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COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

ANNUAL FALL TOWN MEETING

Lawrence School

Lakeview Avenue

Falmouth, Massachusetts

MODERATOR: David T. Vieira

Thursday, November 15, 2012

7:00 p.m.

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

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1 P R O C E E D I N G S

2 THE MODERATOR: Okay, would all Town
3 Meeting Members please come in and take your
4 seats. Don't forget to sign in; attendance will
5 be published in the Falmouth Enterprise.

6 [Pause.]

7 THE MODERATOR: Okay, all Town Meeting
8 Members please come forward, take your seats.
9 We're going to establish a quorum.

10 We've got a number of articles left this
11 evening. This room is not available tomorrow
12 night; it's not available next Monday. So if we
13 don't wrap up tonight, we won't be able to come
14 back until at least next Tuesday. So let's see
15 if we can have good, hearty debate, focus our
16 comments on the issues and take the necessary
17 votes to move forward the warrant.

18 When we get started this evening, we'll
19 get started on Article 35.

20 This evening our Finance Committee
21 chairman has a previous obligation which he could
22 not break, so Mr. Lewis will be standing in to
23 make the motions on behalf of the Finance
24 Committee.

1 Mr. Hampson also had an obligation, so
2 counting the votes in the third division tonight
3 will be Mr. Johnson.

4 So, in the first division will be Mrs.
5 Tashiro; in the second division will be Mr.
6 Dufresne; and in the third division will be Mr.
7 Johnson.

8 Would all Town Meeting Members present
9 please rise for the establishment of a quorum.

10 [Pause.]

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

13 MRS. TASHIRO: 44.

14 THE MODERATOR: 44.

15 In the second division, Mr. Dufresne?

16 MR. DUFRESNE: 74.

17 THE MODERATOR: 74.

18 In the third division, Mr. Johnson.

19 MR. JOHNSON: 59.

20 THE MODERATOR: 59.

21 By a counted vote of 177, we have a
22 quorum and I call the Annual Meeting back into
23 session.

24 Please rise for the Pledge of

1 Allegiance.

2 [Pledge of Allegiance taken.]

3 THE MODERATOR: I recognize Mr.
4 Dufresne for our invocation.

5 MR. DUFRESNE: Please stand.

6 Oh God, creator of us all, we ask your
7 blessings on this Town Meeting. Let each one of
8 us here this evening recognize our differences
9 and our similarities. Let us listen to each
10 other thoughtfully, and guide us to vote on the
11 issues before us with an open mind.

12 We ask you to watch over our words and
13 our debates so that the result of our meeting
14 will be beneficial to all. Amen.

15 THE MODERATOR: You may be seated.

16 Okay, Article 35. This is petitioner
17 article dealing with the Wind Turbine bylaw.
18 The recommendation of the Board of Selectmen is
19 indefinite postponement. This was held by Ms.
20 Driscoll.

21 MS. DRISCOLL: Good evening, Kathy
22 Driscoll, precinct 7. The purpose of Article
23 35, now particularly since -

24 THE MODERATOR: Well, can we have a

1 motion first, please.

2 MS. DRISCOLL: I'm sorry. The motion
3 as printed.

4 THE MODERATOR: Okay, as printed. Ms.
5 Driscoll.

6 MS. DRISCOLL: Since the bylaw on
7 Tuesday night was voted down, what I would like
8 to ask you is to vote in favor of having the
9 Planning Board continue with their work,
10 utilizing the revised Wind Turbine bylaw that has
11 been put forward by the state.

12 Information was provided on Tuesday
13 night related to that bylaw, some of the
14 revisions. And, again, the revisions are based
15 on improvements on technologies, information
16 that's been presented, for wind turbine siting.
17 And so I ask that you vote for this article to
18 help the Planning Board in the continuation of
19 their development of a wind turbine bylaw.

20 THE MODERATOR: Okay, discussion on
21 Article 35. Mr. Latimer.

22 MR. LATIMER: [Inaudible.]

23 THE MODERATOR: Okay, Ms. Kerfoot, then
24 Mr. Latimer.

1 MS. KERFOOT: Thank you. Tonight I
2 want to speak on Article 35 as a Falmouth
3 resident, not officially for the Planning Board
4 because we didn't speak about this nor did we
5 take a vote on Article 35.

