COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

ANNUAL FALL TOWN MEETING

Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR: David T. Vieira

Wednesday, November 14, 2012

7:00 p.m.

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## Annual Town Meeting

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PROCEEDINGS

THE MODERATOR: Okay, would all Town Meeting Members present please come forward, take your seats. Don’t forget to check in this evening as attendance will be published in the Falmouth Enterprise.

Okay, all Town Meeting Members please come forward and take your seats.

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

[Pause.]

THE MODERATOR: Would all Town Meeting Members present please rise for the establishment of a quorum and the tellers will return a count.

[Pause.]

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

MR. HAMPSON: 61.

THE MODERATOR: 61.

MR. HAMPSON: 62.

THE MODERATOR: 62 in the third division.
In the first division, Mrs. Tashiro?

MRS. TASHIRO: 43.

THE MODERATOR: 43.

In the second division, Mr. Dufresne?

MR. DUFRESNE: 99.

THE MODERATOR: 99.

By a counted vote of 204, we have a quorum and I call this Annual Town Meeting into session.

All please rise for the presentation of the colors by the Wolf Den of Pack 41.

[Colors presented.]

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

[Pledge of Allegiance taken.]

THE MODERATOR: At this time I’ll call on Gary Anderson for our invocation.

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

THE MODERATOR: At this time we’ll pause for a moment of silence. Having just come off Veteran’s Day, I’d like us to dedicate our moment of silence to our veterans in Falmouth, and particularly General Flanagan and Sergeant Major Lewis, who we’ve lost most recently.

[Moment of Silence.]

THE MODERATOR: Colors post.

Let’s have a round of applause for my alma mater, Pack 41 from East Falmouth.

[Applause.]

THE MODERATOR: Okay, tonight we will pick up where we left off last night, which according to my record is Article 20.

Ms. Siegel.

MS. SIEGEL: Debra Siegel, precinct 6. I just thought it would be really nice since we’re recognizing people at this Town Meeting to
recognize Michael Palmer for a very smoothly run
and pain-free election. Thank you, Michael.

THE MODERATOR: Thanks, Mike.

[Applause.]

THE MODERATOR: It’s quite a feat,
pulling off nine precincts with the amount of
workers that you have and the surge capacity.
So, our hats go off to all of the poll workers,
as well. I know it’s a long day for you and for
the entire staff over at the Clerk’s Office. A
job well done.

Article 20, Mr. Chairman of the Board of
Selectmen for the main motion.

CHAIRMAN MURPHY: I move that the Town
adopt Article 20 as printed.

THE MODERATOR: Okay, as printed.
This is the Home Rule Charter amendment for
enforcement.

Who held this one? Somebody back here?
Mr. Finneran. And then Mr. Waasdorp.

MR. FINNERAN: Thank you, Mr.

Moderator, Mark Finneran, precinct 6. I
wondered if it would be possible to move this
article forward to be taken with my competing
2- 8

article.

THE MODERATOR: This is with -

MR. FINNERAN: 37.

THE MODERATOR: 37, okay. In order to take articles out of order, it would take a motion of the meeting to either pull this one out or bring the other one forward.

MR. FINNERAN: Um, I would make a motion to do either.

THE MODERATOR: Well, okay, so right now we have the motion on the floor for Article 20, so what we can do is dispense with Article 20, have a debate, vote yes or no, and then the motion to bring Article 37 directly to the floor then would be in order. So we’d have to dispense with the main motion and then we could bring 37 back up.

MR. FINNERAN: Um, should I repeat that?

THE MODERATOR: Say that again?

MR. FINNERAN: Should I repeat what you - I move -

THE MODERATOR: Yeah -

MR. FINNERAN: - that we dispense with
THE MODERATOR: Well, when we finish with this article, then I can recognize you and you can ask for Town Meeting to move Article 37 next in order, and we’ll take a vote on that.

MR. FINNERAN: That would be sufficient, thank you.

THE MODERATOR: Okay.

Mr. Waasdorp. That was same issue, okay.

Any further discussion on Article 20?

Yes, Mr. Stumcke.

MR. STUMCKE: Thank you, Mr. Moderator.

Brian Stumcke, Chairman of the Charter Review Committee. I’d like to briefly provide you with a little background information on Article 20.

The Charter is the Town’s Constitution. It should be noted that there are no enforcement provisions in either the United States Constitution or the Constitution of the Commonwealth of Massachusetts. And each relied on the courts to resolve conflicts that cannot be resolved at the local level.

The last two Charter Review Committees
discussed the issue of Charter enforcement but chose not to include enforcement provisions.

Our committee came to the conclusion after considerable discussions that enforcement or compliance provisions were important to the public trust.

The idea behind Article 20 came from a substantial change in the Open Meeting laws – Law enacted in June of 2010. Under this change, if an individual believes that a governmental body has violated the Open Meeting Law, he or she may file a complaint with that body and the Town Clerk. That body has a responsibility to determine if a violation occurred and propose corrective action or to explain why the complaint is not valid with a statement of reasons.

As you can see, we try to solve the alleged violations in-house before acting outside for outside help. The committee took the Open Meeting Law as a model and adapted it to apply to potential Charter violations. The Charter is the guiding document for Falmouth Town government so that the people who could potentially violate the Charter are for the most part sitting right here
in this room, and a few others who are appointed
or elected or volunteer their time in the Town of
Falmouth.

The committee believes that enforcement
should be founded upon the premise that public
officials and members of governmental bodies –
like us – are sincere, responsible people who
want to obey the rules and comply with the
Charter. Whenever an alleged violation of the
Charter is brought to their attention, these
public officials or governmental bodies can be
expected to review the complaint and determine if
a violation has occurred.

They then propose remedial action. That
remedial action might be to redo the action with
proper public notice, or to act in a manner that
is compliant with the Charter.

If they do not believe a violation has
occurred, a statement of reasons must be given.
The process is open and transparent.

This process works well with the Open
Meeting Law violations, and we believe it will
work well with Charter issues, also. The model
emphasizes education and gives public officials
and the governmental bodies the opportunity to rectify their own mistakes in a reasonable and well-thought-out manner and time frame. Thank you.

THE MODERATOR: Further discussion on Article 20? Mr. Waasdorp.

MR. WAA SDORP: Peter Waasdorp, precinct 1. Thank you, Mr. Moderator. I also want to thank the Charter Review Committee; that they did their work with intelligence is obvious from the number of articles that passed under blanket vote with no discussion at all.

And it’s also obvious that they listened to those of us who attended the public sessions. I attended one and provided verbal and written testimony, arguing that the Town should consider an ombudsman’s position or counsel of ombuds-people as a method of addressing what Article 20 is addressing.

And I think the critical factor for any complaint process or review board is that it be absolutely independent of those in power. And one of the problems I have with Article 20 as written is that it appeals to the very same
people who may be responsible for the complaint in the first place.

A couple of quick examples. When I was on Conservation and discovered a discrepancy between the Request for Proposals and a Town lease, and was told by the Inspector General’s Office of the state that it violated the Uniform Procurement Act, I notified the then chair of the Conservation Commission and also the Board of Selectmen. They ignored it. If there had been an ombudsman or a counsel of citizens handling things like this, I think that kind of complaint could have gone to them.

There’s a group of people in Sippewissett right now who asked the zoning enforcement officer three years ago for a ruling on enforcement which he was required to render within 14 days by the Town bylaws. Three years later, that hadn’t occurred. Two more letters and that hadn’t occurred. This bylaw as written would ask that group of citizens to go to the same people who were responsible for ignoring the enforcement in the first place.

I think it’s a great first step. It’s
obvious they listened and want to do something about a complaint process. It’s serious. I think it’s phenomenal to have Michael Palmer as a person handling it. I can’t think of anyone more respected in Town Hall.

So those are all good first steps and I have no problem supporting this article if in the future some of us work on providing something perhaps at Spring Town Meeting for a counsel of ombudsmen or if Article 37 is still on the warrant – and I’ve heard different opinions on whether that article will come up – do you know anything about that, Mr. Moderator?

THE MODERATOR: Well, we’ll vote on all articles on the warrant, but we’ll –

MR. WAA SDORP: I heard he didn’t have a hearing –

THE MODERATOR: We’ll discuss if it’s in the proper form when we get to it.

MR. WAA SDORP: Okay. So there may be a conflict and we may not have a full discussion of that tonight, which I think is a shame.

But, again, thanks to the Charter Review Committee. I think this is a great first step
and I will support it.

THE MODERATOR: Okay, further discussion on Article 20? Mr. Finneran.

MR. FINNERAN: I would like to echo Mr. Waasdorp’s comments, but there is one I think glaring deficiency in this article as written, and I believe it needs also a stronger enforcement. But the part that requires – well this law is basically meant to mimic the Open Meeting Law. And the part that requires the notification which in 30 days in effect puts a statute of limitations on our Town’s Constitution of that same 30 days.

I believe that if anyone’s honest with themselves, they can foresee something happening against the Charter that may not be discovered until after that said 30 days has expired.

I would like to make an amendment to just remove that 30 day requirement altogether. I think it’s very limited on a statute of limitations on something as important as the Town’s Constitution.

THE MODERATOR: So this would be A.(2), The written complaint shall be filed within
thirty (30) days of the alleged violation?

MR. FINNERAN: Yes, I believe that to be far too small a window of opportunity, to steal someone else’s description.

THE MODERATOR: I’m just looking to see if it stands alone by just striking that sentence. It appears to do that.

So that the amendment would be to just strike the first sentence of A.(2)?

MR. FINNERAN: Yes.

THE MODERATOR: Okay.

MR. FINNERAN: That should be sufficient for the time being, because if this article is allowed to stand, it can be amended at any time.

Otherwise, depending on the final result of my competing article, we may be forced to wait another seven years to take a whack at this, and I think that’s far too long. I could be wrong and I will stand to be corrected if that’s not the case.

THE MODERATOR: Okay, discussion on the amendment to strike the first sentence of section A.(2).
Ms. Peterson.

MS. PETERSON: Laura Peterson, precinct 3. My question is if it says within 30 days of the alleged violation. So we’d strike that, but aren’t there some things when a violation occurs that—for example, with the water—we don’t find out about it until later. So the violation could have occurred X days, but by the time it surfaces and becomes public, that’s another amount of time, so I support striking the 30 days just based on that information.

THE MODERATOR: Okay, further discussion on the amendment?

Mr. Herbst.

MR. HERBST: Hey, Ralph Herbst, precinct 8. A member of the Charter Review Committee. I do believe that you don’t want to strike that whole first sentence. The only thing you want to strike is “within 30 days.” Because that A.(2) says, “The written complaint shall be filed,” and you want to leave that in there.

THE MODERATOR: The rest of it says, “Upon receiving the written complaint the Clerk shall forward”. But if you look at the
introductory clause in A, it says that you’ve got to file the complaint with the Clerk.

1 says it’s got to have all this identifying information. 2 says upon receiving it the Clerk shall forward a copy. So, it appears to stand alone, Mr. Herbst.

Yes, Ms. O’Connell.

MS. O’CONNELL: Maureen O’Connell, Precinct 4. I’d like to support Mr. Finneran’s motion for amendment, as well, because I think there’s enough ambiguity here to make this a problem. Thank you.

THE MODERATOR: Mr. Donahue.

MR. DONAHUE: Mr. Chairman, I’m not sure the procedure on this, but could we change the 30 days to six months? I think if someone has a—if there’s a problem within the town, if that requires some major action, I would think that six months would be fairly lengthy time to get it out and publicized. I’m afraid that if you leave it just open that, you know, somebody could come up with something eleven months later, and is it something trivial? Or is it something important?
I think six months would be a good compromise on this and give someone – give enough a time for something that did come up to bubble to the surface if it’s sufficiently important. Thank you.

THE MODERATOR: Okay, are you making that a formal amendment? Are you moving it?

MR. DONAHUE: I would like to move that if I can, yes.

THE MODERATOR: Okay, so the second amendment on the floor right now, Mr. Donahue’s amendment, would be to strike the first sentence there and insert, “The written complaint shall be filed within six months of the alleged violation.”

Discussion on the second amendment.

Mr. Finneran, then Ms. Lowell.

MR. FINNERAN: I believe if you were to leave it as previously stated, any limitations would already be in written law, would they not? Which most often is a three year period?

Or – I still think that that is too small of a window. Look how long, say, the high school has carried on. And I know that’s an
extreme - but, I mean, I believe that the minimum statute of limitations is three years. I could be wrong. I’m not a lawyer. But I’m playing one on T.V. [Laughs.]

[Laughter.]

MR. FINNERAN: Thank you.

THE MODERATOR: Ms. Lowell. I’ll put you on the list.

MS. LOWELL: Vicki Lowell, precinct 1. I think there are other violations that aren’t necessarily violations of the Charter that people might be thinking of. I would think most Charter violations would sort of be a process and people’s recollections of process and how things unfolded don’t last forever, and I think there should be some kind of a time limit on bringing the violation forward if it’s a Charter violation.

Those who have been on the Charter Review Committee might want to comment on that, but I would support either keeping it the way it is or the amendment, but not - or the second amendment, but not having it totally open-ended.

THE MODERATOR: Okay, Mr. Hampson.
MR. HAMPSON: George Hampson, precinct 5. I was just wondering if our Town Counsel has an opinion on this. Thank you.

THE MODERATOR: Mr Duffy.

MR. DUFFY: Well, one of the things I would caution is that when you have a violation of a charter, there’s usually two remedies. One is to invalidate the act taken and the other is to re-do it. Now, if you have an open-ended time to which you can file a complaint, the remedy may be rather draconian later on if a lot of time elapses.

Say for example the Board of Selectmen do not go through the proper procedures to post an open position on the Board of Appeals. And they appoint somebody. And then a year later someone comes along and says, “You know, you didn’t perform the necessary notice before you appointed someone to the Board of Appeals.” You could conceivably go back and overturn every decision the Board has made in the past year.

So I think’s very important that you remember that most Charter violations that I can think of, and as Mrs. Lowell has pointed out, are
going to be procedural. But they should be obvious when they occur and it should be brought to the attention of the Selectmen or the Town Clerk as soon as possible.

Now, 30 days, if that's too short, I can understand you would like to amend that to some time, but having it open-ended is, that's mischievous.

THE MODERATOR: Ms. Bumpus.

MS. BUMPUS: I think Frank just answered it. Really, Charter, this just deals with issues that are in the Charter. And as Vicki said, they are more process-oriented. They are not issues where there are violations of the bylaws or policies of the Boards. It is just for Charter issues which, if you want to read all 30 pages of the Charter, there aren’t – they aren’t big, out-there issues a lot of the time. They are very process-oriented and very nit-picky and they should be addressed very promptly.

THE MODERATOR: Mr Putnam.

MR. PUTNAM: Andrew Putnam, precinct 9. You do have to have a time line. You can’t leave it open-ended, and of course Mr. Duffy just made
it a point. I mean, you leave it open-ended, let me go find out what the Board was doing 20 years ago. You know?

I mean, there has to be a time line.

On top of that, I would say that 30 days is too short. I really do think it’s too short. I’ve seen a lot happen in this town since I got involved two years ago, and there’s some good things that have happened and some not so good things, and I think 30 days is too short, based on some of those not so good things that have happened.

I think six months is a good time frame, but in the end there has to be a time frame. There has to be a statute of limitations, because you can’t just go back 40, 50, 60 years and decide, “Oh, I found something wrong.” You just can’t do that.

And, really and truly, you have bodies like the Board of Selectmen, every May their membership changes. What one body decided three years ago is not going to be the same body three years later that’s deciding on a whole set of new issues.
So, I would support the amendment for
six months and I’d also like to call for a vote.

THE MODERATOR: I only take the motion
for the previous question if that’s the sole
purpose that the speaker rises.

Mr. Latimer. You’re all set?

Any further discussion on the second
amendment, which is to give us a six month time
frame?

Mr. Finneran.

MR. FINNERAN: I appreciate Mr. Duffy’s
argument using the Zoning Board of Appeals and
also Mrs. Bumpus’s statement that the Charter is
30 pages long, but if you read all 30 pages of
the Charter, there is no mention in there
whatsoever of the Board of Appeals. So are they
actually covered by it in the first place?

And further, I think all statute of
limitations are seven years maximum, except for
murder. So obviously nobody’s going to drag
this thing out, you know, 20 and 30 years. I
mean, it seems like kind of an extreme example.

Thank you.

THE MODERATOR: Okay, let’s take a vote
on the second amendment. This is to put a six
month – that the complaint has to be filed within
six months. All those in favor of that
amendment, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It is the opinion of
the chair that the ayes have it by a majority and
you’ve added six months to line A.(2).

Now this is where the procedure, we need
to focus, here. We still have the first
amendment is to strike the sentence, which you
just voted on, which is now the six months. So
if you want to withhold what you just voted on as
the second amendment, you’re going to have to
vote no on this amendment, okay?

If you vote yes on this amendment,
you’re going to strike it out in its entirety,
okay?

Everybody understand? Okay.

So the question will come on the primary
amendment. All those in favor signify by saying
aye.
THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The opinion of the chair is that the no’s have it and we are back to the main motion as amended to include a six month time frame. Any further discussion on the main motion?

Mr. Latimer.

MR. LATIMER: I want to thank Mr. Duffy for explaining what the remedies are. I have problems with penal or penal-sounding provisions that don’t actually specify what the penalty will be. That gives me some kind of pause with due process.

Now, Mr. Duffy is saying that this, in the case of a board, would mean, well, it can either go back for review or the – who gets to reverse the Board on that? And when I talk about that, we’re talking about something where there is an existing statute, which may also, in the course of the proceeding, some Board or some member may have violated some provision of the Charter, but now they’re acting under an existing
statute such as the Wetlands Law or the Zoning Bylaw, you know, or other administrative statutes where there are specified remedies.

