMAN TURKINGTON: Mr. Moderator, can I just have one second to thank you all for your patience. This is –

[Applause.]

THE MODERATOR: Thank you, Mr. Chairman.

Article 45.

CHAIRMAN PUTNAM: Mr. Moderator, the Board recommends Article 45 as printed.

THE MODERATOR: Article 45 as printed. This is to accept the doings of the Board of Selectmen in laying out Cash’s Trail, Castle Road and Sandcastle Drive. Any discussion on Article 45?
Hearing none, then the question will come on the main motion. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Madame Chairman, could you announce the total sum that Town Meeting appropriated?

We normally – we used to have an article at the end of Town Meeting that was a wrap up article. We don’t have that article in the warrant because it’s not required by law, but I did ask the Finance Committee to give us that number since we’ve been doing it for decades.

Madame Chairman.

CHAIRMAN MAGNANI: Yeah, I have been doing it for decades. Okay.

I wish this Town Meeting to know that you have spent this evening $7,070,931. Congratulations.

[Laughter.]

THE MODERATOR: Okay, Mr. Chairman of
the Board of Selectmen for notification of the
next Annual Town Meeting.

CHAIRMAN PUTNAM: Mr. Moderator, the
Board of Selectmen has voted to hold the Spring
Town Meeting on April 7, 2014. We’ll see you
then.

THE MODERATOR: April 7th, 2014 is the
next Town Meeting.

The Chair would entertain a motion to
dissolve the meeting; so moved. All those in
favor of dissolving this meeting, signify by
saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it.

Thank you all.

[11:45 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, 2013. To the best of my ability the within transcript is a complete, true and accurate record of said Town Meeting.

In witness whereof, I have hereunto set my hand and Notary Seal this 30th day of December, 2013.

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

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.