6 But I do speak to you tonight from over
7 three years of experience collecting information
8 on turbines and being involved with the writing
9 of the draft Falmouth Turbine Bylaw.

10 In regard to Article 35, before you
11 vote, you should be able to answer some questions
12 as you deliberate your vote tonight. First of
13 all, have you read and are you familiar with the
14 format and requirements in the state's model
15 bylaw? You should know that the claim has been
16 made that we didn't use this; we did. We used
17 the 2009 version, we used the 2011 version. But
18 what we did do is pick and choose, because it is
19 a model bylaw. So we chose what we thought was
20 appropriate and best for the Town. Unless
21 you've read this, you're voting for something
22 that you don't understand what you're voting for.
23 And I heard a lot of complaint about that,
24 previously.

1 For instance, do you know that this
2 model bylaw allows a 100 kilowatt turbine -
3 considered to be small - anywhere, by right, with
4 only the approval of a licensed building
5 inspector? In this case it would be our
6 Building Commissioner, I would assume. For your
7 reference as to the size, a hundred kilowatt size
8 is that which is at Woods Hole Research on Woods
9 Hole Road.

10 In our proposed bylaw, there were
11 district limitations as to where turbines could
12 go and separated out by size of the turbines.

13 Did you know that in this proposed
14 bylaw, the model bylaw given to you - or, put out
15 by the state, the revised version, small
16 turbines, defined as 100 kilowatt or less, can
17 exceed 250 feet or more in height, and that large
18 turbines can exceed 450 feet in height? Both of
19 these increases in height can be allowed because
20 of financial need or gain. That's written in
21 here.

22 Also, there is no limit as to how large
23 the turbines can be in this bylaw. They can go
24 up to three megawatts, or more, whatever.

1 Did you know that the state's model
2 bylaw gives the state oversight over what is
3 considered acceptable sound? In conjunction with
4 the permitting authority. So, we're to some
5 degree limited as to what we can do with sound.

6 And did you know that what you were
7 being asked to approve in many ways would tie the
8 Town's hands to determine itself what is in its
9 best interests? You are giving away, if you
10 follow this really, really closely, some of the
11 Town's autonomy to determine what is best for its
12 own interests.

13 Without officially adopting the model
14 bylaw, which is just that, a model, your Planning
15 Board already used this document and its
16 precedent, as well as, as we told you, many other
17 sources of information from other towns, states,
18 counties, countries, to create the draft bylaw,
19 in our view as to what would be best for the Town
20 of Falmouth.

21 That determination by your Planning
22 Board also allows you the same freedom of choice,
23 too.

24 I personally, as an interested and

1 informed resident, urge you to defeat this
2 article and keep your options open.

3 THE MODERATOR: Mr. Latimer.

4 MR. LATIMER: Thank you, Richard
5 Latimer, precinct 1, speaking as a Town Meeting
6 Member, not a Planning Board Member - which I am.
7 And I fully adopt everything Pat Kerfoot said.

8 I think I have a few more things to add
9 in opposition to this proposal that we be tied
10 into a generic model bylaw, which doesn't
11 necessarily fit this Town, nor fit the issues
12 that we're facing in this Town.

13 We had taken our best shot at resolving
14 the wind turbine issue with Article 3, and it has
15 proven to be intractable. I mean, I don't mind
16 working toward an achievable goal, but dealing
17 with this issue is in reality more difficult than
18 cleaning the Augean stables of Greek mythology.
19 Indicated by the discussion we had on Article 3,
20 our article had sought to balance competing
21 interests. The desire of many responsible
22 citizens to produce green energy in this town on
23 their own properties as against the concerns
24 raised by others who may be abutting such

1 projects as to various effects on their health
2 and enjoyment of their property.