It gives me pause to be thinking about what kind of ramifications there would be having here. Would the Town be reviewing a member of the Board where that same member’s vote on a Board action was going to be taken to court on appeal?

This provides – this article raises more questions in my mind than I think it could possibly answer. So I’m going to oppose it.

THE MODERATOR: Okay, further discussion on the main motion?

Hearing none, 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 is the opinion of the chair that the ayes have it by a two-thirds majority and I so declare.

Mr. Finneran.
MR. FINNERAN: Thank you, Mr. Moderator. Mark Finneran, precinct 6, petitioner of Article 37. Although – and this is my understanding, I will hope that you will correct me if I am incorrect, but even though my article was delivered to the Town Clerk’s Office –

THE MODERATOR: Well, first of all, we need to have you place the motion to take it out of order.

MR. FINNERAN: Oh, excuse me. I’d like to place a motion to take Article 37 out of order and next.

THE MODERATOR: Okay, so this is a majority vote to take up Article 37 now. 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 and we’re now on Article 37. Article 37 is the Falmouth Home Rule Charter, Charter Compliance Committee. The recommendation of the Board of Selectmen is indefinite postponement.
MR. FINNERAN: Yes, thank you, Mr. Moderator.

THE MODERATOR: So, Mr. Finneran, do you want to place a positive motion on the floor?

MR. FINNERAN: Um, I would like to make that motion, yes. With I guess there are qualifications, though. But firstly I would like to place a positive motion on the floor. Yes.

THE MODERATOR: Okay, so Mr. Finneran is making a motion as printed for Article 37. When we were reviewing this warrant, I remembered that there were some statutory obligations to have a process by which Charter amendments can come before a town meeting, and asked for Mr. Duffy to issue an opinion as to whether or not this article was properly before the meeting.

That, I will allow Mr. Duffy to expound on his opinion, but in form and in substance, a positive motion on Article 37 would be out of order at this Town Meeting because it did not meet the legal requirements of a public hearing held by the Board of Selectmen prior to the Town
Mr. Duffy, do you want to just give us a brief overview of the opinion as to why I will not allow a positive motion on Article 37?

MR. DUFFY: Yes, yes, Mr. Moderator.

There are basically two procedures set forth in the Home Rule Procedures Act for bringing amendments to a Charter before Town Meeting. One procedure follows the course of a Charter Review Committee, which holds public hearings, makes recommendations, drafts articles, brings them to the Board of Selectmen and the Board of Selectmen as a board votes to put them before Town Meeting.

Then, when Town Meeting approves them by a two-thirds vote, they go to the Attorney General for review and then they go on the ballot at the next town election, which will be next May.

There’s a second procedure which applies to proposed amendments to the Charter brought by petition. Now, this is if an article is brought by petition, and this means it’s outside the Charter Review Process, it must be on a
petition filed with the Town Clerk, who then transfers or transmits the petition to the Board of Selectmen, who must hold a public hearing on it, and the public hearing must be noticed in a newspaper and all of this must proceed and happen before a petition article can go before Town Meeting.

Now, in this particular situation, that didn’t happen. Now, it’s kind of unfortunate, but Mr. Finneran submitted this article in the form of an article before Town Meeting and went to the Board of Selectmen. And didn’t go through the Town Clerk and the procedure did not take place to hold a public hearing on it.

I’m not blaming anybody for this. I think it was unfortunate that it happened. The Falmouth Home Rule Charter was adopted in 1991, and since then I don’t believe there has ever been a petitioner’s article to amend the Charter. All of the articles have come through the process of a Charter Review Committee. So this just happened to go through and no one particularly picked up on it or realized it until about two weeks ago Mr. Vieira and others, in preparing for
the Town Meeting, asked the question to look into it and we did. And that’s when we found the infirmity.

I provided Mr. Vieira with a memorandum to that effect and this petitioner’s article has to go through a separate process; it didn’t go through it; it can go through it, it’s quite possible.

Now, Mr. Finneran made a comment earlier I’d just like to follow up on. You’re not right, Mr. Finneran, that you only get a crack at the Charter every seven years. Petition articles are appropriate; they can be filed; they just have to go through this process. So you really don’t have to wait seven years to take this up again.

THE MODERATOR: Mr. Finneran.

MR. FINNERAN: I would just like to say that I put this in on time and I was unaware of this and it’s an unfortunate situation, but I would like it to go forward.

My article is basically a carbon copy of what Bourne uses, and it’s my understanding that it’s being copied by other towns and I find it to
have – it’s made up of one appointee from each
precinct. It’s basically a jury of your own
peers.

   I find a weakness in the other article
being that you asked Mr. Duffy, in spite of all
his talents, to be judge, jury, executioner,
prosecutor and defendant, and I think that’s a
little much, so I would like mine to go forward
and –

   THE MODERATOR: Okay, Mr. Finneran,
what we’ll do is I’m going to entertain the
indefinite postponement motion from the Board of
Selectmen, and then after this Town Meeting we’ll
have a discussion with the Board of Selectmen on
making sure that the requisite notification and
hearing is done so that the article, if you so
choose, could come back in the April Town Meeting
if you submit another form.

   MR. FINNERAN: That sounds proper and I
thank you very much.

   THE MODERATOR: Okay. So, Mr.
Chairman of the Board of Selectmen for the main
motion.

   FROM THE FLOOR: Mr. Moderator?
THE MODERATOR: We’re just going to vote indefinite postponement. Mr. Chairman.

CHAIRMAN MURPHY: I move indefinite postponement.

THE MODERATOR: Indefinite postponement on Article 37. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it and it is indefinitely postponed.

And we’re back to Article 21. Article 21 is Home Rule Charter, Revisions of the Bylaws. Mr. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MURPHY: I move that the Town adopt Article 21 as printed.

THE MODERATOR: Okay, Article 21 as printed. Who held this one? Mr. Finneran, was this you? Mr. Finneran.

MR. FINNERAN: The Charter calls for a review of the Charter itself every seven years, and it also requires a review of Town bylaws
every five years. This has actually never been
done. There are many competing and old and
outdated bylaws in town that are screaming for a
review.

I was told at one of the many meetings
of the Charter Review that I went to that there
was no interest in this. I think that may
actually be true, but I think the non-interest
may then - may have been more in the minds of
Town management and the Selectmen and the powers
that be rather than the people of the Town that
live by it.

It seems with this amendment that you
are almost abolishing that. I mean, when it
says “any necessary”, everyone who knows anything
knows that there are many necessary changes that
should be implemented into the bylaw - into the
bylaws by way of a review committee. And I
think this just continues to kick the can down
the road as we have for the last - 22 years, is
it?

I totally disagree with this. I don’t
see why at least to clean the thing up - what,
it’s been 20-plus years. I mean, it’s long
overdue and this seems to kick the can down the road and I don’t think that’s in the interest of anyone. Thank you.

THE MODERATOR: Mr. Stumcke.

MR. STUMCKE: First of all, we obviously are concerned about this. As I told you on the slide last night, we had some 60-plus recommendations or suggestions, and we whittled them down to 15. This is one of the 15. We felt that the way the present Charter is written, there was no way that you could be able to review the large volume of bylaws in one sitting.

That’s why we worded it so that we want it to be happened – to be completed at least every five years. You could do some of the bylaws in year one, others in year two, and work your way through. A stack of bylaws is immense, and to say just once every five years we will go and review them is – is not accomplishable.

Thank you.

THE MODERATOR: Further discussion on Article 21? Mr. Finneran.

MR. FINNERAN: If that argument were true, and there’s no doubt that these bylaws need
to be revised, it still lays out no structure or framework. It’s “when necessary”; it was necessary ten years ago. I think this needs to be more stringent or it needs to be voted down, left the way it was, which was never attended to anyway. I don’t see where this is an improvement at all. I just don’t.

I – I’d like an example of how they intend to go forward with this to clean up some of the problems we have in our bylaws, which many people are aware of. Thank you.

THE MODERATOR: Mr. Duffy.

MR. DUFFY: The Charter Review Committee was very concerned about the fact that the existing provision in the Charter for review of the bylaws wasn’t working out very well and, as Mr. Finneran has alluded, it hasn’t worked out very well. Part of the problem is that the structure of the Charter sets up a Committee of five people to do a Herculean task.

The purpose of this article to amend the Charter is not to kick the can down the road, but it’s to get the process going and to get it going properly, and by doing that you give the
Selectmen several options, including the option
of creating one larger - larger than five -
Charter bylaw review committee, or several
committees consisting of people who have specific
talents and specific abilities to look at
specific problems.

Now, in the bylaws, which are huge, by
the way, you have for example an animal control
bylaw, you have bylaws relating to finances, you
have bylaws relating to peace and good order.
All of these subjects are very diverse and very
difficult for one small committee to get their
arms around.

So what we are suggesting here is a way
for the Selectmen to appoint one or more
committees, give them specific assignments,
assign them specific provisions in the bylaws and
get this process going again.

THE MODERATOR: Okay. Main motion on
Article 21 as printed. All those in favor
signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]
THE MODERATOR: It is the opinion of the chair that the ayes have it by a two-thirds majority and I so declare.

Article 22, this is a definition section of the Home Rule Charter. Mr. Chairman of the Board of Selectmen for the main motion.

MS. HAYWARD: [No mic. Inaudible.]

THE MODERATOR: Ms. Hayward, we’ve got to get a main motion on the floor, first.

CHAIRMAN MURPHY: I move that the Town adopt Article 22 as printed.

THE MODERATOR: Okay, Article 22 as printed. Ms. Hayward.

MS. HAYWARD: Mr. Moderator, Nancy Hayward, precinct 5. I would like to move an amendment to this Article 22. Mr. Moderator, I handed up to that bench and I hope you have a copy –

THE MODERATOR: Yes, I do.

MS. HAYWARD: – of the amendment that I’m proposing.

If everyone would turn to page 18 where Article 22 is located. If you would look down that article to the large type, down to the
section called Master Plan. And if your eyes want to follow through, if you would go down to the third line there, which starts out, “Economic and community development”, I am proposing to add an additional clause in there. It would read, “Economic and community development” comma, and here insert: “historical community character” comma, and then continue with, “civic improvements”, etcetera.

I am sorry that I did not participate enough in the Charter Review process to come up with this suggestion at that time.

I can explain to you why I would like to have that inserted there. If you read the Local Comprehensive Plan, it is a document which has eight elements in it. One of these elements is element number seven, which is called Historic Preservation and Community Character. The Article 22 as written has nothing in that section that makes any mention of historical community character.

If you read through the elements of the Local Comprehensive Plan, you will see that topics in the other elements tend to be covered
by those other - and I'm sorry, I think it's four things that are in that Master Plan section.

There are elements that are subjects in the other elements pulled out, but there is nothing about this being a historical community.

So I would ask you all to vote for my amendment to this part of Article 22. Thank you very much.

Oh, I would like to add that I am a member of the Falmouth Historical Commission. This motion is not anything that's been discussed at the Historical Commission. I have used this as a member, the Local Comprehensive Plan, as a member of the Historical Commission. I've also used Element 4.1 when I was on the Transportation Management Commission. So, thank you very much.

THE MODERATOR: Ms. Hayward, before you give up the mic, did you want the word "historic" or "historical"? What you gave us in writing said "historic".

MS. HAYWARD: It is the historic community character.

THE MODERATOR: Okay, okay.

MS. HAYWARD: Thank you.
THE MODERATOR: So, adding “historic community character”. Mr. Herbst.

MR. HERBST: Ralph Herbst, precinct 8, member of the Charter Review Committee. The reason that we wanted to define Master Plan is because that it referenced in the Charter, but it is no longer really called that. We now call it a Local Comprehensive Plan, which previously was developed by a committee; it is now under the purview of the Planning Board. And the language that you see in front of you is a direct quote from the existing Local Comprehensive Plan which is being revised by the Planning Board.

What Ms. Hayward is talking about is more or less adding to the definition of what is in front of you and really has no impact on the revision of the Local Comprehensive Plan which is being undertaken currently. There was no intent to remove any element in the Local Comprehensive Plan that refers to the historic community and character.

I spoke with the Chairman of the Charter Review Committee; I don’t think the Charter Review Committee has any objection to adding
this, but it will not affect the Local
Comprehensive Plan in the future. Thank you.

THE MODERATOR: Okay, any further
discussion on the amendment?

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it
unanimous.

The question will now come on the main
motion. All those in favor of the main motion
for the definition section as amended signify by
saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a
majority, a two-thirds majority and I so declare.

Okay, Article 25. This is the AFL-CIO
Local 1249 contract for the Laborer’s Union.

The recommendation of the Finance Committee is
indefinite postponement. The article was held by
the Board of Selectmen. Mr. Chairman.

CHAIRMAN MURPHY: Yes, Mr. Moderator.

I’d like to let Town Meeting know and the folks
out there know, that the Board of Selectmen have
ratified a Memorandum of Understanding for a one
year extension in a three year contract
consistent with the Library Association agreement
approved last spring.

The terms of the contract are as follows: in 2011, the one year extension was a
zero percent raise. In 2012, the first year of
the three year contract was a zero percent raise.
In 2013, it was a 1.5 raise. And in 2014, 2.25.

The funding necessary to implement the
contract has been reserved already in the 2013
Operating Budget and requires no action of this
Town Meeting.

So the Board of Selectmen will continue
to ask for an indefinite postponement, but we
thought it was necessary for Town Meeting to know
that the contract has been settled with a
Memorandum of Agreement and ratified by the Board
of Selectmen.
So the motion is still in fact indefinite postponement.

THE MODERATOR: Okay, Mr. Chairman of the Finance Committee for the main motion.

CHAIRMAN RIPLEY: I move Article 25 as recommended.

THE MODERATOR: As recommended, which is indefinite postponement. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 29. Article 29, this was held by Mr. Netto. This is to amend the Salary Administration Plan, deleting the Assistant Superintendent for Parks and Forestry and adding the Deputy DPW Director.

Mr. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MURPHY: Yes, Mr. Moderator, I move that the Town adopt Article 29 as printed.

THE MODERATOR: Okay, 29 as printed.
We have two folks that called out to hold this at the same time; I’ve got Mr. Johnson and Mr. Netto. Actually, I’ve got Mr. Netto and he’s got Mr. Johnson, so –

MR. NETTO: I didn’t hold it.

THE MODERATOR: Okay, Mr. Johnson.

MR. JOHNSON: I’m inclined to vote in favor of this, but I think we need more information. There are always two aspects to these changes and -- of this nature.

One is the personnel aspect and the other is the financial aspect. I have made noise about these things in the past and progress was made in the last few Town Meetings. But this article and the one that follows do not indicate what the financial implications are of this adding one person in one area and deleting another.

It would be helpful if the Finance Committee or the people proposing this would include the financial impact in the process.

So I did some little arithmetic. If you take the middle of 38.50, it’s $44 an hour; you multiply that by 40 hours a week by 52 weeks in a
year and you get a salary that’s roughly $91,000. And then there is – you have to add benefits onto that, so basically you’re talking about the cost of the new position being about 130-135 thousand dollars.

Now, it’s likely that this shift may actually save us money because we’re deleting Grade 12 and adding 11 – excuse me, adding 10A. But the question is what’s the differential.

And I think in articles of this sort we need to have that information, because it’s not just a personnel decision, it’s a financial one. So that’s my question: what is the difference?

THE MODERATOR: As we get into that, Mr. Johnson, I anticipated this question coming up because it’s come up at multiple Town Meetings, and I’ve asked that the Town put the entire classification plan, all broken down, available on the website, like we did on the Comprehensive Budget. So that, moving forward, whenever we have a reference, there will be a location that easily Town Meeting members can go to if it’s not printed in the recommendation.

I know we had that issue with the Town
Budget, the 300 page budget versus what we get in the color sections.

So, I’ve been assured that, in the near future on the website, the Classification Plan, the Schedules, will all be there so that as these come up we’ll have a one-stop shop for the information.

But, for this particular article, who wants to address that?

MR. JOHNSON: Thank you, Mr. Moderator.

[Pause.]

THE MODERATOR: [Inaudible.] No?

Okay.

Any further discussion? Mr. Finneran.

THE MODERATOR: He asked a question and no one up here wants to answer it, so we’ll go on to the next speaker. If somebody wants to answer it, then they can answer it.

Mr. Suso?

MR. SUSO: Mr. Moderator, I’m not certain I fully understand the question. I can confirm, though, that we, as part of the FY ’13 budget, as the Selectmen have directed me, I have made adjustments in the existing organizational
structure of the Town, and this proposed position will not require any additional appropriation of funds. Instead its funding is accomplished through the continuation of certain positions that have been vacant and eliminating those, and re-allocating the existing dollars within the Department of Public Works FY '13 budget.

And one of those is indicated in I believe it is Article 51, yet to be considered. It includes the transfer of some funds – I’m double-checking that article number, Mr. Moderator, pardon me.

THE MODERATOR: Article 52.

MR. SUSO: Yes, thank you, Article 52 includes a proposed movement of funds from one portion of existing Public Works FY '13 salary and wages to another portion. That is in an amount of $50,000.

Again, all internal reallocations, without the need for any new appropriations. So that the effect, compared to the existing FY '13 budget, is neutral in terms of the overall cost because we have some positions that will not be filled and some positions that indeed are being
eliminated.

THE MODERATOR: Mr. Finneran. Mr. Shearer, I’ll add you to the list.

MR. FINNERAN: I have an argument with this, but I actually have a rebuttal to Mr. Suso’s past statements. If the DPW is so flushed with cash, how come further on in this booklet they ask for money in several different areas for maintenance? That would seem to indicate to me that they may not have quite so much money.

Furthermore, the argument, or the statement regarding this article, makes the argument that the DPW has over 100 men and has no second in command, like the police or the fire, or whatever. But the DPW is broken up into several sub-departments. I mean, Mr. Lyons has I believe almost 40 people under him who he is directly responsible for. They have two foremens - foremen, excuse me. The same applies for Parks, under Rocky Gomes, and there is also a foreman there. And the same scenario repeats itself through Water, Wastewater and Engineering.
I believe that they already have many second-in-commands, and I see the infrastructure of our Town falling apart. I think this money could be spent better on a better Director of Public Works, more competent and more caring for the Town’s –

THE MODERATOR: Mr. Finneran –

MR. FINNERAN: – infrastructure.

THE MODERATOR: – let’s focus on whether or not to establish the new position of Deputy Director.

MR. FINNERAN: I do not believe that it’s necessary. Thank you.

THE MODERATOR: Mr. Shearer, I had you next.

MR. SHEARER: Dan Shearer, precinct 6. I’m all for this position. I think it should be had. But I hate it when the Town comes up –

FROM THE FLOOR: Can’t hear you.

THE MODERATOR: Can you speak a little closer to the mic?

MR. SHEARER: Sorry. Am I there?

[Blows into mic.] Okay. Dan Shearer, precinct 6. Can you hear me now?
FROM THE FLOOR: No.

THE MODERATOR: Well, the microphone is on, so.

MR. SHEARER: Well, Dan Shearer, Precinct 6. Can I lick it?

I really like this new position. I think it’s very important to the Town. I think we should have it. However, every year we go through this, “This isn’t going to cost anything.” So I’d like to know what the Assistant Parks and Forestry Salary was this year.

We don’t have to add any money this year because we’ve taken it from other areas to fill in. But that’s only six months from now. In six months from now we’re going to have to come up with $135,000 for this position. So what is the difference between what we are paying now for this position we are deleting and what this new position will cost the Town?

MR. SUSO: Mr. Moderator if I may -

THE MODERATOR: Mr. Suso.

MR. SUSO: - would it be appropriate for me to speak, Mr. Moderator?
THE MODERATOR: Yes, Mr. Suso.

MR. SUSO: Mr. Moderator, our Personnel Director Denise Coleman I believe is here this evening. She may have information on the vacant position that we are proposing to be eliminated and what its annual compensation is. I do not have that with me, personally.

[Pause.]

THE MODERATOR: Jill, where’s that binder we used to have up here with all that information in it?

[Laughter.]

THE MODERATOR: We need to find that binder and start bringing it back to these Town Meetings.

Ms. Coleman.

MS. COLEMAN: Good evening. The position that we were not going to be filled has a salary range of 24.09 to 36.66 an hour. So you’re looking at somewhere up to about $60,000 annually.

THE MODERATOR: Okay.

FROM THE FLOOR: Can’t hear you.

MS. COLEMAN: Okay, if you didn’t hear
me again, I can say it again –

THE MODERATOR: It’s about $60,000 annually, not including benefits.

MS. COLEMAN: It’s about $60,000 annually, the position that we’re not filling, which is the Assistant position, has a salary range up to $30 an hour, which is $60,000 annually.

THE MODERATOR: Okay.

MS. COLEMAN: Correct, plus benefits.

THE MODERATOR: Any further discussion?

Mr. Dufresne.

MR. DUFRESNE: Adrian Dufresne, precinct 2. Mr. Moderator and fellow Town Meeting Members, this is the establishment and the creation of a brand new position and I truly believe it should be done in the Spring Town Meeting.

I would hope we would vote it down since – because we do not have the information printed before us for us to properly and reasonably vote this particular – the establishment of this new position.

I think there’s a lot more information
that should be printed in the article.

I would hope we would vote it down and let it come back in the spring.

THE MODERATOR: Mr. Murphy.

CHAIRMAN MURPHY: Yes, Mr. Moderator and Town Meeting. Last year when Mr. Suso was hired, one of the goals that the Board of Selectmen gave Mr. Suso was to help reorganize our Town government. The past Town Manager had over 30 direct reports to the Town Manager. We asked that he provide the chain of command that provides for a smooth and large corporation.

We’re $110 million business. We need the support and we need the reorganization of this business.

Last spring, this Town Meeting sent a message to the Board of Selectmen that you wanted to see someone in charge of solid waste. Well, that would be all well and good, but we needed also somebody to help supervise the Department of Public Works. This particular person, the main objective of their position, 50 percent if I’m not mistaken, will be in charge of the solid waste aspect of this community. We heard loud
and clear from Town Meeting to come back.

Mr. Dufresne, I appreciate you wanting
to wait until the spring, but to be able to make
this business run properly, we need to be able to
shuffle around some positions and move around the
dollars.

Mr. Finneran, you brought up an issue
that they’re looking for money. Those monies
are not coming out of salary and wages. The
salary and wages issue is paying for the
positions. It’s not paying for asphalt, it’s
not paying for curbing. What we’re talking
about is reallocating some funds to be able to
have the proper supervision of one of the major
departments in this town, which is solid waste,
as well as the reorganization of the Department
of Public Works.

If folks are looking to find out, “Well,
how much more will this cost us next year?” The
Board of Selectmen has already come out with its
budget statement for next year, and that is a
2.25 percent budget policy statement, with an
additional .25 that would go to Capital
Stabilization.
So, if you think that we’re coming forward with a major tax increase in the spring to support these positions? That is not the fact. The fact is we’re going to live within the means. The Board of Selectmen has advised the Town Manager that we want to live within the means, but we need to be able to reorganize and make our government more efficient as we move forward.

So I would hope that you would support this particular article and this position. Thank you.

THE MODERATOR: Mr. Dufresne.

Mr. Dufresne: I don’t wish to debate whether the waste - solid waste manager is necessary or not. We’re talking about the establishment of a fisheries technician, and -

THE MODERATOR: No, no, no, we’re on Article 29.

MR. DUFRESNE: Huh?

THE MODERATOR: We’re on Article 29. This is the DPW Director.

MR. DUFRESNE: I take it back.

[Laughter.]
THE MODERATOR: Okay, Mr. Noonan.

I’ll put you on my list for that one, Andy.

[Laughter.]

MR. NOONAN: John Noonan, precinct 6.

I understand that we want to create another position and I think it’s probably a good idea to have that position, but I would ask that we would vote this down this time around, and the reason is is we don’t know what that position is going to cost us in salary and in benefits. And I think before we add that to the cost of the budget for years and decades to come, we should know what that is because, as well as you’re running a multi-million dollar business, we’re trustees of the business and we should have that knowledge before we vote to go forward with this.

THE MODERATOR: Okay, Mr. Donahue.

I’ll add you to the list. Mr. Donahue? No?

Okay, Mr. Shearer.

MR. SHEARER: Dan Shearer, precinct 6.

I am going to vote for this. I want this man.

[Laughter and talking.]

MR. SHEARER: But what I don’t want -
[Talking from floor.]  

MR. SHEARER: Oh, or woman, I’m sorry.  

[Laughter.]  

MR. SHEARER: Actually I prefer women. But I want this person, whoever he or she is. What I don’t want is someone telling us, “We’ve stolen some money from some other account that isn’t being used and we’re putting it into this and it’s not going to cost us anything.” And this happens over and over again in this town and all of a sudden next year there’s a budget or an employee with a tremendous salary that we’re trying to figure out how that happened. And that’s all I’m saying. 

Please vote for this. We need it; we should have it.  

THE MODERATOR: Okay, Mr. Wilber.  

MR. WILBER: Jude Wilber, precinct 8. I have been watching and been involved with the infrastructure of this town for a very long time, both coastal infrastructure as well as other infrastructure, and somebody mentioned a few thankless jobs in this town earlier, and the head of the department of DPW has got to be right up
there on that list.

I mean, every time there’s a pot hole, somebody calls Ray Jack. And I have known Mr. Jack ever since he came to town and worked with him closely on the Planning Board. I have a lot of respect for him; I have a lot of respect for the office that he holds and the many difficulties that he faces. It’s been clear to me over the years of my interaction with him that he has too many balls to juggle. He needs an assistant.

If one of the primary aspects of this assistant is solid waste, that’s fine, but that’s not the exclusive part of this job. This includes other things.

As far as the money goes, I think Mr. Murphy has just said 2.5 percent next year plus a small number — Kevin — .25 or .025. So that’s the Selectmen’s guarantee on the money.

I think this is a good move. I think it shouldn’t be put off. I think the Town really needs this because we do have problems with the infrastructure; it does need to be addressed.

Thank you.
THE MODERATOR: Okay, Ms. Williams.

Ms. Gregg, you’re on my list.

Ms. Williams.

MS. WILLIAMS: Thank you, Mr. Moderator. Cheryl Williams, precinct 3. I just have a question and I do support a new Deputy DPW Director, but it says that we’re deleting the Assistant Superintendent of the Parks and Forestry Division. And it says in the explanation that by deleting this vacant existing position organizationally, the effect is neutral. And I guess my question is: is it a vacant position or is somebody currently in that position, and if so where is the work going to go? Isn’t the work still going to be there?

I guess, you know, I’m not even really talking about the money, but I’m talking about the work.

THE MODERATOR: Mr. Suso.

MR. SUSO: Certainly I’ll take a crack at that, Mr. Moderator.

We have found over the past year — and actually this position has been vacant for a little longer than that — that working with all
the department heads in this case, certainly Mr. Ray Jack, Director of Public Works, we have some new division heads, some new managers in different positions, including in Parks and Forestry, we found that we’re able to perform tasks in a more efficient manner and in every case we do not always need to maintain the historic structure we’ve had in place.

We’re moving along the lines that Selectman Murphy described with the mandate that I’ve been given, and that is to work with departments, divisions within the Town, to achieve a more efficient and cost-effective management structure in delivering your daily services in the neighborhoods in the town. And this is one example of that.

That work is being presently performed by existing staff without the need for this additional level of management in Parks and Forestry, and so those dollars can be reallocated in a more effective way, which is what we are proposing this evening.

THE MODERATOR: Mr. Heath.

MR. HEATH: I would support this issue
because basically we have to let the Board of
Selectmen and Mr. Suso reorganize the structure
of the government down in Town Hall and they have
to get a chance – have a chance to put it in
place.

I would say that before the next Town
Meeting, when we handle the budget, there should
be a slip of paper in there that gives the
changes and the differences in dollars. I’m
sure we’re going to come out better. We needed
the reorganization and we have to give them the
latitude to make the changes they need to make.

Yes, the dollars should have been in
here, but that doesn’t mean that you vote against
the article. I’m all for it and let’s see how
this all turns out in the spring.

THE MODERATOR: Ms. Gregg.

MS. GREGG: Virginia Gregg, precinct 1
and a member of the Solid Waste Advisory
Committee.

I’ve been on the Solid Waste Advisory
Committee off and on since 1989 when the
Committee was formed. Our first report, at the
end of that first year, was we need someone in
this town whose primary job it is to look after
solid waste issues, and the Committee, for all
those years since 1989, has had the same wording
in every annual report.

Last May, in Town Meeting, you all voted
for this position. You wanted to see this
position created.

Now, please don’t postpone it because
there are so many important decisions that are
coming up this winter involving solid waste. Our
new contract will be decided soon. The future
of the Otis transfer station is up in the air.
The future of the local transfer station and how
it gets renovated is up in the air. Are we
going to go for pay as you throw, or not? That
is another huge piece of this puzzle. And all
these pieces are circulating up in the air
somewhere and they’re all going to come crashing
down on our heads before next Town Meeting, or
before next Town Meeting could make a decision
like this, and then put that position in place.

Please, if you’re going to vote for this
position, don’t postpone it; make it now. I want
the person who comes in to do this job to be part
of the decision-making process leading us forward
in a coordinated effort. I don’t want this
person to come in after we’ve blundered our way
piecemeal through all these important decisions.
Please pass this now.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Richard Latimer, precinct
1. I was going to ask that we vote against this
article based on the reasoning that Andy Dufresne
gave, where I would think it would be an
appropriate for it to be on budget. And I was
going to comment that, for the Selectmen to come
and ask for us to do something this important off
budget, without knowing how much it’s actually
going to cost, is not good procedure. I was
going to comment on that.

And especially without telling us the
best reasons why we should do this now off
budget, which Ms. Gregg has just given us, which
is the fact that we are going to be going into
some negotiations where we’re going to need a
point person, and we’re going to need it over
this winter.

For that reason, now I’m going to vote
for this article, but only for that reason, which
I think we should have been given in the first
place by the Selectmen. We could have saved a
lot of time, here. Thank you.

THE MODERATOR: Mr Stumcke.

MR. STUMCKE: [NO mic. Inaudible.]

THE MODERATOR: No, you’re all set.

Mr. Lewis.

FROM THE FLOOR: Question.

THE MODERATOR: We’re ready – right

after Mr. Lewis I think we’re ready.

MR. LEWIS: Gardner Lewis, precinct 6.

I probably seem to be the only person here who
has an actual schedule of pay for these people,
and there are ten steps, and I don’t think we’ve
ever hired a single person –

FROM THE FLOOR: [Inaudible.]

MR. LEWIS: Well, maybe you do, but

most of the people don’t.

I don’t think we’ve ever hired a person
at Step 1. So, if Mr. Johnson can tell me what
step we’re going to hire this new person at, then
we can tell him the saving of dollars.

THE MODERATOR: Yes, Ms. Magnani.
MS. Magnani: Mr. Moderator, I never speak at Town Meeting, okay?

For the years that I’ve worked for the Town and been associated with the Finance Committee, very often the Town has paid for studies of different departments, and the studies come in and everybody looks at those studies, they said, “Boy, this is really great,” and it gets put in a drawer.

Several years ago the Town paid for a matrix study of the Department of Public Works and I am delighted that this is part of that study. We’re following through on it gradually. We didn’t do it all at once, but we have worked on it and we should vote for this article.

FROM THE FLOOR: Question.

THE MODERATOR: Okay, I just want to make a brief editorial comment. If we had this slide all night, we should have put it up at the beginning of this article.

[Laughter and applause.]

THE MODERATOR: So I don’t know whose slide it is. I’m not blaming you folks.

Whoever gave you the slide should have told us to
put it up here. And I'm not going to blame anybody, but everybody on the stage hears me. Whoever gave them the slide should have had it put up at the beginning of this article.

Article 29, as printed. 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. Mr. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MURPHY: Yes, Mr. Moderator, I move that the Town adopt Article 30 as printed.

THE MODERATOR: Article 30 as printed. This is the Fisheries Technician position. Mr. Johnson, you held this one?

MR. JOHNSON: Do we have a chart for –

THE MODERATOR: We actually do have a slide up there for this one.

MR. JOHNSON: – Grade 7?

FROM THE FLOOR: Yay.

MR. JOHNSON: There we go, all right!
MR. JOHNSON: Now you just - so I guess we can figure out what it costs. But that of course was my question: what would it cost us if you picked the one in the middle there or picked $20, I guess you multiply it by - it’s about $46,000.

Now, that wasn’t that painful. But it would have been nice to have been in the warrant.

But there is a question here that’s a repeated theme, and that is it says it doesn’t need any additional funding. So the question then becomes what is being taken out of the budget that allows this additional position to in effect not cost the Town any additional money.

So, the question is what is being taken out of the budget to make the place for this position?

THE MODERATOR: Okay.

MR. SUSO: Mr. Moderator -

THE MODERATOR: Mr. Suso.

MR. SUSO: - I’m happy to address that.

It will be an incomplete response, but I want to let Town Meeting know where we’re going. I am
working to merge in the FY '14 budget the Departments of Harbormaster and Natural Resources to the new Department of Marine and Environmental Services, and this position will be part of that in the FY '14 budget that is not before you tonight. It will not be before you until your meeting in spring, so it’s premature to go into detail about that. You will have details about it in the spring, as you should, as that budget is merged.

However, a part of that proposed merger will include the decision not to fill the vacant position of the Assistant Director of Natural Resources. And those dollars are available to reallocate. Many more dollars than are needed, I should say, from that vacant position are available to reallocate to the Fisheries Technician position that is proposed for FY '13.

So, much more on the full merger, again, that’s along the lines that Selectman Murphy talked about, the directive I’ve been given as Town Manager, a process that is going to be evolutionary. It’s not a single step. But another step is coming in the Spring and this is
proposed to be done now with your concurrence for
the reasons noted in the warrant article book.

There’s a full explanation there as there was for
the article we just voted on.

The purpose of this, if I may continue
on that, Mr. Moderator, is as a result of a
shellfish workshop the Selectmen held recently,
it was confirmed that we have been under -
investing in the Town’s shellfishery resources
for several years and even though we bring in
$60,000 plus in shellfish licenses for
recreational and commercial purposes, we’ve only
been reinvesting twenty or thirty thousand
dollars a year. This will begin to reverse that
trend because our shellfish resources have been
diminishing at a very significant rate.

If you allow us to move forward with
this position now, we’ll fill it shortly after
the first of the year. It’s a three to five year
proposition to rebuild the shellfishery in the
town and this will allow us not to lose an
additional season and give us a leg up and head
start to begin that recovery.

We respectfully request your support of
THE MODERATOR: Ms. Liechtenstein.

MS. LIECHTENSTEIN: Lesley Liechtenstein, precinct 8. I urge you to vote for this position as someone who spent a summer taking care of baby seed quahogs, our shellfish industry is important to Falmouth. It’s part of our history and part of our heritage. And if you walk in Souza, you’ll know that Dutchman’s Ditch is bone dry.

We need somebody who has experience -- and I don’t mean to put down anybody who’s already working in the town -- but somebody who specializes in this. I think they can do a lot for it and I think that one of the things that draws people to Falmouth is we can shellfish. We’re one of the few places we can still shellfish and then take them home and eat them without having them go through a cleaning process for a number of weeks.

So, I do urge you to vote for this position. I know the fiscal cliff is coming; we don’t want to add new positions, but I think this is short-sighted if we don’t vote for it. So I
do ask you to support this issue. Please.

THE MODERATOR: Okay, further
discussion on Article 30?

Hearing none, the question will 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: The ayes have it by a
majority.