3 Now, that is something that is going to
4 require a balanced approach to get to two-thirds
5 majority. We can't do it on a 51 to 49 basis.
6 We have to get two-thirds. But, the vote that we
7 got on Article 3 gives me some pause and doubt
8 that we're ever going to get that kind of two-
9 thirds majority. If it had been 110 in favor and
10 you know 87 opposed, I might say, well, maybe we
11 could make up that difference to get to two-
12 thirds, but it was just the opposite. And the
13 fact is that the people on either side, the pros
14 and the cons, were about equally divided. So, do
15 the math.

16 So, unless something really changes
17 within the mind-set of this body, we're going to
18 hit April and we're not going to get anything
19 done. And what's going to happen then?

20 Now, somebody spoke against this article
21 and said, "Oh, let the bylaw lapse." Well, that
22 was a mistake, because there is no bylaw that's
23 going to lapse. There is a moratorium that's
24 going to lapse April 30th; then the old bylaw is

1 going to kick in, the old bylaw that allowed the
2 turbines to exist out in West Falmouth now.

3 And, believe me, there's people, with an
4 improving economy there's people lining up. As
5 soon as this moratorium lapses, April 1st, or the
6 first weekday thereafter, the ZBA is going to get
7 applications, and guess what? Those
8 applications, they're going to have to allow them
9 under the old bylaw because there's no standards
10 that would allow them to deny it.

11 That's the reality we're facing.

12 Now, it's too late now to reintroduce
13 Article 3 and I'm not going to do that. But I'm
14 going to say to everyone keep this in mind
15 because, when we come back in April with a new
16 bylaw, it's not going to be the same as Article
17 3, but it's not going to be based on some generic
18 model, either. It's going to be tweaked, and
19 I'll say it will be tweaked according to the
20 comments we heard here. We will listen to the
21 people that spoke at Town Meeting, as we did
22 listen to the people that appeared at our
23 hearings. And we will come back with a bylaw and
24 I want everybody here to be prepared to

1 compromise on some of their concerns, because
2 that's what it's going to take to get a better
3 bylaw in place than the one we have now. And if
4 we don't do that, then, hey, it's going to be a
5 free-for-all. Thank you.

6 THE MODERATOR: Okay, Ms. Fenwick.
7 And then Ms. Cool.

8 MS. FENWICK: Judy Fenwick, precinct 1.
9 I would just like to state that I think this is a
10 very dangerous precedent to have a petitioner's
11 article trying to direct the work of an elected
12 board in this community. So I would say vote no
13 on this article.

14 THE MODERATOR: Ms. Cool. Microphone
15 to the left.

16 MS. COOL: Good evening. Thank you,
17 Moderator. Annie Hart Cool, 250 Fire Tower,
18 living under the current wind turbines. I think
19 that we all need to put our faith in our Planning
20 Board to do the right thing here, and I ask you,
21 I implore you, please defeat this article.

22 THE MODERATOR: Further discussion on
23 Article 35? Hearing none, the question will then
24 come on the main motion as printed. All those

1 in favor signify by saying aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [No.]

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

7 Article 36. Article 36 was a
8 petitioner's article. The Board of Selectmen's
9 recommendation is indefinite postponement. Mr.
10 Finneran.

11 Ms. Bothner, do you have a - microphone,
12 please.

13 MS. BOTHNER: Mr. Moderator, Elizabeth
14 Bothner, precinct 2. I am glad that this
15 article was just defeated. I am puzzled, though,
16 that Mr. Latimer has said we cannot reconsider
17 Article 3. Has - it has --

18 THE MODERATOR: That's correct. I
19 only allow a reconsideration for substantially
20 new information. And after the hour-plus debate,
21 you had all the information to make that
22 decision.

23 MS. BOTHNER: I don't think that we
24 had all the information that -

1 THE MODERATOR: What substantially new
2 information do you have that was not available to
3 the meeting at the time of the original vote?

4 MS. BOTHNER: I think that Mrs.
5 Kerfoot, as excellent a job as she did on the
6 first night of Town Meeting, has done an even
7 more exemplary job in pointing out the importance
8 of passing Article 3. And I'm going to ask for
9 reconsideration of Article 3.