Article 32, this was held by the Finance
Committee. This is the Capital Improvement
Budget. Mr. Chairman for the main motion.

CHAIRMAN RIPLEY: Mr. Moderator, I move
that the Town vote to appropriate the sum of
$1,322,110 for the purposes of this article, and
to meet this appropriation the Town transfer the
sum of $1,257,461.44 from Certified Free Cash,
$53,000 from the Waterways Fund and $11,648.56
from expired CIP articles, $3,019.42 from Account
01198-58000, $7,289.14 from Account 01930-58022,
and $1340 from Account 01122-58002. Said funds
to be expended under the jurisdiction of the
Board of Selectmen.

[Pause. Talking off the record.]

THE MODERATOR: I have a motion to lay this article on the table. So moved. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no. The ayes have it; this article’s on the table. We’ll move onto Article 34.

Article 34, this is to appropriate a sum of money for a feasibility study, an engineering and design services for the athletic field complex located at Falmouth High School. The Finance Committee recommendation is indefinite postponement.

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

MR. DUFFANY: I would, Mr. Moderator. I have it in writing if you need it.

What I’d like to do is to see if the town will vote to appropriate $35,000 for the purpose of a feasibility study and for engineering and design services for a multi-purpose athletic complex to be located at the
Falmouth High School, from Certified Free Cash, and to be expended under the jurisdiction of the Falmouth School Committee for the purposes of this article.

THE MODERATOR: So the main motion is $35,000 for the study under the jurisdiction of the School Committee from Certified Free Cash.

Mr. Duffany.

MR. DUFFANY: Thank you, Mr. Moderator. Fellow Town Meeting Members. I’d like to first of all say thank you to the precincts for entertaining us at their different meetings and asking very important questions that we are going to attempt to answer tonight as part of a brief presentation. So hopefully this will answer a lot of the questions that a lot of you folks have.

Having said that, I’d like to introduce first of all Sandy Cuny, who is going to give us a little bit of a brief history and some opening remarks about this article. Thank you.

MS. CUNY: Sandra Cuny, precinct 2, and I’m speaking as Chairman of the Recreation
Committee tonight.

First of all, moving the football program to the high school has been in the Local Comprehensive Plan before Town Meeting adopted it as the master plan in 2001. It was action item 35 on page 41. It’s still there today. It states as a priority: construct a football field at the high school and utilize Guv Fuller Field as part of the Gus Canty Recreation Center.

The second point I wanted to bring up: I don’t know how many of you remember the Guv Fuller Field Recreational Area Study Group. It is a mouthful. It was formed in October of 1998 and it followed the April, 1998, Town Meeting that appropriated monies in Article 53 to study Fuller Field.

Our Town Administrator at the time was Peter Boyer. He appointed seven members of a committee, and Mike Duffany and I and Mark Dupuis actually sat on this committee.

But there were seven of us that worked diligently on looking at all aspects of the field: grounds and maintenance, building uses, recreational uses, lighting, parking. We sent
out RFP’s, Requests for Proposals, and we interviewed seven different firms. This is back in 1999.

We chose Gale Associates to do the work on the design plans. The entire project to upgrade Fuller Field was over $2.2 million. That was fourteen years ago.

The Recreation Committee at that time was hesitant on the total cost of the upgrade since we truly believed – as stated in the Local Comprehensive Plan – that the program should be moved to the high school.

The Board of Selectmen at that time agreed to do the project in phases. So the first phase was really a health and safety issue, because the Wiswall Building, which was the old locker facilities, were in deplorable condition and had a failing septic system.

It wasn’t feasible to repair, so phase one was the addition on the back of the Rec Center that has the new locker facilities, and the old Wiswall Building was torn down. That was passed in this Town Meeting in 1999 in Article 43.
Phase two of that project of the upgrade of Fuller Field was never completed. It was put on hold to give citizens, Falmouth Citizens and voters, a choice: do we upgrade Fuller Field or do we move the program to the high school? So the Board of Selectmen voted a question be placed on the ballot in May of 2002 in the Falmouth Town election, and it read: “Shall the School Committee relocate the football field and facilities from Guv Fuller Field off Main Street to the grounds of the Falmouth High School?” It was passed by a majority vote. That was ten years ago.

The monies that we’re asking for tonight for a feasibility study and design plans for a new field at the high school is truly the wish of the voters. And it’s long overdue. Because the question is still there: do we upgrade Fuller Field or do we move the program to the high school?

The field that this group envisions to create would be a multi-athletic field. Not only for football, but for many athletic groups to utilize.
The Falmouth Recreation Committee

unanimously supports this article and we hope
that you will as well. Thank you.

MR. DUFFANY: Thank you, Sandy. I
would like to next ask Karen Bissonnette to say a
few words. Karen has actually been the catalyst
for this and kept this group together to bring
this comprehensive approach to you this evening.
Karen.

MS. BISSONNETTE: Hi, good evening.
I’m not going to read these to you one by one.
Hopefully all of you either got it from snail
mail or email if we had your email address from
Mike Palmer’s office.

But I will say that the School Committee
a couple of months ago did vote unanimously to
support this project and as well as the
Recreation Department.

So these are just a few reasons, but it
would not just be football field, it would be an
all-purpose field used for soccer, lacrosse,
field hockey; for band activities; also youth
activities like Pop Warner, Youth Soccer, adult
soccer. So it would be a real asset to our
community.

Lynn, could you just switch – there’s a second slide with that on there, too.

So we’re just asking for the $35,000 at this point. We’ve already had an in-kind gift through Holmes McGrath and Jeff Rubino, who’s done some of the site work for this. So, it is going to be no more than $35,000. And then hopefully we’ll have some plans for you and come back in April and talk to you a little bit more about that.

MR. DUFFANY: Thank you, Karen.

A few of the questions that we were asked that we wanted to touch on were several things like the monies that are left over from the high school project and whether or not that money can even be thought of to be used or not. And that’s not something that we’re able to talk about this evening, other than just to let you know that a lot of you have asked that question and it’s something that we’re drilling down through to see.

It may be a stretch. It may be something the Town does or does not want to do.
When that money was voted, I think we all accepted the fact that our taxes were going to be reflected by that vote.

And so the question - one of the questions would be will that change the taxes if you decide to use the $2 million that’s left over from that project at this point? And, again, that’s not for this evening, but to let you know that that is one of the important questions that we’re looking at. You know, what does bond counsel say about it, what does the Town say about that, and that sort of thing. And then what’s the impact, if any, on your taxes.

Another question that was asked was another very good one is what type of a field are you going to use up-grade of Long Pond and the watershed. Is it going to be something that we’re going to have to worry about. And I don’t think that any of us knew that this was a big issue, but again thank you, because it’s something that we’re going to look carefully into to make sure that we suggest a surface that would be compatible north of the watershed that’s going to impact our town water if there’s - if there is...
any problems with that.

RFP, who’s going to write the RFP? The School Department has a lot of experience in writing RFP’s. It’s done several projects, including the Lawrence School that we’re sitting in this evening, and so the Committee itself will not be writing the RFP. It will be done by somebody that has a lot of knowledge in doing so.

There were other questions that we were asked at the meetings, but at the moment I just - I’m at a little bit of a loss for some of them. But I do have the other members, some of the other members of the Committee with us this evening.

Mr. Kalperis, I know many of you had gym in school. And, watch out, he’ll still - you can still get into there and change your -

[Applause.]

MR. DUFFANY: He’s promised not to change my grades if I talk.

Pat Callahan, who is tremendously important in the successful conclusion of the Falmouth High School project and helping to get that in line, and has brought his expertise and
that of his company to help us to come up with
some preliminary ideas and just a general
ballpark of the sort of money that we think that
we’re looking for for this.

But, better – but, even more so, to help
to break this down into pieces that we could use
as – and here’s what it was I forgot, and very
important – a public/private partnership aspect
of this project, which we expect we’re going to
have a tremendous amount of private involvement
in this, and one of the things we’re going to do
is put together the pieces that we think can be
funded privately. You know, everybody’s heard
about the, you know, buy a brick sort of thing.
You know, maybe you buy – maybe you donate a load
of crushed stone for the base surface of the
field, that sort of thing.

But, again, that will all be part of the
feasibility study that hopefully you’ll give us
the money for this evening, and if you have any
further questions, please ask. We, amongst us, I
hope we can answer them. Thank you. Thanks for
your consideration.

THE MODERATOR: Okay –
FROM THE FLOOR: Question.

THE MODERATOR: Mr. Netto.

MR. NETTO: Joe Netto, precinct 9. I would like to ask your support for this article for the feasibility study, the $35,000.

And I’d like to speak to you, as Mrs. Cuny did, as a past member of the high school School Building Needs Committee. I served on the committee that brought the article in front of you to Town Meeting, and it was voted on for a Proposition 2 1/2 override to renovate the current high school in the situation that we have now.

This came before the Committee, and I think in looking back at it, it was one of the mistakes that we made. We avoided the issue - and there’s a few Committee members here sitting in the audience, correct me if I’m wrong - basically because of the need - we knew the cost of the renovation project was going to be large. And it sure turned out to be a large cost.

And I think that was the number one reason that we did not incorporate the moving of the foot - and it’s not a football field. As you can see up there, it’s an athletic complex for
many, many people in the town to use. And as a past Committee member, looking back on it, I do feel that that was a mistake that the Committee that I served on. We didn’t face the music and it probably in the long run, obviously, would have been less expensive to do it than – than today.

Very quickly, you must realize when we’re always interested in cost, but some of the ancillary costs of having a team practice down there, you have two teams, football and baseball, that you pay transportation costs because the high school, you know, is in that direction and the field is in that direction. And those are just minor but they’re there all the time, they’re operating costs.

With the field being at the high school, the transportation cost for a ten week football season – I was a football coach, I can’t quote the baseball season – you know, but again, it all adds up and it all comes into the mix.

But having a field located at the high school and removing it and giving an expansive downtown to the Rec Department I think is an
overall plus for the Town of Falmouth, its
citizens and for the youth of the town, and
that’s what we’re talking about.

So, let’s get the ball rolling. 35,000.

As we can see, we have $50,000 amounts pop up
every now and then when it’s convenient for the
Town government. I think this is a small sum.

And, in closing, I couldn’t let down my
old track coach, Mr. Kalperis, when he called me
up the other night and he’s an inspiration.

Thank you very much.

THE MODERATOR: Okay, Mr. Putnam. Ms.
Seganic, you’re on the list.

MR. PUTNAM: Thank you. Andrew
Putnam, precinct 9. I think that this is a
tremendous project. I applaud all the work that
you guys have done in bringing this back to us.

The problem I have is we just spent the
last couple articles here talking about money,
talking about where money comes from; do we have
it in our budget? And we heard a lot of
arguments about we need to make sure that we have
a balanced budget.

Well, this is not in our budget. I
don't know what our budget looks like. I can't speak on that at this moment, but one of the things that I will say is why not raise this $35,000? Why not raise it? We have the East Falmouth playground, which my aunt is one of the people really heading it, raising I believe $90,000 to rebuild the very playground that I played on and that my aunts played on and my mother played on. Sorry.

   But that's what they're doing. They're raising the money. And they're actually getting there. And they found someone who said, "Hey, you get up to I think it's like $10,000 and I'll match that." I wish I had $10,000 to match.

   But, the point is, is that, why don't we start here? And it even says in the Finance Committee's recommendation, the Finance Committee feels that the fund-raising should start with this $35,000. Why not? You know, I mean, we're talking about getting this project up and running and we're also of course at the same time talking about the amount of money we have in our budget. Well, let's start with that $35,000. I'll help. I'll help. I'll find people to raise.
I mean, I’ve served on the board of a non-profit before. I was the, you know, interim treasurer at the time and I know raising money is tough, but you gotta do it.

I mean, I just don’t know what else to say other than I don’t feel like this is something that we should be paying for right off the bat. I feel like we should be working harder at raising money for this and, like I said, I’d be more than happy to help, so.

THE MODERATOR: Ms. Seganic.

MR. DUFFANY: Mr. Moderator, may I respond to that?

THE MODERATOR: Uh, sure, but –

MR. DUFFANY: Real quickly, that’s another very good question that we were asked and the answer to that is that we really believe that the Town should own the plan and that once we have - have the money - or, have the plan, if you will, then we can go to people and ask for money and we’ll - and I’ve got you on my list right off the bat to do that. But, you know, it makes it a lot easier.

And we’ve asked people. We’ve had
people come to us and say, “You know, don’t come
to us and ask us for money for this here with us
not knowing exactly what we’re getting ourselves
into.”

So, that’s the reason why we decided
that this really is the forum for that and the
Town should own the plan. Thank you.

THE MODERATOR: Okay, Ms. Seganic.

Ms. Newton, I’ll have you on the list.

MS. SEGANIC: Annie Seganic, precinct
6. I think the other thing that you started to
talk about, Mike, but you didn’t really get into
is that the ownership of the plan will be the
Town’s. And it calls for having the field on
Town land. That’s another reason why you don’t
want to have this independent organization,
friend’s group or 501C3 owning a document that
really is – should be municipal property.

THE MODERATOR: Okay, Mr. Antonucci.

MR. ANTONUCCI: Hi, Bob Antonucci,
precinct 6. I would ask again for you to
support this article.

If we made a mistake at the high school
– and we didn’t make any but –
MR. ANTONUCCI: if we made a mistake, it was not including the fields in the original plan. Again, we had a lot of issues with cost and we understand that, we take full responsibility for it.

But I want to say one thing about the purpose of the field, despite all the reasons to use it. One is safety. If you’ve seen any games at Fuller Field this year, it’s been really tough. I watched my grandson play Pop Warner. I watched the high school play, and in fairness to the DPW, they do a great job. But it’s very difficult to keep a natural grass field without extensive irrigation systems, fertilizing, and constant maintenance.

You know, I run a university. We have such a field. We use it from 6:00 in the morning until 11:00 at night; it’s lit. It costs us twice a year to sanitize it and we do that twice a year. That basically is the maintenance of that field and it’ll be a 20 year guarantee that that field will stay. They’re little rubber pellets.
With the concussions with football today and lacrosse and with soccer, having a field the students play on really levels the playing field. Many of our teams play in other high schools. They go to these fields; they’re much better protected.

We can sit here and all argue about should it be used for football, should it be used for soccer; it will be used for everything. And I will tell you, it will add tremendously to the high school.

It will also give us Fuller Field fully for baseball. If you go to the Cape League games, it’s sort of embarrassing to come to Fuller Field, because we have a duel field. And I think we will gain two things here: we’ll gain a quality field at Fuller Field, we’ll maintain the memory of Coach Fuller, have a good field at the high school, cut down on some of our costs, but mainly it will help with the safety of our students.

I want to commend the committee for it. I think we should give them the $35,000. This is the easy part. The big part is going to be
to decide whether or not we want to spend any
money of Town money for the field or whether we
want to make it fully fund-raising.

Remember, the high school ended with a
balance of $2.3 million, which Mike referred to.
We don’t have the authority as a Building
Committee, we don’t think, Mike, yet, to say
whether that money is available or not. That’s
up to the Selectmen and the Town Manager. Thank
you very much.

THE MODERATOR: Mr. Lewis.

MR. LEWIS: Gardner Lewis, precinct 6
from the Finance Committee. I guess my first
question to Michael, you, probably, or Karen is:
total estimated cost? Or even Mr. Callahan.

MR. CALLAHAN: That’s part of the
feasibility study, is again to raise money. But
the feasibility study is going to locate the
field. It’s going to give us a budget of what
the costs are going to be. It’s going to give
us renderings, floor plans, elevations, so one,
as a group we know what the cost will be and two,
that allows us to raise a lot more money and
bring it to individuals and organizations to –
we’re prepared to raise several hundred thousand dollars for the good of the community.

So that feasibility study really does all that for us.

MR. LEWIS: You – well, okay. I’ve heard $4 million dollars as a number bandied around. Three and a half to four million dollars.

MR. CALLAHAN: We don’t know, I mean the –

MR. LEWIS: I understand –

MR. CALLAHAN: But, I mean, yeah, it’s maybe $2 million, $3 million, and the way we’re laying out the feasibility study is to be done in phases.

So, you know, one option is to have, you know, the locker rooms and so forth up, new locker rooms, concession and so forth, lighting, stands, but if we can only raise so much money in donation and get so much support from the town, it’ll be a watered-down version.

MR. LEWIS: Mr. Putnam, Junior, talked about fund-raising and the opposition seemed to be that it would be your plan not the Town’s. I
think you could turn the plans over to the Town; that’s shouldn’t be a problem.

I’ve heard a lot when the presentation was made to the School Committee, there was talk of a 600, 500,000 dollar gift from the road race. Now, if the road race really wants to show sincerity, $35,000 would be a good way to start.

MR. CALLAHAN: It’s who does it first, at the end of day, you know? And, you know, I think we need to show, whether it’s the Falmouth –

FROM THE FLOOR: Can’t hear you.

THE MODERATOR: Can you speak a little closer to the mic, please?

MR. CALLAHAN: You know, we need to show at the end of the day, whether it be the Falmouth Road Race or any other organization, that we’re serious about the plan.

They’re going to want to know what it’s going to cost, as well. They’re going to want to see the location of the field. They’re going to want to see, you know, elevations and renderings of the fields so they understand what they’re investing in.
So this 35,000 is the first stepping stone of really allowing us to accomplish that.

THE MODERATOR: Okay –

MR. LEWIS: I’m foreseeing in a couple years we’re going to have a set of plans paid for by the Town which will end up in a closet because you can’t possibly raise $4 million.

I’m looking at a list of override possibilities that are facing us: wind turbines, wastewater, filtration plants, huge monies, and I have to think, my personal, is that this ends up well down that priority list.

Now, I also have a note from the Town Treasurer on the high school building monies. That has been paid back. That’s not sitting there waiting for this committee to use it.

I just think – I just think a fund-raiser that shows your sincerity to go out and beat the bushes and the Town hires the shellfish guy for the same amount of money. I mean, where’s your priorities?

THE MODERATOR: Okay, Ms. Newton.

MR. CALLAHAN: Well, we’re trying to do that, thank you.
THE MODERATOR: Ms. Newton, in the back. I’ll add you to the list. Which is getting very long, so let’s be focused, here.

Ms. Newton. Where’s the mic?

Yeah, you’re on the list.

MS. NEWTON: Chardell Newton, precinct 6. I’ve listened to Town meeting speak about the wages and the salaries of the Town employees, and I’d like to ask the Committee do we not have enough professional employees on our staff for the Town of Falmouth to contribute to helping you with this program and this feasibility study, along with the residents of the Town who are also professionals?

I think I believe that we did have a professional resident in this town who helped us bail out on the high school project and stepped in. Can we maybe poll the residents or speak to the Town Manager about getting some of our professional staff to help us out rather than getting another study in place and watching it sit on the shelf?

Because I, too, have seen a number of studies sit on the shelf and they don’t come back
to Town Meeting until four or five or six years later. Thank you.

THE MODERATOR: Mr. Duffany.

MR. DUFFANY: I would say that – and, as you can see that are with us – and there are a couple of members, Jeff Rubino, Joe Martino and they are not here with us this evening – that we’re a very dedicated group that are not going to let this plan sit on a shelf. If that was where it was going to go, I wouldn’t have taken the time to get to this point.

This is something the town has needed for a long time for a lot of different youth – and adults as well. And a lot of things that we haven’t even thought of that can be used on this facility. We’re not going to let this plan sit in a closet anywhere, believe me. We’re going to be out there, active.

But we just feel it’s very important. And we’ve heard from you folks, that, “Come to us with a plan that shows the different pieces, that we can help to – we can dissect, and maybe the Town can help us to dissect some of the parts of that that wouldn’t have to be a rate job; that
could be out there, you know, that could be done
by the private sector. It wouldn’t have to be—
it wouldn’t be controlled by union wages, to keep
a lid on the cost.

And, again, we’re just responding to
what we’ve been asked by people: get a plan that
we can sink our teeth into, and then ask us for
money.


Mr. Wilber, I’ll add you to the list.

MS. KOZENS-LONG: I think this body in
this room and the taxpayers of this town stood up
and paid for a renovation for the Falmouth High
School, and then they stood up again when it was
a mess and said, “Yeah, we’re going to pay for
this.” And now, we have a gorgeous high school
facility that this town supported and didn’t
blink.

Let’s complete it and have a campus we
can be proud of once and for all. That campus is
an unfinished product. I say we not only pass
this, but everybody in this room go home, talk to
your friends and neighbors and let’s finish
Falmouth High School. It’s the viability of the
Town. It’s your economics: a good education, a
good facility. Let’s just do this.

THE MODERATOR: Ms. Shephard.

MS. SHEPHERD: Susan Shephard, precinct
1. As someone who has done a little fund-
raising in my time, I would say to Mr. Lewis
that, yeah, you can actually raise that kind of
money, but you need to start with a feasibility
study. You need to have something for people to
look at.

Folks, we’re not voting on whether this
gets done. We’re voting on $35,000 to get a
feasibility study to tell us whether we can get
this done. You have a committee here that’s
amazing. Vote for this.

THE MODERATOR: Ms. Putnam, to my left,
for the mic.

MS. PUTNAM: Rebecca Putnam, precinct
9. I am a former varsity and JV lacrosse coach
of Falmouth High School from ‘99 to 2002. I am
a parent of an eighth grader who is a field
hockey goalie and a student of the Falmouth
School system, and student-athlete.

I would love to say yes to $35,000, but
I think that we really need to look at it this way: there are a lot of business owners in this community, a lot of philanthropists who can afford to donate $500 apiece. Seventy people donating $500 apiece gives you your $35,000. It really isn’t that difficult.

If this community really, really wants to see this happen, it can make it happen. It made the ice rink happen. And there are a lot of other projects in this community that have happened due to people stepping up and making it happen.

I want to point out page two of our warrant booklet, and number two on our warrant booklet: can we afford it?

Remember, there is no limit to what we would like, but there is a limit to what we can afford. We have enough people to donate. Let’s just step up, make this happen in that manner, and as Mrs. Newton had stated: we have the people who work in this community for this town that can do it.

It’s a very simple process. And I think that we need to vote this down at the
moment and do it the other - go the other direction with it and make it work. Thank you.

THE MODERATOR: Ms. Schneider.

MS. SCHNEIDER: Barbara Schneider, precinct 4.

I am sitting here and I’m thinking to myself it was hard enough taking on one Putnam and now we’re taking on three, but I’m going to take on three Putnams because here’s the deal: as a fundraiser in this community, I hear over and over: “You guys keep asking us and asking us and asking us.” And, as Richard Smith would tell all of you if he was here, “That’s a lot of cones.” And he is asked all the time.

And if you look, as all of us do that drive up and down Davisville all the time, you see how very slowly the red is filling in on the ladder on that sign. And it took, just for the spaghetti supper, somebody donating a thousand meatballs and somebody else donating all the pasta and you know what? It’s not just giving $70 from each business owner. They are being asked by all of us to give and give, and it’s smoke and mirrors to say that means all of us as
taxpayers don’t pay because everybody in this Town is giving of in kind, they’re giving out of their own pockets, to make up the difference.

Don’t fool yourselves when you say, “Let’s not pay for it. Let’s get everyone else in the community to give.” That means you’re all reaching into your pockets and paying. So, what do you want to have and be willing to pay for it? And that’s what I want you to all think about. Thank you.

THE MODERATOR: Okay, Ms. Hayward.

MS. HAYWARD: Nancy Hayward, precinct 5. I would ask you to vote against this article. I feel a little better saying this because a younger person has sort of said the same thing. I do not believe that we can afford this.

I would state to Mrs. Cluny – Cuny that a vote was made in the 1990's by the people at the ballot. Do you realize, Mrs. Cuny, the change in the financial times since that vote was made by the people in this town?

I grew up a long time ago and we had a football field and I know that things have changed since then, and I know that there are
young people and their families who would love
them to have better facilities, but we cannot
afford it.

And, personally, I don’t know what you
want to do with your hopes and aspirations.
That’s for you to decide. But I think it’s going
to be I would say roughly five years before this
town gets in a firm enough financial position,
before the community and the country get in a
financial position where you can be asking the
town to afford extra things.

And, as I said at my precinct meeting
when I voted for a high school, the vote that I
voted yes to and the vote that I said yes to for
granting more money for the high school, did not
include an athletic field.

And so I am not in favor of trying to
get leftover monies from the school. And I’m
sorry to say this because I know that sports are
a very appealing-type thing. But we can’t
afford it and part of my duty, I think, as a Town
Meeting Member, is try to reflect what I think
will be the thoughts of citizens in the Town.
Thank you very much.
THE MODERATOR: Okay, I’ve got a growing list, so I’m going to go to the is there any new information. We’ve got the issues out; either you want to do this or not. Any new information? Mr. Putnam? No. Any new information Mr. Netto? No. New information Mr. Hampson? Mr. Wilber? Okay.

MR. WILBER: Jude Wilber, precinct 8. In the past when we had these proposed large dollar projects I’m often stunned at the costs that are asked for feasibility studies and quote engineering and design services. They often run twenty percent or more of the final project, which means once you step in for twenty percent, you’re in for the whole thing, and that was sort of what happened with the high school. We kept spending money on design and feasibility studies and suddenly we were in too deep to back out.

I’d just like to point out that $35,000 on a three point to four million dollar project is one percent. It’s a bargain. Get it done. Put it on the shelf if you have to. You’re not saying you’re going to build it, but it would be nice to have what they say they’re going to have:
a feasibility study plus engineering and design services. It’s a bargain. I’ve never seen it so low.

THE MODERATOR: Mr. Rhodes.

MR. RHODES: Scoba Rhodes, precinct 8. And I’d like to have the last word before we vote.

[Laughter.]

MR. RHODES: When they looked at the high school, we voted for it. When it was damaged and we needed to do it a second time, we voted for it, and we did it for one reason: the youth in Falmouth.

Now, they brought up the topic of we need a study to build safe athletic fields. Well, you know, when you pick up the paper and somebody got a dislocated shoulder because of the grass that they played on, you may not like that because that’s a neighbor’s kid.

So, let’s take the kids and put them first. Because that’s not what anybody’s talked about. You’re talking about fund-raising. I’m talking about the kids. I think we can vote.

[Applause.]
THE MODERATOR: Okay, Mr. Waasdorp, anything new?

MR. WAASDORP: Peter Waasdorp, precinct 1. I hope I live long enough for the day when we spend this amount of time talking about even $10,000 for an academic program at the high school. If this committee can’t raise $35,000, how is it going to raise one, two or three million dollars, because Mr. Lewis correctly points out: town meeting has no – that field will be so low down on the priority list, coming after water filtration and wastewater and the wind turbines, there’s going to be no vote in favor of any money for those fields, as much as we might like to do it. Thank you.

THE MODERATOR: Okay. I’m going to take the question. All those in favor of Article 34, $35,000 from Certified Free Cash under the jurisdiction of the School Committee. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

[Applause.]

THE MODERATOR: Could I have the Finance Committee and Mary Alwardt, could we meet in the room where the Finance Committee met last night during the break. And the meeting will stand in recess for 15 minutes.

[9:12 p.m. recess.]

THE MODERATOR: Would all Town Meeting Members please take your seats.

[Pause.]

THE MODERATOR: Okay, here we go. Let’s re-establish a quorum. All Town meeting Member present please rise and the tellers will return a count.

[Pause.]

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

MRS. TASHIRO: 44.

THE MODERATOR: 44.

In the third division, Mr. Hampson.

MR. HAMPSON: 59.

THE MODERATOR: 59.
In the second division, Mr. Dufresne.

MR. DUFRESNE: 89.

THE MODERATOR: 89.

By a counted vote of 192, we have a quorum and I call the Town Meeting back into session.

Mr. Chairman.

CHAIRMAN RIPLEY: Mr. Moderator, I move that we take Article 32 from table.

THE MODERATOR: Okay, the motion to take Article 32 from the table, the Capital Improvement Plan. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous and Article 32 is off the table.

Mr. Chairman for a motion.

CHAIRMAN RIPLEY: On page 21, as recommended with the following changes: on the paragraph: Recommendation (Finance Committee) is the fourth sentence down begins with “expired CIP articles... from Account 01198-58000”. We’re
adding a zero there.

And moving down to the end of the sentence "from Account 01930-58022". The third change is in the table: "Replace Peg Noonan Pavilion $18,360"

The fourth and final change: "Police Modems & Mobile Data Terminals $42,500".

FROM THE FLOOR: [No mic. Inaudible.]

CHAIRMAN RIPLEY: I’m sorry? Okay.

THE MODERATOR: Just the two line items.

CHAIRMAN RIPLEY: Our last two in the table?

FROM THE FLOOR: Yes.

CHAIRMAN RIPLEY: To Replace Peg Noonan Pavilion should be $18,360. The final change: Police Modems & Mobile Data Terminals should be $42,500.

THE MODERATOR: Okay. Discussion on the – okay, any discussion on Article 32? Mr. Netto. Mr. Netto to my left, first, and then Mr. Netto to my right.

Mr. Wilber, I’ll add you to the list.

MR. NETTO: Joe Netto, Precinct 9.
The comments that I have on this article have nothing to do with the amount. I’m not going to speak for or against any one individual item.

My comments are very similar to the same comments when we created the assistant DPW Director.

We as Town Meeting Members are elected by our neighbors to come here and pass articles and raise and appropriate money and to make decisions based on facts. With that statement, I could not vote for this article to raise and appropriate $1,322,110. And why couldn’t I? Very simple: I don’t have any facts.

I’m being asked to vote for this because the people on the stage printed it in the warrant and told me it’s in the best interests of the Town. And I believe them. But I need to know why. And I would just bring out a couple of examples.

Can anyone in this audience – not on the stage and not someone from the Fin Com – tell me why we’re going to spend $25,000 to the NPEDS Compliance? What about the JNETTO Charity? Can I sneak that one in?
This is very upsetting to me. In 30 years in sitting here, I am sorry, I have never seen an article presented like this. Absolutely no explanation.

An article that encompasses many different departments and the funding – excuse me -- the funding comes under the Board of Selectmen? We have DPW articles, Beach Committee articles. I’m sure there’s other people here that have many particulars to say. I am talking about the presentation of the articles.

This all started to change last year. I was one who stood up at the end of the April Town Meeting and asked for more clarification. And there was an attempt, we had a change. We got rid of the way we used to do it.

I don’t know if getting rid of the way we used to do it was a good move. Someone’s been hired. It’s a process that’s involving. But we are asking to spend $1.3 million.

There’s some technical things and one of the most glaring I see is we are transferring -- the bureaucracy of this I quite don’t understand – we’re transferring $53,000 out of the Waterways
Fund and we’re spending ten and 43, which adds up to the same 53,000.

In past years, this would have been a separate article. The 50 – it would have been a separate article, there would have been the explanation for the floats. I think it’s harbor float replacement plan and navigational dredging; we would have been told where we were going to dredge. I mean, not in detail.

43 and ten, 53, we would have passed it. It would have been clear and concise.

We need – I know I have to answer to people when they ask me questions in my neighborhood how I’m spending their tax dollars. I can’t answer those questions with a lack of information.

To quote Chairman Murphy: transparency. Where’s the transparency here? Can we answer the questions?

The DNR vehicle, for instance, is it a replacement of something that’s eight years old? Or is it a new acquisition? An explanation. It’s lacking.

And it was lacking in the description of
the DPW Director and we got the answers through
an excellent discussion by the intelligent
members that make up this body.

But, Mr. Suso, if you are responsible
for putting out this warrant, we asked you in
April to give us the information. I find Article
32 wholly unacceptable for me to make an
intelligent decision. Thank you.

[Applause.]

THE MODERATOR:  Mr. Netto to the right.

Let’s go.  Mr. Netto.

MR. NETTO:  Mike Netto, precinct 9. I
have some questions on the items here. The first
one being, of the 27 line items, how many of them
need to go out for bid?

We have a total of 27 items that we’re
going to vote on here, today, and my question,
through you Mr. Moderator, is how many of these
items need to go out to bid, need to be
solicited?

THE MODERATOR:  Mr. Chairman.

MR. SUSO:  Mr. Moderator.

THE MODERATOR:  Mr. Suso first and
then Mr. Chairman.
MR. SUSO: They will all go through the standard procurement process of the Commonwealth, including bidding. Every one.

MR. NETTO: Okay, so all 27 items need to go out to bid. So my next question is: how many of the 27 have already gone out to bid, and how many have the Town received firm fixed prices for?

MR. SUSO: To the best of my knowledge, we don’t have fixed prices for any of these. And I just want to clarify they’ll go through the procurement process. Depending on the amount, fixed seal bids are not always required, depending on the amount. That’s a procurement guideline that’s set by the Commonwealth.

MR. NETTO: Okay, and I understand that. So I’m a little uneasy about the statement here in the warrant book that says, “amounts subject to change depending on bids and final costs”. So, potentially, anybody that is in the business of selling vehicles or server equipment, etcetera, could be home watching this right now and if we vote this through, they could say, “Well, the Town of Falmouth has up to but not to
exceed $45,000 for a fire Department vehicle replacement. Up to but not to exceed $36,000 for the DNR vehicle."

So my question is: why don’t we go out, do our research ahead of time, have each department head go out, do their due diligence, get a, you know, myriad of quotes, pick the lowest quote that matches their need, and instead of going $36,000 for a vehicle, why don’t we see the number at $34,855? Then come to this body and ask us to vote for an amount that is pretty darn close to what we’re actually going to need? Because, in my eyes, you’re asking us to approve one point three-plus million dollars for 27 items that it doesn’t seem all the background work has been done on. Thank you.

THE MODERATOR: Mr. Chairman. Mr. Suso – Ms. Harper.

MR. SUSO: May we respond?

THE MODERATOR: Yes.

MS. HARPER: I’d like to respond to that. I think you raise a good question and it’s a question that gets asked I think almost every Town Meeting, to which we provide the same
answer. Specifically in follow-up to the last question, those items that are $10,000 or below are required to solicit three quotes.

Anything more than $10,000 is required to go through the full sealed bid process. That sealed bid process requires both advertising as well as, depending on the product, the development of specifications, which could be a lengthy and expensive process that we have chosen not to go through and it’s been an active choice, something that we’ve done year after year, to not solicit proposals prior to knowing that the appropriation is available.

Now, when we do go out to the central register or to - out to the Commonwealth bid process, we are required to notify the bidding public the estimate, our own estimate of what we think the value of those services are worth. That’s part of the procurement process. So the idea that the public has been notified of what the value is, you still are required to go through a competitive process to get the best price based on the specifications that you’ve drafted for your product.
THE MODERATOR: Mr. Chairman.

CHAIRMAN RIPLEY: One of the things I’d like to just clarify on is, on some of the questions here tonight, is I think it’s important to note is that, as I mentioned in my opening remarks about the time the Finance Committee had spent on looking at these items. And I think it’s important to note is what you see here is a snapshot. What you see here is a snapshot of actually several hundred pages of detail that were provided to the Finance Committee, and we spent probably five to six weeks looking, asking questions, going back to Department managers, having Department managers come in and present on the specific items.

And as I said, and I think those of you that have, you know, read the newspaper and see the Capital Advisory, is that, you know, this town has infrastructure needs of, you know, anyone’s guess of 50 to 60 million dollars. And we saw an opportunity this year, as presented by the departments, to really focus our attention, the Finance Committee, I mean, we really looked at this Article 32 as an opportunity where we
would spend probably 90 percent of our time preparing for Fall Town Meeting working with the Town Manager, working with the departments. And I can tell you that there were some different amounts here.