10 THE MODERATOR: The model bylaw has
11 been in effect for over a year, so it's not that
12 it didn't exist. The fact that Town Meeting
13 Members didn't maybe read it before they came or
14 the Planning Board didn't present it. But I'm
15 going to allow the meeting to decide.

16 All those in favor of reconsideration
17 signify by saying aye.

18 [Aye.]

19 THE MODERATOR: All those opposed no.

20 [No.]

21 THE MODERATOR: It's the opinion of the
22 chair that the no's have it and we will not
23 reconsider Article 3.

24 Article 36. Mr. Finneran for a main

1 motion.

2 MR. FINNERAN: I would like to put a
3 positive motion on the floor.

4 THE MODERATOR: As printed?

5 MR. FINNERAN: As printed.

6 THE MODERATOR: Okay, as printed. Mr.
7 Finneran.

8 MR. FINNERAN: And in the interests of
9 time, I'd like to dispense with the reading of
10 it. It's all in your warrant book, but it
11 basically just asks that the people of the town
12 be notified the same time the Town is notified
13 when there's contamination in the water.

14 And this is Mass. 310 CMR. It's, as it
15 says here, it's intended to promote the public
16 health and general welfare by preventing the
17 pollution and securing of sanitary protection for
18 all such waters used as sources of water supply
19 and ensuring that public water systems in
20 Massachusetts provide the users thereof water
21 that is safe and fit and pure to drink.

22 And it's not to avoid causing undue and
23 inappropriate public alarm, as in the Board of
24 Selectmen's thing. It's actually there's nothing

1 in there about it. Basically this is what it
2 covers and but the basic premise of this question
3 is do you want to make your own health-related
4 decisions or do you want to leave them up to
5 somebody else.

6 Some at the table, there, don't believe
7 that it's possible, or it's proper. I disagree.
8 I'd like to tell you or to point out that if they
9 found E. coli in a pond or in the ocean, it would
10 be immediately everybody out of the pool. But in
11 this instance, in the case of drinking water,
12 they're still allowed to serve it to you without
13 even notifying you of the consequences.

14 And these are some of the things
15 describing E. coli and pollution in the systems.
16 And I didn't take all of them; they're just the
17 ones that basically apply to what we're talking
18 about. And, you know, this is the protocol for
19 E. coli.

20 Can you go to the next slide. And,
21 again, there are two more. CMR 310 says that the
22 public water supplier shall notify the department
23 and its local board of health as soon as
24 possible, but not more than two hours after

1 obtaining the knowledge of potential or actual
2 emergency. I simply ask that they expand that
3 to the people who are consuming our water. This
4 has happened to us, now, on two occasions in the
5 last few years and it's not right.

6 Next slide, please. Also in 310 CMR
7 is it says notification is any consumer complaint
8 in which the water may have caused physical
9 injury. That's happened. It happened to my
10 mother on two occasions.

11 And a pattern of unusual customer
12 complaints about the water quality, such as
13 taste, odor, etcetera. Now, who hasn't
14 experienced that?

15 Next slide, please. In Marstons Mills,
16 Cotuit, Osterville, Marstons Mills Water
17 District, they - if they have - they have wells.
18 If they have an E. coli hit, they immediately
19 remove the well from the system, and even though
20 they're not required by the 310 CMR, they notify
21 the people in town and this is the notification
22 that they send out. It basically tells you that
23 they had a hit in the water and they shut the
24 thing off.

1 And can I go to the next slide, please.

2 And they go on to tell you that, in this
3 particular instance -- this happened this past
4 year as you can see - they didn't find any
5 further E. coli and they cleaned the system
6 anyway and it was a matter of more than a week, I
7 believe, before they actually put it back on
8 line.

9 We don't have the option to do this. We
10 don't have - we do have multiple wells, but not
11 enough that can supply the demand that we need.
12 In effect, this town gets what I'm asking for
13 automatically from their Water Department.

14 Can you go to the next slide, please.
15 Okay, and now I mean, this, again, just basically
16 explains how they test for, what the microbes
17 are. But everybody knows what happens when you
18 get E. coli, and it's not pretty. It's
19 especially a high risk to infants and older
20 people. And I don't have to point out to people
21 that we have an unusually high older population.