For example, I think someone mentioned the car. There was an original amount where we actually said, “Okay, based on our sub-committee is that we think this could – this should be something less.” That’s what we voted on here; that’s what’s here.

And also, too, is we looked at some of the recommendations by some of the managers and we said, “No, we’re not going to look at that because we want some equality across the department managers.” You know, we looked at this opportunity, saying, to have this amount of free cash, to be able to really look at our infrastructure that we’ve talked a lot about, we saw that in doing our job as Finance Committee members is that what we would present at Town Meeting was our best effort in going across all departments and doing our work.

So, you see here, you know, one page, a
grid. But behind this there was a lot of work, lot of effort. I don’t think you would want to spend Town Meeting time going through hundreds of pages and deciding what needed to be done.

That’s our job. And so we come before you with this recommendation here.

So, a lot of work went behind the scenes on this.


MS. HARPER: And I wanted to note that it’s a privilege, given the last few years that we’ve been through addressing our capital needs, to have free cash available to fund some of our most basic needs. And this isn’t all of the needs; it’s just a portion of them that have been pored over an over $4 million initial annual request for capital needs this year. And that was a painstaking process.

And here with you this evening are your Facilities Coordinator, your Acting Director of Natural Resources, your Fire Chief, your Police Chief, your Director of Public Works, your Town Engineer, and your Water Superintendent, as well as your Harbormaster, who are all here and have
been here for two evenings prepared to answer any
questions that you have about the projects before
you.

THE MODERATOR: Okay, Mr. Wilber.

MR. WILBER: First I’d like to say I do
appreciate the work that’s gone behind this,
particularly since we haven’t been in a position
to do some of these things for a number of years.
But I do agree with Messieurs Netto that
organization and specificity would improve this
and you wouldn’t have to do it with a lot of
documents. You could cross-reference this with
the department and a brief resume of what it is
you’re going to do with this.

I think that would help everybody a lot.
I think that’s all that’s being asked here, is a
little more organization and specificity.

I will note, because I must do this,
that in almost all cases you’re spending money
and you’re getting something. You’re going to
spend $145,000 and you’re going to get a
truckload of servers are going to arrive
somewhere. However, when you spend $25,000 on
beach nourishment –
[Laughter.]

MR. WILBER: I don’t think I have to say that you’ve probably spent $25,000 in the last two weekends pushing sand back into the ocean; that’s the sand that hasn’t gone away. And I would strongly suggest that somewhere in here somebody get the idea that there are facts out there about the coastline in two reports that took ten years to compile and that maybe this $25,000 could go to funding just one suggestion from one of those reports. Okay? Thank you very much. Because you’re not going to get anything from $25,000 poured back onto those beaches.

THE MODERATOR: Mr Lowell. Ms. Murphy, I’ve got you on the list.

MR. LOWELL: Nick Lowell, precinct 5. I am a member of the Finance Committee, and I did want to – I’m a relatively new member of the Finance Committee, just over a year on the Committee, now, and I’ve learned a lot while I’ve been on there, and part of that is the process of how this works.

In the Finance Committee we do not as a
group look at in extreme detail at each one of these articles, or at each one of these lines. But as a subcommittee, we look at them in excruciating detail.

I’m personally quite familiar with the DNR vehicle which has come up now, and so I don’t actually have my detailed notes with me, but I do recall looking at the quote from Chuck Martinson that he provided which came in at just under $36,000. We decided to leave the dollar value at $36,000 because the quote itself expired just before Town Meeting. It had a finite shelf life, the quote, as you usually do when you get these things. So we left in a couple of hundred extra dollars just in case it did go up by a smidge and we wouldn’t have to come back in the spring.

But it’s an example – furthermore, I’ve gone and looked at the vehicle and looked very carefully through the quote and talked with Chuck about it quite a bit. This is an example of the type of analysis that gets done on every one of these things.

You know, I completely agree that we could do better at publishing an at least summary
of each one and what is really it entails so that NPEDS Compliance is explained, but as a Finance Committee and as a subcommittee we have looked at these very carefully and I do think that - I don’t want to say “trust us”, but I do want to say that it’s not a nefarious thing that the explanation here isn’t as good as it perhaps could be and I hope that we could do better next time.

But I do really encourage you to look at these things as something that is very critical to the Town and I encourage your support.

THE MODERATOR: Mr. Lewis.

MR. LEWIS: Gardner Lewis, also Finance Committee, and I would like to echo Nick. We do, everyone of these lines has been beaten to death by a member of the Finance Committee and I do - if you look in your book, you’ll see the orange one - actually it’s orange in my book only - school vans, and the question was about why do we round the number. I have a September 24th first bid for $46,110 for the two vans. And I asked Mr. Dupuis if that was going to be a good number - sorry. I asked Mr. Dupuis if that would be a
good number. He went back to his source and said, “We’d better” – because it’s two months after the bid was submitted, obviously it’s not going to be the same number. And that’s why some of the numbers aren’t. But we’ve done our homework.

THE MODERATOR: Okay, Mr. Murphy.

MS. MURPHY: thank you, Mr. Moderator. Carol Murphy, precinct 9. I’m just looking at the item that says the $25,000 beach nourishment slash improvements, could somebody speak to that, please, as far as what’s entailed in that?

And also, there was a bequest of $100,000 some time ago from Virginia Manduano. I was wondering if any of that could be used for the beach nourishment slash improvements.

THE MODERATOR: Mr. Hoffer.

MR. HOFER: Don Hoffer, precinct 4. Several things – I may be wrong and they may correct me. One thing that Mr. Netto was mentioning was going out for specifications for bids, and I was always taught you could never go out unless you had the money in your back pocket, and go out to formal bidding to get those prices.
Enough on that.

On the beach nourishment. Dr. Wilber represents a school of thought. I’m not a coastal geologist. This Town learned about six years ago -- I know, I think, Mr. Zavala is in the audience. The Chamber of Commerce determined that people come to Falmouth to go to the beaches. Pure and simple. We bring in anywhere from $800,000 to a million dollars a year to this town.

From this last storm, we lost a lot of sand. There’s no ifs, ands or buts about it.

You might be interested in knowing that because we put sand behind the Surf Drive Beach House, which everybody’s been lambasting for the last 12 years, we saved that building. The building had just about negligible damage. That was 3,000 cubic yards of sand. $25,000 if you use the county dredge, at about seven dollars a cubic yard, maybe eight, depending on how big a hose you have, pipe, you can get another 3,000 cubic yards out of that. And we can put that on the east side of Menauhant. We are under some restrictions on the west side.
The piping plovers took care of us last year on Menauhant Beach, so we were kind of handcuffed.

We do lose sand. There's no ifs, and, or buts about it. If you let Menauhant go, you've already changed the road maybe in our lifetime two times. If you let that—if you don't put the dunes up at Menauhant, you're going to lose that wonderful road that goes along—Menauhant Road goes along the water.

It's one of those things. Why does Duxbury have an annual item in their budget to nourish Duxbury Beach? Go down to Florida, go down to the Jersey Shore. They're constantly dredging.

[Laughter.]

MR. HOFFER: They're in trouble, I know. But they're constantly dredging. You can bet your bippy that Atlantic City's going to see some new sand there, when all this is said and done.

So, people go to Florida and they say, "Well, I see the pipe, the dredges are out there continually."
We have this wonderful county dredge; you get a bargain price. Granted, if you’re buying sand from some of our shore sand, it is expensive and you don’t get much for your money. That $25,000 will piggyback with our Harbormaster and when we dredge Eel River, when we dredge Falmouth Harbor, we can capture a lot of that sand at a bargain price.

So, I’m just saying: I know it sounds foolish. There’s two schools of thought. But if you want to keep your beaches, you want to keep that money flowing in, you better – you better think about it, because we are losing our beaches. Thank you.

MS. MURPHY: Wait, Mr. Vieira, to Mr. Hoffer, please, what has happened, if anything, to that $100,000 bequest from Virginia Manduano?

MR. HOFFER: The original idea of that Manduano money was to enhance the beach-going experience of the public. That’s per the attorney on the bequeathment.

We have used that money to put shower towers on every one of our beaches. We’ve used it very sparingly, because, quite frankly, we’re
trying to save some of that for that wonderful
day when we’ll have to nourish Chappaquoit Beach.
She was a lover of Chappaquoit Beach, and there
are a lot of people that honor her memory because
of that.

The other thing is: we are not to use
that, at least the mandate I’ve been given is not
to use the Manduano funds for routine maintenance
on our beaches. Whether you could use it for
sand nourishment, that’s a decision that you need
the Beach Committee to approve and you need the
Selectmen to approve, that’s the deal.

MS. MURPHY: I think it should be
looked into. And also how much money of that
$100,000 has been spent to date?

MR. HOFFER: Well, number one, it was
$200,000, and there’s about $150,000 left in
that.

MS. MURPHY: All right, thank you.

MR. HOFFER: Yeah.

THE MODERATOR: Mr. Shearer.

MR. SHEARER: Dan Shearer, precinct 6.

As I look at this and I look in the back of the
warrant book at what a capital expense is, it
sort of doesn’t jive. These really are not
capital expenses. They should be in items. And
we need to know what happens.

I mean, I have a very good feeling that
I’d like to stand up here and say – call
everyone of these and ask for an explanation,
because I think I owe it to the people who voted
for me. I’m not going to do it, because it’s ten
o’clock at night. Which is not a good excuse.
But I’d like to see this voted down because it is
a terrible way of presenting it to the people who
are paying the taxes in this town. I think it’s
a disgrace.

THE MODERATOR: Okay, Mr. Netto in the
back right.

Mr. Donahue, I’ll add you to the list,
Ms. O’Connell.

MR. NETTO: I’d like to now speak on a
specific line item, because again I just have an
uneasy feeling because if my memory serves me a
couple years back, or perhaps a couple Town
Meetings ago, I stood up in front of everyone
here and I spoke against improvements to the Surf
Drive Beach House.
Now the gentleman to the Moderator’s right has told me that we should entrust all the work that they have done and the hundreds of pages that they’ve gone through and all the details. Ms. Harper has stated that I should ask the questions to the department heads, which I appreciate Mr. Hoffer’s time. And to echo what Mr. Shearer just said, I just don’t feel comfortable approving all 27 line items when I really have no idea where the $50,000 for the Surf Drive Bathhouse are going to go, and if Mr. Hoffer wouldn’t mind just giving me maybe a couple more minutes of his time and explain specifically what we’re going to purchase, actually what the taxpayers in this Town of Falmouth are going to purchase for $50,000. Because I have no idea.

And, you know, again, I still don’t know what NPEDS Compliance is. I can’t explain that to anyone. So, you know, through you, Mr. Moderator, if Mr. Hoffer could explain what the scope of the work –

THE MODERATOR: I think Ms. Newton has an answer to that question.
MR. NETTO: Very good.

THE MODERATOR: Ms Newton.

MS. NEWTON: Chardell Newton, Facilities Manager for the Town of Falmouth.

Mr. Hoffer has come before you before several Town Meetings to ask for money for the Surf Drive Beach House, and I know we have a lot of fans in here of the Old Silver Beach House, which we’ve done a lot of renovation to. We’ve done decking out there, we’ve given you picnic tables, observation decking.

And the one thing we really lack is a Surf Drive Beach House. So we took some time to do a little bit of research on the Surf Drive Beach House, and I just want to show you some photographs, and I’m not sure if you can see these real clear, but the photograph up there indicates to your left where the roof is failing.

You can go to the next one. Yes. I’d point out in the front here that this is the front side of the beach house where the roof is also failing. We’ve lost a lot of shingles.

This is the rot that’s on the Surf side Drive side, which that is entailed all around the
building, not just that one particular area.

This is a hole in the roof, from the interior.

These are the original sinks, and let me just read you a brief description of what the Surf Drive Beach House entails, that we submitted to the Finance Committee along with other photographs and some more history of it:

Surf Drive Beach House was originally constructed in 1956. It’s of wood construction with an asphalt shingle roof. The fixtures are original and the roof has been patched on several occasions.

On August 19th, 1991, Hurricane Bob did a substantial amount of damage to this building, but the main footprint of the structure remained in place. The damage included but not limited to the concession stand, exterior walls and roof shingles.

The pictures indicate the age of the fixtures and the need for the interior and the exterior paint.

Currently the building is not ADA compliant. There is a handicap stall but it is
not up to code.

Most of the plumbing is old cast iron and it’s difficult to repair due to the rust and the age of the piping. The building is very much open to the weather due to cracks in the slab, holes in the roof and rot in the doors.

The request for the CIP monies would allow us to upgrade the ADA restrooms, do repairs to the roof, paint interior and exterior, repair the exterior shingles and replace the rotted exterior doors.

Without confusing you to the fact that I can’t do all of this for $50,000, we’ll use an example of what we did at the DPW. Our Sheriff’s Department has been extremely helpful in helping us with projects. We had a DPW renovation project that was bidded out at $189,000 and, with the help of our own DPW, our Facilities Maintenance and the Sheriff’s Department, we completed the interior of that building for $87,000.

Our goal here is to seek help from the Sheriff’s Department as well as the Vocational School, which just helped us renovate the
residence side rest rooms up at Old Silver.

I can’t ask for the money in the spring because it’s too late to ask for the project to start. We need to get the money now so that we can seek help from these individuals to get this project underway.

And we’ll go some more through the fixtures. If you can go back one, Tom. If you look at the bottom of those fixtures, how rotted they are, and I’m sure – well, I’m not old enough, but some of you recognize those handles on the faucets, don’t you? Those are the original fixtures. And it’s difficult to fix them. You know, we can’t get parts for them. We just Micky Mouse them, basically.

For those of you who have been in that beach house, you know exactly what those fixtures are.

Can you go to the next one. This is the gable end of the concession stand where the chain is. You can see two hinges below that; that’s where we lift up the window, and it’s a rotted window, is what it is. And every year we try to repair it and we patch it and we just
don’t have the funds to keep up with the building.

These are the cracks in the flooring on the slab outside of where individuals take a shower. We spoke about safety earlier for the children; this is a real safety hazard. And these cracks are everywhere in that building.

Again, these are – you can see the cast iron piping that’s coming down the center between the two sinks.

This is the ADA non-handicap accessible stall. And these are all wooden doors.

I think that’s – yeah, that should be it.

So what we really need to do is if we can’t – and I know Don has spoken several times at Town Meeting to get several hundred thousands of dollars to rebuild it. If we can’t rebuild it, can we at least maintain it? It really is a money-maker for the Town. That building alone takes in $125,000 a year. And in return to the residents and the people who visit, they visit a building that has original fixtures in it and cracks in the flooring, rot outside.
So, please support this article and give us some money to at least spruce it up and make it respectable for this town. Are there any questions?

MR. DONAHUE: [No mic. Inaudible.]

THE MODERATOR: Microphone please, Mr. Donahue.

MR. DONAHUE: My question is, if I owned this building, I think the Building Inspector would come and condemn it. Why hasn’t that been done? It’s obvious that the building is unsafe. It’s – and because we’re a town, we can get away with it.

We tell the Building Inspector, “Don’t go over there,” we tell the Health Inspector, “Don’t go over there”, and so they don’t go and it doesn’t get done.

What we need is to allow the Beach Committee to have the million dollars a year that they get and build a beach house that is representative of Falmouth. Something like they’ve done in Dennis and Yarmouth. Beautiful structures with handicap-accessibility, a restaurant, all kinds of conveniences.
If we - we keep saying we want to sell -
our beaches are our best sales tool, here, for
our businesses and everything else, but we don't
put a nickel into it and we get this every single
year.

I - I - can I talk further on this
later? I mean - or should I -

[Laughter.]

THE MODERATOR: Actually, you’re the -

MR. DONAHUE: Let me finish -

MS. NEWTON: You could amend the

article to give us a new beach house.

MR. DONAHUE: Excuse me?

[Laughter.]

MS. NEWTON: Did you want to amend the

article to give us a new beach house?

MR. DONAHUE: I wish I could.

Speaking of the article itself, and I’ve
spoken on this issue before, the idea of having
departments have budgets in this town seems to be
as foreign as we speaking a foreign language.

Every single year that I’ve been a member of Town
Meeting, the leaders of the town come back every
fall and want to add more money to the budgets.
The police want modems and police data terminals. That should be in the police budget. And when we look at the police budget or we look at the Department of Public Works budget or any other budget, we should be able to say, within certainty, that that is the money that they are spending. That’s what they have allocated to be spent.

We don’t do it, and I’d like to know why we don’t do it. I understand on police vehicles and fire trucks, those are capital expenses and they are a ton of money so we do it that way and that’s the way it’s done. But on the basic uniforms and things like that, isn’t that a budget item and why can’t it be in the budget?

THE MODERATOR: Okay.

MR. DONAHUE: Thank you.

THE MODERATOR: Okay, Mr. Chairman.

CHAIRMAN RIPLEY: I think it was said on Tuesday night when Gary was being recognized that the Finance Committee maybe member or chair is one of the most thankless jobs, but we do it because we love it and we love our community.

And, again, I think it’s interesting and
important to note, here, when we talk about the detail that the Finance Committee went through, is we have our many subcommittees and you know we spend one to two nights a week together as a group going over the subcommittee’s work, who spend time during the day and then the evening.

While I know no one doubts the time we spend and the effort we spend, what I think is important is this, for example, is again there’s 27 items represented here. The department heads, for example, the fire chief had put together a very detailed list of items that was probably about this thick, and I think it was maybe – don’t quote me, Chief, if you’re here, but I think it was maybe, you know, ten to eleven million dollars. And we had, you know, Mr. Hoffer, on the Beach Committee, and we had chief of police and things like that. So, again, we looked at significant capital items ranging from small to large that really were things that to really our infrastructure.

Again, one of the things that I think is important to notice, you know, being a seashore community – I was on a Finance Committee up in
Holden; we didn’t have a seashore. We had a
couple of ponds, but our infrastructure was very
different. Here, our infrastructure is really –
it’s significant in that every square mile has
some infrastructure item to it. And so we looked
again at 40 to 50 million dollars worth of
capital items and we pared it down, looking at
the opportunity that we had here.

So, again, we looked at it and said,
okay, as Fin Com members, as taxpayers, making
recommendations that will be held on Town Meeting
floor, is we wanted to come to you with something
that we felt went across the entire town. Again,
we play no favorites in the Finance Committee.
The Town is ours, as it is yours. So we looked
across. So, we looked so carefully here and
said, “We have this once in a lifetime
opportunity, maybe. We can’t squander it.”

We have to through and every - every,
again, 27 items, here. Going across a dozen
departments. You know.

So, again, I can’t emphasize the work
that was put in this, but more importantly I
can’t emphasize is the amount of needs that were
really brought down to something that we feel strongly about supporting, the Finance Committee, and asking for your support on.

THE MODERATOR: The gentleman in the center. Yes. Right there. Yes.

No, Mr. McNamara, you’re on the list.

The gentleman in the center. You’re on the list, though.

FROM THE FLOOR: I think I reflect what I expect many people are thinking. Everything that you said is fine, but it’s not relevant to our concerns. That’s all true; we accept that. We just want to know what the items are. A one or two sentence explanation would enable us to say, “Yes, that’s a wonderful expenditure and we’re happy to vote for it.” But, unless we know what we’re being asked to fund, it’s very difficult to say yes.

THE MODERATOR: Okay. Next on my list is Ms. O’Connell.

MS. O’CONNELL: Maureen O’Connell, precinct 4. I’m representing my little group here for a moment, and everyone wants to know what NPEDS Compliance is, and then I’ll have my
THE MODERATOR: Okay. The Town Engineer, yeah. Mr. McConarty.

MR. MCCONARTY: Thank you, Mr. Moderator, Peter McConarty, Town Engineer.
Actually we do, the Engineering Department has several items on this list that we have been working with, but the NPEDS is actually NPDES. It’s the National Pollution Discharge Elimination System, and what that is, it’s a federal regulation for all cities and towns throughout the country that they have to follow storm water regulations for the federal.

So, each year we have to comply – we have to send in a report to the EPA and the DEP to comply with their regulations. Right now we’re in Phase 2 for the EPA and we’re heading into Phase 3, which is going to be new regulations, new sampling, new processes that need to be done.

We try to do as much as we can in-house with our staffing levels. We do have to send out – we have to do some work on our storm water. Regulations need to be updated. So that’s what
the NPDES is, National Pollution Discharge
Elimination System and it’s a federal regulated
system.

    MS. O’CONNELL: Thank you very much.
I’d like to echo a bit what’s already been said,
that without details and to the even that we have
- we’re voting for something that isn’t even what
it is, is a bit of some concern.

    You know, when Mr. Suso came to town and
he had a proposal which we agreed to, to bring in
a finance advisor of his own, and I think that a
lot of us were worried that that would interrupt
the chain of the – the conveyance of information
between the Town Meeting and the Finance
Committee. And I think - I guess I’m - I’m a
little concerned that this sort of catchall
article is something that makes me - and maybe
I’m not alone in worrying about that this year.

    So, I am all for what I’m learning about
each of these items as they’re being explained to
us, but this is not the way - this is almost a
little disrespectful, I think, of the Town
Meeting, and I would like to say, as others have,
that this is not the way to do this. Thank you
very much.

[Applause.]

THE MODERATOR: Okay, we’re — I’m going to go to Ms. Harper and then I’m going to ask if anybody has specific questions on specific line items because I think the administration understands our frustration.

Ms. Harper.

MS. HARPER: And that’s really all I wanted to say. I think, you know, we’re hearing you. Clearly we missed the mark on this.

And what I want to say is there has been such a significant amount of internal review. These projects have been before us, before our Capital Advisory Committee, before the Board of Selectmen, before the Finance Committee for over four years. These projects haven’t changed. They haven’t been funded.

They’re so familiar to us; I think certainly from where I am, I had a sense that Town Meeting was comfortable with the projects and was familiar with them. Clearly that’s not the case. We accept that.

You’ll see more from us next time.
We’re happy to do it. I don’t want to speak to you as a public body unless you want to hear from us. We’ll be prepared with a lot more detail the next time and I really do hear and understand what you’re asking for.

THE MODERATOR: Okay, Mr. Latimer, specific item? This goes specific questions on line items and then we’re going to vote. Yes.

MR. LATIMER: Yes. Ms. Newton’s presentation on the Beach House is something that’s been quite obvious to those of us who live downtown and who drive along that way every day and to watch what’s happening to it. That building was built in 1956; I worked there in 1958 and I use those facilities.

But, what my concern is this: that’s a nice old building. I don’t think it has to be torn down but it hasn’t been maintained. And do we or do we not have in every department’s budget an ongoing item for building maintenance? Is that in there? And, if not, why not?


The ongoing building maintenance budget.

MS. NEWTON: We do have an ongoing line
item for building maintenance, but that particular line item covers 24 buildings that fall under my jurisdiction.

I want to give you a little history on what we’ve had for CIP and building maintenance throughout the years and how we’ve come every year to ask for money. In FY ‘03, between the building maintenance and my CIP, I had $231,600. FY ‘04, $302,241. FY ‘05, $217. ‘06, $344,150. ‘07, $235,000. ‘08, $215,000. ‘09, $185,000. ‘010, $80,000. FY ‘11, $80,000. FY ‘12, $75,000.

The buildings have not gone away, but the money certainly has. So there is a line item for the budget every year, but the line item decreases every year and without the CIP being funded every year, this is the situation we end up in. We just have buildings that are falling apart.

And you know, you hear it on the radio all the time and I’m sure you’ve heard this ad that they’ve had it for quite some time now, where the guy says on the radio, he says, “Gee, I just had to replace my hot water heater, and I
had it for 12 years but the new one I got only
has a two year warranty.” Well, that’s the
situation we’re in with the equipment that we
have in these buildings. I have a fire station
water heater that just went, and it’s five years
old.

If we don’t have the funding every year
to maintain these buildings, we’re going to be in
the situation that the beach house is in. And
I’d be more than happy for anybody who wants to
see the spreadsheet that we submitted to the
Finance Committee, who does a good job of
reviewing our spreadsheets, to show where every
dime goes into building maintenance. And every
year the prevailing wage goes up and the cost
increases, but as you can see in the last eight
years my budget has gone down significantly.

THE MODERATOR: Okay, Ms. Tobey, next
on the list.

MS. TOBEY: Thank you, Mr. Moderator.
I’m hearing how everybody is torn, as at least
that’s how I’m hearing it. I’m torn about this.
I can see that there’s a lot of projects here
that people have put in a lot of thought. We
just don’t know a lot of the details.

So, I’m wondering if this could be a possibility, if we could – well, maybe we would vote, but if it doesn’t pass, would it be possible to have this brought back, rewritten for tomorrow night, with details, and brought back and vote on it again tomorrow night?

THE MODERATOR: Well, we’re going to take a vote tonight, and if it doesn’t pass, then we can see whether or not that’s a possibility.

Mr. McNamara.

MR. MCNAMARA: Matt McNamara, precinct 7, just a quick question specifically on the DEP Compliance, if somebody could explain that, I’m wondering if that’s related to the water violation issue.

THE MODERATOR: Mr McConarty.

MR. MCCONARTY: Thank you, Mr. Moderator. The DEP requirement is the Town has several sites that require underground monitoring for our fuel storage facilities. They’re for tanks that have been removed in previous years. So that’s – it’s bringing in a consultant for a licensed – LSP, Licensed Site Professional, to do
the monitoring and report to DEP, the Department of Environmental Protection.

THE MODERATOR: Okay, Ms. Davis.

MS. DAVIS: Yes, Linda Davis, precinct 4. I know that the – it’s very clear and it’s very obvious that the way in which this article is organized and presented is getting in the way of what some of the important issues are, and we’re being asked to transfer money from a variety of funds to support some very well-needed Capital projects and improvements. Many of these have come before this Town Meeting over the last four years, and if you went back to some of your warrants from those previous years, you would see these requests.

I cannot speak for many of the departments, but I will tell you this: I have attended just about every Beach Committee meeting and I know from those meetings what the Beach Department and the Beach Committee have gone through to scrutinize their needs.

I also know that the Finance Committee really has looked at all the particulars in these different departments. That they told the
department heads, “What are your needs? Throw half of them away because we can’t even fulfill those. We need to know your absolute basics.”

That Ellen T. Mitchell bathhouse that you saw up here is a prime example of what is happening in other places. We could bring in photos of all other areas that are addressed in those needs.

Please think carefully. I’m supporting this article because I went out to find the information and I know what these department heads had to do. Don’t let the lack of information – and I understand that – get in the way.

I would suggest, and I don’t know if it’s appropriate at this point, if there is a need, and I understand the need, for more detail on these 27 items, that we get that information, table this Article 32, come back tomorrow and look at the facts. Thank you.

FROM THE FLOOR: No, no, question.

THE MODERATOR: Mr. Suso.

MR. SUSO: Thank you, Mr. Moderator.

Just one comment. I want to assure the Board of Selectmen and Town Meeting Members that it’s
clear to me that I’ve missed the mark with what I’ve brought you tonight on the capital side. I want to acknowledge that and I want to assure you that this will – we will not have capital projects coming to you in the future without a considerable level of detail that you’re asking for and you deserve. I do want to acknowledge that.

I apologize for my oversight. I do ask you nonetheless for your consideration. As you’ve heard many individuals say, countless hours that the department heads have put in, the Finance Committee Members have put in countless hours, and I regret that that work has not translated – been translated appropriately to you. Again, that is my oversight for which I’m solely responsible.

It will not happen again and, given that, I would urge your consideration nonetheless for this package of critical, critical projects. I assure you they’re brought to you in good faith. They’ve been fully vetted and we would only spend your tax dollars as good stewards and in a wise manner and procured properly if you
give us this opportunity. Thank you.

THE MODERATOR: Ms. Bissler. You’re on the list, Mr. Stumcke. This list keeps growing and we’re not going to get out of here tonight. We could have went through all 27 items, give you two or three minutes apiece, and you could have gotten all your explanation. And I asked you to ask questions specifically. So let’s focus on the questions you have and stop saying you have questions. Ask them.

Ms. Bissler. You don’t have a question, okay. It’s been answered? Okay.

The gentleman behind Mr. Waasdorp.

MR. KENNY: Yeah, Mike Kenny, precinct 4. Also Waterways Committee. I just want Town Meeting to understand that, you know, in the past we’ve come at this Town Meeting to get money for dredging because it has to be done during a specific time of year. And you know, we put it in the Capital Budget in the past we’ve come with articles. So I think that there’s some additional thinking that needs to go on here, and that some of us are tied with our projects to time, and it’s very important that we do this
stuff during the winter. Thank you.

THE MODERATOR: Okay, Mr. Stumcke.

MR. STUMCKE: Mr. Moderator, Brad Stumcke, precinct 4. I say we table this right now, come back tomorrow, ask the Town Manager or whomever to give us a two or three line explanation for each one of the 27 items so we know what we’re dealing with. Thank you.

THE MODERATOR: Okay, there’s a motion to lay on the table that requires two-thirds. All those in favor of laying the motion on the table signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It is the opinion of the chair that there is not a two thirds and the motion is not on the table.

Mr. Hoffer.

MR. HOFFER: I know you’re in a hurry. Don Hoffer, precinct 4. I just – I’m going to give you one of the answers. Nobody’s asked the question.

[Laughter.]
MR. HOFFER: The Old Silver septic system. The reason I’m here is I just want to acknowledge you have no idea the amount of work that went in with our own Engineering Department, Peter McConarty and Scott Schluter have just done a marvelous job on this, and there were public hearings on this. Conservation, it had to pass Conservation. It had to go through the Department of Health.

And, just as a side issue, if we don’t have that septic system working this summer, we bring in about $100,000 in concession money at that concession over the period of the contract – not all in one year, but over the period of four years, you’re bringing in about $100,000. And you do need the head there for the sanitary, for the Board of Health. You have to have that head. So that’s kind of a hidden thing, there.

But you talk about in-house work? Our Engineering Department is outstanding, thank you.

[Applause.]

THE MODERATOR: Okay, Mr. Finneran.

MR. FINNERAN: This isn’t a criticism, it’s just an observation, Chardell. I mean, you
listed off what your expenses were for building
maintenance for the last ten years and they ran
anywhere from 80 to 300,000 dollars. I mean,
you have about $250,000 of maintenance here, plus
the 80 you have in your budget. It’s actually
more than the average you’ve ever gotten. And,
again, it’s not a criticism of you, but I think
this is almost sleight of hand, we have, moving
money from one place to another when it belongs
in their budgets to begin with.

And secondly I’d like to say that the
Finance Committee or whoever put this together,
management, they didn’t even abide by their own
rules. A capital expenditure is supposed to be
$25,000 or more and have a life of longer than
five years. I see a minimum of five items on
this that don’t even abide by your own rules. I
think that’s worth noting.

THE MODERATOR: Mr. Hampson.

MR. HAMPSON: George Hampson, precinct
5. Ladies and gentlemen, I’ve had enough of
this. I’m telling you, this is very, very
painful. I just want to leave you with one
message: I’ve always had faith in the Finance
Committee, and I do tonight.

I’d like to call the question, please.

[Applause.]

THE MODERATOR: The question comes on moving the question. All those in favor of closing discussion, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Okay. So, the main motion as presented by the Finance Committee on the budget. 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.

[Applause.]

THE MODERATOR: Article 35. Article 35, the recommendation of the Board of Selectmen is indefinite postponement -
MS. Seganic: [No mic.] Sorry, can we move Article [inaudible].

THE MODERATOR: You want to make a motion? Go up to the microphone. We have a motion, here.

MS. SEGANIC: Hello? Oh. I make a motion that we move Article 40 forward. It’s a petitioner’s article brought forward by a resident of Falmouth. He’s a non-Town Meeting Member and he’s been here, this is his second night in a row until 11:00 and I think he probably doesn’t want to go a third night.

THE MODERATOR: Okay, the question has come – the question will come on whether or not to move Article 40 out of line. All those in favor say aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: All those in favor of taking 40 out of line, signify by standing and the tellers will return a count.

[Pause.]

THE MODERATOR: Okay, we’re voting to
take Article 40 out of line, to make that -.

In the first division, Mrs. Tashiro.

MRS. TASHIRO: 15.

THE MODERATOR: 15.

The second division, Mr. Dufresne.

MR. DUFRESNE: 52.

THE MODERATOR: 52.

Third division, Mr. Hampson.

MR. HAMPSON: 44.

THE MODERATOR: 44.

All those opposed.

[Pause.]

THE MODERATOR: Third division, Mr. Hampson.

MR. HAMPSON: 14.

THE MODERATOR: 14.

First division, Mrs. Tashiro?

MRS. TASHIRO: 23.

THE MODERATOR: 23.

Second division, Mr. Dufresne.


By a counted vote of 111 in favor and 68 opposed, the motion to take Article 40 passes and
we’ll go to Article 40.

Article 40's recommendation by the Board of Selectmen is indefinite postponement. Mr. Rowitz held this article; would you like to put a positive motion on the floor?

MR. ROWITZ: Ray Rowitz, precinct 5. I would like to put a positive motion on the floor, as written.

THE MODERATOR: Okay, main motion on Article 40, as printed. And, Mr. Bunker.

MR. ROWITZ: Yes, Mr. Bunker.

THE MODERATOR: Mr. Bunker, the petitioner.

MR. BUNKER: Andrew Bunker, precinct 6. Thank you, Mr. Moderator.

Okay. Article 40 is a response to Falmouth’s Wastewater Discharge Plans for West Falmouth. We want to protect Crocker Pond, which is only 1500 feet from one of the planned discharge sites. The plan to sewer the area is on the south coast of Falmouth, with discharge possible more than 1.6 million gallons per day to the two new sites, called site 7 and site 10.

According to the Town’s preferred
scenario 1 E, explained in Technical Memorandum 9, the treatment facility will be expanded to handle 2.1 million gallons per day. If that scenario is carried through, then 1.6 million gallons per day will be discharged at sites 7 and 10. Other, lesser numbers will discussed as far as gallons, but no one person is in the position to make promises about the future use of these sites.

Slide two. Thank you.

Crocker Pond is only 1500 feet downhill from site 7. The pond is a deep kettle hole pond set well below the discharge site. Being so deep, it will intercept a large portion of the wastewater. We are very concerned that the planning and management of this project, because Crocker Pond was not mentioned even once in the Draft Environmental Impact Review that the Town submitted to the Massachusetts Environmental Protection Agency or MEPA. In fact the report stated that no surface waters are in the vicinity of the discharge site.

Slide three. The state has finally ordered the Town to evaluate the threat to
Crocker Pond, however in this article we ask that no action be taken to utilize sites 7 and 10 until studies are completed, reviewed and discussed. We feel that the use of these sites could be just as detrimental to Crocker Pond, Wings Pond, Herring Creek and Buzzards Bay as the current site is to West Falmouth Harbor.

We should not rush to decide to use any site, but make well-thought-out decisions based on the facts. Design of the sewer system should follow the determination of where the collected wastewater will go.

At this point, Crocker Pond is the epicenter of the Town’s plans.

Slide four. How important is Crocker Pond? Crocker Pond is an extremely important piece in our community. Bourne Farm is here. Bunker Tree Farm is here. Adults and children swim here. The fishing is excellent. Many weddings are celebrated here every year.

Pumpkin Day in the fall and skating in the winter. There is a cut your own tree farm and organic vegetable farming. The pond is used for irrigation. Thousands of people park at
Bourne Farm for walks, bike rides and walking dogs every year.