22 Again, in the Board of Selectmen's water
23 protocol, they note that they do it so they don't
24 have - they don't want to alarm the public or

1 cause any undue stress, or whatever. I just
2 don't believe that's possible. The undue stress
3 is when someone gets E. coli or becomes sick.

4 I spoke with Andy Cunningham in Wareham.
5 They have the same thing. They don't have
6 surface water supply, they have wells. But when
7 they have a hit, they do the same thing. They
8 remove the well immediately and what they do is
9 he calls it an advisory. They're not required by
10 the DEP to do so, but they get on the radio and
11 they tell the public that they've had a hit for
12 E. coli.

13 The way that we do this and the way that
14 the state law provides is actually outdated
15 because there are faster tests. There's a test
16 called coli vert [sp?]; I believe it takes four
17 hours to detect a hit.

18 When we get a hit for E. coli, we have
19 24 period of time before we can test - or you're
20 required to test within a 24 period of time.
21 What this town does is it waits almost a whole 24
22 hours and, in the interim, they basically
23 overdose the system with chlorine, in effect
24 trying to kill the e coli.

1 When this happened to us in July, I
2 brought it up to the Board of Selectmen on a
3 Monday and they told us numerous times that it
4 was a bad sample. They had no ability to make
5 that judgment. The following week, they
6 actually changed the minutes and said that it may
7 have been a bad sample. I think that simply
8 people should be allowed to know and make their
9 own decision.

10 When the Selectmen - first, our water
11 plant. They're supposed to have five operators.
12 We're down to two. They say that it works best
13 with four. This system is stretched in that one
14 of the operators lives in Brewster, so they are
15 really stretched.

16 Our previous water commissioner, Mr.
17 Chapman, was never capable of treating the pond
18 properly. He killed fish. It's -

19 THE MODERATOR: Let's keep it on why we
20 should have this notification, please.

21 MR. FINNERAN: All right. Well, you
22 should have it simply you should have the
23 notification so you can make your own judgment on
24 your health.

1 When this came up in front of the Board
2 of Selectmen, they were asked why or what should
3 people do that had a weakened immune system. It
4 was suggested by two of the Selectmen that if you
5 have a weakened immune system you shouldn't just
6 drink the water at all.

7 I can tell you personally: my mother
8 doesn't drink the water and she'll never drink
9 the water again. And I'm simply asking that you
10 allow us to make our own decisions. As I say, it
11 has happened twice in the last two years and
12 people have gotten sick.

13 That's pretty simple. I don't want to
14 waste a lot of your time. It's not that big of a
15 decision. It's, like I said, do you want to make
16 your own health decisions or do you want someone
17 else to do it for you?

18 THE MODERATOR: Any discussion on
19 Article 36? Mr. Dufresne.

20 MR. DUFRESNE: Adriane Dufresne,
21 precinct 2. Could we hear from someone from the
22 Water Department that could either agree that
23 this would be a good thing for the Town of
24 Falmouth or maybe if we had Mr. Jack, could we

1 have Mr. Jack speak for us?

2 THE MODERATOR: Mr. Jack. Mr. Jack,
3 you want to address that?

4 MR. DUFRESNE: Thank you.

5 MR. JACK: Thank you, Mr. Moderator.
6 Raymond Jack, Director of Public Works, precinct
7 9.

8 There is a lot that I could say, and
9 we've had discussions over the last several years
10 about water quality issues. In April of 2011,
11 we had a presentation on why we should consider a
12 feasibility study for Long Pond.

13 I gave you a lot of information at that
14 time, and as a matter of fact some of the issues
15 regarding why we should do it with respect to
16 immuno-compromised systems and/or infants or
17 sensitive sub-populations, that that is what
18 we're supposed to be protecting, that is
19 absolutely true. And that is exactly why we
20 should do something about Long Pond. My hope is
21 that you are going to do that.

22 With respect to the regulations,
23 however, and public notification, I would have to
24 agree with the understanding of at least a couple

1 of the Board of Selectmen that those who have
2 such an immuno-compromised system and/or are ill,
3 or have a weakened immune system in any other
4 way: don't drink the water until and unless the
5 time comes when we build a treatment plant.

6 And here's why that's not being
7 facetious. These notifications, even this
8 notification that's being recommended to you now,
9 even the notification that will be required by
10 DEP, is always after the fact. Therefore,
11 anyone with an immuno-compromised system is
12 always at risk with an unfiltered surface water
13 source, because bacteria are always there,
14 regardless of the type, it always has the ability
15 to impact people and the notification, even from
16 the laboratory, we take a sample today, we get it
17 back tomorrow.

18 And when we do a repeat sample, it'll be
19 the next day before we confirm it. That's a
20 minimum of 24, if not 48 hours notice.

21 The shorter forms of tests are for field
22 type tests. The laboratory has specific methods
23 that they are obligated to proceed with, and
24 those are tests that take from 18 to 24 hours in

1 order to complete. Those are the tests that we
2 have to go by, those are the tests that they have
3 to go by. But understand that for any
4 contaminant in the water system that we analyze
5 for, the result is always going to come back
6 later. You already drank the water.

7 I'm concerned, I think, about this
8 article primarily because the introduction had
9 said that the DEP regulations are intended to
10 promote the public health and safety, to ensure a
11 safe, reliable and fit drinking water supply. If
12 you believe that, then you would have to believe
13 that their goal is to protect you. They do not
14 require that if an e coli positive shows up in
15 the system that we automatically go to a public
16 notification and cause alarm. And it does cause
17 alarm. They require that we confirm that first.

18 Now, if you have a location where you
19 take a sample and it comes back positive, micro-
20 biologically positive, that does not mean that
21 the water system is contaminated. And
22 specifically, even when we're talking about e
23 coli, and I know that strikes fear into the heart
24 of many because we associate it with the domestic

1 cattle version of e coli, that has been known to
2 kill people. E coli in this particular case is
3 just a fecal coliform indicator. It's an
4 indicator organism and of and by itself is not
5 harmful.

6 Everyone in this room has e coli in
7 their system right now. That's a fact. It is
8 part of your biology. Every infant acquires it
9 within 48 hours, because it's necessary for the
10 digestive tract. Hence that's where e coli comes
11 from, the fecal matter, or fecal origin.

12 It is usually not logical that a water
13 system is going to be contaminated that way.
14 Therefore you need to confirm that.

15 The consequences of a public
16 notification in a case like this are far-ranging.
17 Everyone will be concerned. Hospitals will shut
18 down their operating rooms. They will delay and
19 defer operations. Businesses will not use their
20 water; they will dispose of ice cubes. You
21 will likely expect to be receiving bottled water.
22 That decision alone is a \$300,000 decision.

23 Then, because you would be willingly
24 issuing a public notification on yourself, unlike

1 Centerville, Osterville, and Marstons Mills water
2 notice that you saw, this article is asking you
3 to go to the extreme, which is immediate and
4 widespread notification. That's reverse 911.
5 By regulation, it would have to be put in the
6 newspaper within 14 days or on the television or
7 on a radio station, or delivered by hand, or
8 posted in conspicuous places.

9 The policy that the Board of Selectmen
10 has adopted says that we would follow the
11 regulations and once we have confirmed that there
12 were e coli present in the water system and
13 requiring public notification, we would go the
14 extra measures to provide the reverse 911
15 notification that everyone here would expect.
16 And you would expect nothing less. It would not
17 suffice to say we're going to put a notice in the
18 newspaper.

19 And hence the article here is also
20 saying to say what you can do about it, what the
21 impacts are, what the consequences are. The
22 only way that you can say what the consequences
23 are and what you can do to protect yourself is
24 you'll be issuing a boil water order notice on

1 yourself. Nothing else would suffice in a
2 circumstance like that.

3 Another issue with Centerville-
4 Osterville-Marstons Mills Water Department. I'm
5 not intimately familiar with them. They have a
6 number of wells. They have no surface water
7 source. I believe they have 21 wells. Those
8 wells, and that particular notice are talking
9 about a raw water or source sample e coli
10 positive. That's a different animal; comes
11 under a different set of the regulations; and a
12 public notification is not voluntary, it is
13 mandatory.