Next slide. Since the 1980's, Falmouth has discharged wastewater into West Falmouth ground water which then flowed to West Falmouth Harbor and had devastating effects on water quality. Many citizens have come to realize that the choice of this location was a mistake, with serious consequences for the ecology of West Falmouth.

Nevertheless, Falmouth is taking steps to begin sewer design and increase the capacity of the treatment plant to 2.1 million gallons per day. The state has imposed a cap on the discharge to the current site, so sites 7 and 10 have become the preferred destination for the extra effluent. This scenario proposes the pumping of millions of gallons of effluent from the Vineyard Sound watershed for release next to Crocker Pond and Wings Pond and then into Buzzards Bay on a daily basis.

Buzzards Bay is experiencing algae blooms, fish die-off and low oxygen levels already.

Next slide. Sites 7 and 10 are a short
distance to the north of the current wastewater treatment plant. These discharge sites will impact Crocker Pond, Wings Pond, Herring Creek and Buzzards Bay, cedar swamps, plus numerous small wetlands and vernal pools and possibly even West Falmouth Harbor.

We’re told that the only thing in question is how much effluent will be discharged at sites 7 and 10. However, since all ponds on the Cape are impacted by pollution, we find it hard to understand that any scientific studies could determine an amount that is not increasingly harmful. Tons of extra nutrients as well as pharmaceuticals and endocrine blockers from the Vineyard Sound watershed will be introduced here on top of the nutrient loads that currently exist.

The Town cannot know until their scientifically viable intensive studies and discussion are completed. This is why no action should be taken to develop site 7 or 10 until studies are complete.

Next slide. Projected effluent scenario 12A illustrates an educated guess at how
much nitrogen will reach various water bodies.

Crocker Pond, which is the closest of all, was not included in any published projections.

Next slide. Thank you.

Let’s not forget the projects about West Falmouth Harbor made in the 1980's were seriously flawed, although well intentioned. The omission of Crocker’s Pond demonstrates the fallibility of a project of this scale. A pond of this significance was missed; what else might be forgotten or missed? Thirty years later, we’re trying to clean up West Falmouth Harbor due to some mistaken predictions. Hopefully our hindsight can become foresight.

Next slide. The 2001 Cape Cod Pond and Lake Atlas shows that Crocker Pond is in the at-risk category for chlorophyll, impacted for nitrogen and phosphorus. This pond is adversely affected by septic systems and fertilizer runoff, but it’s still better off than most of the seven ponds in the study in Falmouth.

Since Crocker Pond is demonstrating relatively good health but at the same time at risk and impacted by pollution, how can it be
considered that more nutrient loads can be acceptable?

PALS pond watcher data shows nitrogen levels at .3 milligrams per liter; that is one-tenth that of the effluents nitrogen level, which is three milligrams per liter.

Next slide. The Buzzards Bay Coalition says this DCWMP DEIR, which is the documents submitted to the state, will not be a victory for the Town of Falmouth or the environment if water quality improvements in south coast ponds are achieved at the cost of water quality degradation in other water bodies.

Next slide. Salt Pond Areas Bird Sanctuary and Bourne Farm, the West Falmouth Village Association and the Association for Crocker’s Pond all support Article 40 and the concept that no action should be taken to develop sites 7 and 10 until studies have been completed.

The use of sites 7 and 10 - next slide, please. The use of sites 7 and 10 may appear the less expensive option for sewage effluent because it is closer to the wastewater treatment facility, but the loss or further degradation of
Crocker’s Pond, Wing’s Pond, the Herring Run, our vernal pools and cedar swamps will be a high price to pay.

Do not forget that Ashumet Pond requires ongoing chemical treatments with alum to counteract nutrient overload. This could be the future for our western surface waters.

Next slide. Other concerns. We have the herring run that comes out of Wings Pond. Herring may soon be added to the Endangered Species List, according to the Cape Cod Commission.

Next slide. Cedar swamps and vernal pools. Amphibians in the vernal pools will be impacted by the chemicals of new concern, such as endocrine blockers and pharmaceuticals.

Next. The salt marsh at Old Silver Beach. Salt marshes such as the one at Old Silver Beach are literally eroding away from the effects of nitrogen loading.

Next. Buzzards Bay. Buzzards Bay will be subjected to effluent from the Vineyard Sound watershed. The bay’s health is already in decline. Algae blooms, fish die-off and low
oxygen levels are occurring with some regularity now. It is wrong to pump pollution to this shallow and closed body of water from Vineyard Sound.

Next. This article is not intended to delay or obstruct the design of the sewer system, but rather to be sure that things are done in the proper sequence. Site 7 and Crocker’s Pond were discussed one year ago during the debate on the land swap deal. A full year has passed and still no studies have been completed. There is much work to be done before Falmouth allots hundreds of thousands for the design of the sewer system at spring Town Meeting. We must know where that wastewater will go and what the affect will be.

Vote yes on Article 40. Thank you.

THE MODERATOR: Okay, discussion on Article 40. In the back?

MR. RAFFERTY: [No mic. Inaudible.]

THE MODERATOR: Yeah, but you’re a resident, right?

MR. RAFFERTY: I am a resident.

THE MODERATOR: Yes, so you have a
right to speak.

MR. RAFFERTY: Okay, just wanted to be

sure.

MR. HAMPSON: Mr. Moderator, before we

go any further –

THE MODERATOR: Go past eleven?

MR. HAMPSON: I would like to extend it

beyond eleven o’clock to finish this article.

THE MODERATOR: Okay, to extend beyond

eleven o’clock, all those in favor signify by

saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by the

two-thirds and we’re going to go on this article.

MR. RAFFERTY: I think we will be able

to close up very quickly here. Because to the

list of groups that basically in spirit support

the article, I want to add the Water Quality

Management Committee.

FROM THE FLOOR: [Inaudible.]

MR. RAFFERTY: The Water Quality

Management – I’m sorry, I’m Steve Rafferty from
precinct 2; I’m the vice chair of the Water Quality Management Committee.

I think you all know that our committee’s been tasked to find ways to reduce nitrogen to the estuaries, to improve the water quality and to make this a better community all around, basically everything you heard about preserving the water bodies.

We in principal and in spirit have no issue with Article 40 with the sole exception of the last sentence. I’m not a Town Meeting Member, so I cannot make an amendment. But I’d like to suggest that if somebody felt favorable to make an amendment striking out in the next – on the last sentence, the phrase, “taking any action to utilize”, and replacing it with the phrase, “discharging any treated effluent at”, such that the last sentence read, “Said studies should be completed prior to the Town discharging any treated effluent at either site.” I think we are all in agreement.

MR. FASSETT: So moved.

THE MODERATOR: Okay, so “discharging any treated -
MR. RAFFERTY: Discharging any treated effluent at either site.

THE MODERATOR: At –

MR. RAFFERTY: I have I think two quick slides someplace to show, just to give a very quick background.

THE MODERATOR: Mr. Fassett, you made the motion? Okay, Mr. Fassett made the amendment to change the last sentence.

MR. RAFFERTY: For several years prior to either my involvement on either the predecessor committee or the Water Quality Management Committee, the issue of what to do with any treated effluent, where it goes to, where it discharges to, and what it will impact or affect or not impact or not affect has been very much of an ongoing discussion. I’m told that, so far to date, there are upwards of 25 locations that have been looked at.

The slide up here shows basically over the last couple of years, as we’ve wrestled with some very large cost numbers, the areas in yellow became areas of focus, areas where we thought there was enough land or area or good conditions
to warrant a further look.

We have advanced a plan forward that
talks to using sites 7 and 10, and the Town is in
various steps of acquiring or obtaining those
sites. And we’ve held off committing to
additional studies until we get the response back
on the Comprehensive Wastewater Management Plan,
find out what the states wants us to study, as
well as the studies that Mr. Bunker has asked for
and his other supporters. That information, if
not released today will be released tomorrow.
Today was the deadline for that. It usually
takes a day or two for that document to get out.
We are not in any way anticipating that they will
say there are no additional studies required.

The last thing we want to do is ruin a
pond or another body of water.

With that, I will turn it back over.

THE MODERATOR: Okay, we’re going to
open discussion on the amendment. Mr. Latimer.

MR. LATIMER: Just a question on the
meaning of the amendment. What utilization,
other than discharge of treated wastewater would
you be contemplating should this amendment pass?
MR. RAFFERTY: We haven’t contemplated – we haven’t contemplated anything else yet. I’m a person that likes to never be excluded from everything. I would contend, as a person that’s been in the wastewater business for a number of years, that acquiring parcels of land that might be able to be used for things such as windrow-ing – so I’m hypothetically inventing things here. It’s more a concern that we might have to do some additional analysis or study or use the parcel.

The way it’s written right now, the Town couldn’t take action to close the deal on the land until all these studies are done, and that may impact the window of opportunity to obtain the land. So, that’s why I was trying to come up with a phrase that would say we would do the studies before we got to the point of using it the way we wanted to use it.

MR. LATIMER: That would not include –

THE MODERATOR: Mr. Latimer.

MR. LATIMER: -- discharging untreated wastewater?


THE MODERATOR: I don’t think DEP is
going to allow that anyway, so I don’t think that’s a problem.

Ms. Putnam.

MRS. PUTNAM: Rebecca Putnam, precinct 9. Through you, Mr. Moderator, I am curious to ask the Board of Selectmen what their reason was for the recommendation of indefinite postponement on this article.

THE MODERATOR: Mr. Chairman.

CHAIRMAN MURPHY: Yes, the Board of Selectmen thought that as the process moved forward both with the Cape Cod Commission and the state of the review of our wastewater treatment plan, that the state would direct us to in fact do this particular study as well. So we wanted the process to move forward and that’s how the Board of Selectmen based their recommendation.

I think Mr. Potamis could explain a little bit more in depth with that, as well.

THE MODERATOR: Okay, Mr. Potamis, you were next on my list anyway.

MR. POTAMIS: Jerry Potamis, Town Meeting Member precinct 2 and also a Wastewater Superintendent.
I think it’s well-intentioned. I think it’s premature. We will have most of the information before we come in front of the Town Meeting next spring. To shut the project down now is a waste of money. It could end up saying, “Okay, we don’t do it there, we’ll bring all the wastewater back to East Falmouth or someplace else.”

We need to study. The state needs to give us a permit to discharge there. We don’t have that permit yet. We have to do studies to determine the impact, if any. We are not proposing two million, one million. The first phase of the project is for 200,000 gallons. The site can hold one million gallons. We’re far below the maximum capacity of the site.

The Cape Cod Commission has ruled favorably that this project should go forward.

I can assure you, because we’re in contact with DEP, that MEP – that the Secretary of Environmental Affairs is going to issue a positive certificate that this project go forward. But we’re going to have to do more studies.
I think people might have thought that we made mistakes in the past, and we have made mistakes in the past, because people have a tendency to rule on emotion rather than science. You go back, locating New Silver Beach was not a scientific decision; it was a Town Meeting decision that was bad, from a technical point of view. It was good, from civic government.

The location of the treatment plant itself you could question whether it was good or bad. But it was a good decision because of the town meeting.

We’re asking you now to let us do the scientific studies to prove what we can discharge there and how much. That is why I think that amendment went forward, to say, “Let us study it and we’ll come back to you.” To shut us down now, I’m not sure what the consequences could be. But it doesn’t make sense to me.

And we do know we’ve looked at the Buzzards Bay analysis, because we had our engineers look at it. There’s some flawed statements in that, and we’ll get back to you; this is not the time to discuss it.
Don’t trust government unless you can validate it. But don’t trust emotions, because emotions are irrational. Thank you.

THE MODERATOR: Okay, Ms. Seganic.

MR. SEGANIC: Hi, Annie Connolly Seganic, precinct 6. I moved this forward. I’m sorry to keep everybody late, but I have gotten a lot of feedback from my neighbors and friends in West Falmouth and other parts of town. I don’t think anyone wants to stop the Wastewater Quality Management – I hope I said that right – Committee and their work. They’ve done a great job and they certainly have a tough road ahead.

I think what the article – the article’s spirit – and Andrew, jump in if I don’t have it right – is that we want to just make sure that the studies are done on Crocker Pond as well before we make any decisions. And if we can get Mr. Potamis’s or the Board of Selectmen’s confirmation of that, I’m sure then that’s all we need.

But we did feel it was important to bring it forward. I also should say I was asked as a Board member of Salt Pond Area Bird
Sanctuary that owns Bourne Farm, and it is an
historic site in West Falmouth, to speak in favor
of the article. So I did.

THE MODERATOR: Okay, Mr. Potamis.

Yes, Mr. Wilber, Mr. Heath, you’re on the list.

Mr. Netto, I’ll add you.

MR. POTAMIS: I’m a Town employee. I
can’t assure you of anything other than doing
what you want me to do. What I can assure is
that the way the process works is we’re going to
get detailed requirements in writing from the
state by next week. We have to go over those
requirements, develop a response to the comments.
We have to develop a monitoring program. We have
to develop additional studies. We have to bring
that to the regulatory agencies for their
approval to make sure we have the right scope of
work, and I have no objection to have Mr. Bunker
and his consultants. In fact, we encourage
people to ask - tell us what you want studied and
we’ll investigate it.

So, my boss says I’m not supposed to
promise anything, but I believe in government. I
think I can assure you that we’re going to do the
studies that the regulatory agencies require, and
Crocker Pond will be studied in some manner. I
cannot tell you the detail, because we have to
get back to the scientists to say what should be
studied, what shouldn’t be studied. But it will
be studied.

THE MODERATOR: Okay, Ms. Flynn.

I’ll add you to the list.

MS. FLYNN: Thank you, Mr. Moderator.

I’m Pat Flynn, precinct 5. I wanted to mention
that I happened to be the County Commissioner’s
appointee to the Cape Cod Commission right now.
I have been on the Commission now for the last
two years.

I was also appointed by the chairman to
the subcommittee that is hearing the proposal on
the DIR. The DIR and the Comprehensive
Wastewater Plan that is now undergoing review by
the Cape Cod Commission as well as by the state.

So, the Cape Cod Commission, to be
clear, had their public hearing here in Falmouth
some time in early October, and I don’t remember
the exact date. And there were a number of
people here - a number of people here were at
that hearing, including members of the Water
Quality Management Committee.

The subcommittee did not, at the close
of that evening session, did not close the public
hearing but left it open, and it was rescheduled
for October 29th and that was the day the storm
came. So the subcommittee has not yet met. But
I can tell you that in the project summary that
was prepared by the Cape Cod Commission staff,
they particularly stated that sites 7 and 10
should have further studies before any further
action is taken on those.

So, I can tell you I am very confident
that when the subcommittee meets again – and it
has not yet been scheduled – that we will be very
clear that language is in the final report from
the Cape Cod Commission regarding further studies
on sites 7 and 10.

THE MODERATOR: Okay, Mr. Wilber.

MR. WILBER: Jude Wilber, precinct 8,
and I applaud the people that brought this
forward. I think it points out something very
important; I’m a big fan of Crocker’s Pond and
etcetera down that area, my neighborhood.
But I do think that the explanation as given here for indefinite postponement, if it’s edited a little bit, says clearly, "This issue will be address before the cape Cod Commission and the DER review of the CWMP." Period. "Review findings will be received by the Town in 2012." Period. "Additional review and study shall be considered for funding at a future Town Meeting."

That seems to me to be exactly what Mr. Potamis just said. And what Pat Flynn just said. This won’t be overlooked, but I think it’s good to remind us of this, but move - I think this should be indefinitely postponed, just like the recommendation. I think the explanation, once it’s edited, makes it very clear that this won’t be overlooked.

THE MODERATOR: Okay, Mr. Heath? No, you’re all set.

Mr. Netto? No, you’re all set.

Gentleman down here. Yes.

MR. FREEMAN: Good evening, everyone.

Todd Freeman, precinct 5. That is my back yard.

I have two little kids that fish and swim, skate,
boat. Please deny. And you guys all sitting
here all night long, let’s, you know, keep
everything safe.

What about Old Silver Beach? Where is
that water going to go? How far is that water
going to go, Jerry? Does anyone got answers?

I went home today at lunchtime and
they’re checking the pond depths and all that.
The day after the first night of the meeting? I
never got a letter saying what was going on.

Last year was a red flag. I’m sitting
on my couch, and only one person from this
audience spoke up: what about Crocker Pond?

Yeah, what about Crocker Pond? It’s on the end
of Thomas B. Landers Road. We’re down in a hole.
Where do you think that water’s gonna go? Thank
you.

THE MODERATOR: Okay, Mr. Turkington.

MR. TURKINGTON: Eric Turkington,
precinct 1. When Mr. Bunker’s petition first
came around, my first reaction was that I can
support this, because the kind of studies he’s
asking for are exactly the kind of studies our
committee and the Town is going to ask for, and
the state of Massachusetts and the Cape Cod Commission are both going to require more studies than Mr. Bunker and us ever thought of. So there will be no shortage of studies, and Crocker Pond will be right in the middle of them.

So, I’m in favor of the article as amended by Steve Fassett and I would move the question.

FROM THE FLOOR: Question.

THE MODERATOR: Okay, the first motion we have before us is the amendment, which is to change the last sentence to say “discharging any treating effluent at either site”. All those in favor of the amendment signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

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

[Aye.]

THE MODERATOR: All those opposed no.
THE MODERATOR: The ayes have it by a majority and we’ll stand in recess until seven o’clock tomorrow.

[11:12 p.m., whereupon meeting adjourned.]
CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth Annual Fall Town Meeting, taken by me on November 14, 2012. To the best of my ability the within transcript is a complete, true and accurate record of said Town Meeting.

In witness whereof, I have hereunto set my hand and Notary Seal this 2nd day of January, 2013.

_____________________________
Carol P. Tinkham, Notary Public

My Commission Expires:
April 21, 2017

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