14 So I just wanted to give you that
15 information that it's not to say that it's not
16 something to be concerned about, but it is to say
17 that it is entirely possible when you have one or
18 two positives out in the system that they are the
19 result of a sampling error. Human error does
20 happen. It could be a non sterile container in
21 a non sterile environment. Or someone not
22 washing their hands. There's a chain of custody
23 between the time the sample is taken and it goes
24 to the lab.

1 So, for the official notifications, I
2 think that that's what you would expect, because
3 at least that way I could stand here confidently
4 and issue something like that and say, "Yes,
5 there should be a reason to at least be
6 cautious." That doesn't necessarily mean that
7 you have to be scared, because e coli in this
8 instance is not the harmful organism that
9 everybody is taking it to be.

10 So, I'm happy to answer any other
11 questions that anyone may have.

12 THE MODERATOR: Okay. Ms. Palmer.
13 Then Mr. Noonan.

14 MS. PALMER: Hi, my name is Kathy
15 Palmer, precinct 3. Just simply: how many hits
16 have you had, Mr. Jack, since you've been working
17 for the Town that turned out to be false alarms?
18 Just an average per year from the time that
19 you've been with the Town, because you've been
20 aware all along, I'm sure.

21 I'm not saying I'm for or against. I'm
22 just curious. Thank you.

23 MR. JACK: The only ones that I can say
24 with certainty were considered a positive was

1 during the boil water order of 2010. The reason
2 for that, the repeat samples that were taken did
3 not come up e coli positive. However, by
4 regulation, they did come up total coliform
5 positive.

6 Regulations require that if you have an
7 e coli positive first, do repeat samples and an
8 upstream, downstream sample, so you're checking
9 the adjacent properties as well, to ensure that
10 it's not just an anomaly. So for every bad
11 sample that you get you take three. If any of
12 them came back with even total coliform, then it
13 is considered a violation, and then it requires
14 public notification and DEP notification. That
15 existed in 2010.

16 We had two e coli hits this summer, and
17 both upstream, downstream and repeat samples on
18 both locations came back zero. So there was no
19 violation and there was no requirement to go to
20 public notification or issue boil water orders in
21 that instance. So that are the only ones that
22 I'm aware of.

23 MR. FINNERAN: Can I comment on that?

24 THE MODERATOR: No, Mr. Noonan.

1 I'll put you on the list again.

2 MR. NOONAN: Is it possible - John
3 Noonan, in precinct 6. Is it possible to notify
4 the public that you had a hit that's in other
5 words two stages, that it's not a boil water but
6 it's a notification? And then if you get a
7 second hit confirming, then we have - then you
8 put it out that it's a boil water order. What
9 that will do is give us the option of not
10 drinking the water, and know that it's not -
11 you're not going to serve bottled water to
12 everybody on the initial notification, it's just
13 a standard that people can make for their own
14 selves.

15 THE MODERATOR: Mr. Jack.

16 MR. JACK: It would in fact be a boil
17 water order, and the reason being that one of the
18 items that would have to be included in that
19 notice, according to the article specifically,
20 says that you have to tell people what
21 precautions they can take, and that is the
22 precaution that you must take if that notice was
23 given, would be to boil the water, number one.

24 Number two, for those who would receive

1 the notice, they would take the normal standard
2 precautions as if it were a boil water order or a
3 mandatory public notification, so hospitals would
4 very likely shut down their operating rooms and
5 businesses would have to do the same.

6 So the impact is going to be the same.
7 But the bigger picture here is what form of
8 notification are we talking about, that if we
9 issued that? We would have to issue that as a
10 reverse 911 notification.

11 MR. NOONAN: If you issued it as a 911
12 notification, and amended this bylaw as it's
13 written now that said that it was not going to be
14 boil water initiation, that it's only to alert
15 the public that they can make a judgment on their
16 own, that it's not a mandatory boil water. I
17 don't understand why it could not be amended in
18 that way, other than it causes an extra step.
19 But it's only a reverse 911 call, so it's not
20 really a large undertaking.

21 MR. JACK: As far as a boil water order
22 goes, and a microbiological issue, if you will,
23 those are the precautions that you would be
24 required to take and those are the precautions

1 that we would be required to tell you to take.
2 So we couldn't exclude them, if you will, from
3 the notice.

4 And, what would happen then, I'm sure
5 that everybody would say the same thing: why
6 didn't you tell me I should have boiled my water?
7 That would be the very first thing: "Oh, it's
8 nice that you told me that we had a coliform
9 positive, but why didn't you tell me that I was
10 supposed to boil my water?" So, we would have
11 to. It would result in the same notification
12 that a formalized boil water order would.

13 And, if you believe that this would be
14 the way to go, by this article, that for a system
15 e coliform positive that was not confirmed with
16 subsequent sampling, then you would want to file
17 that - follow that form of protocol to the
18 letter.

19 THE MODERATOR: Mr. Netto.

20 MR. NETTO: Joe Netto, precinct 9. I
21 have two questions, Mr. Moderator, the first to
22 Mr. Jack, the second to the Chairman of the Board
23 of Selectmen.

24 Am I not mistaken, Mr. Jack, but the

1 Town of Falmouth had to pay a monetary fine
2 imposed upon it from the state because of our
3 failure to notify the citizens of the Town of
4 Falmouth on the boil water incident of two years
5 ago, correct?

6 MR. JACK: Yes, yes.

7 MR. NETTO: And wasn't the reason for
8 that fine because we did not have in place proper
9 notification to the citizens of the Town?

10 MR. JACK: It is because we failed to
11 notify, not because we didn't have in place, but
12 we failed to notify.

13 MR. NETTO: Oh, okay. Would Article -
14 the passage of Article - excuse me - 36 have
15 prevented that fine? Yes or no, that's all I
16 need, yes or no.

17 MR. JACK: Yeah, it's no, it wouldn't
18 have.

19 MR. NETTO: Okay.

20 Now, the second question is to the
21 Chairman of the Board of Selectmen because when I
22 read in the explanation of Article 36, Mr.
23 Murphy, I see that the Board voted indefinite
24 postponement of this article, and the explanation

1 says, "Independent of the Petitioner's request,
2 the Board of Selectmen has been working on a
3 protocol for communicating important public
4 information about the municipal water system."
5 Could you please inform Town Meeting of the
6 protocol that the Board of Selectmen has in place
7 as of tonight.

8 THE MODERATOR: Mr. Chairman.

9 CHAIRMAN MURPHY: Thank you very much.
10 The Board, well before the warrant was closed,
11 after the occurrence this past summer, stated
12 that it was going to implement a water protocol
13 notification, and on October the 22nd in fact put
14 together a policy that was supported by the
15 entire Board for a water notification policy.

16 This Board understands the impacts to
17 the community, meaning health reasons;
18 understands the impacts for our future of this
19 community; we understand the impacts for the
20 economics of this community; and we understand
21 the impacts of the water we drink.

22 The protocol that we implemented was
23 very similar to that of the state, however we
24 implemented a - after the second hit, or if you

1 will the confirmation of an actual bacteria of
2 some form, that we would do the reverse 911, we
3 would do signs on the highways both coming into
4 town on both ends of this community.

5 There is no secret here in this Town
6 Meeting that the water we drink, as a surface
7 water supply, is less than pristine. You will
8 see in the spring and you will have some options
9 that you're going to have an option of cleaning
10 up our water supply, meaning a water filtration
11 plant, or you're going to have an option of
12 beginning our waste facilities, our waste
13 treatment. Those are going to be some hard
14 options that this body is going to have to
15 choose.

16 We don't have the redundancy in this
17 community like they have in other communities
18 with other wells.

19 In the middle of the summer, keep in
20 mind, if we shut down our surface water supply,
21 that surface water supply would not provide - the
22 remainder of our water would not provide adequate
23 water to the residents in this community. The
24 Board went through a thoughtful presentation,

1 thoughtful deliberation, and realized that the
2 steps that we were taking were in fact protecting
3 the public, as well as going the extra mile
4 versus the notification versus the way the state
5 says to notify.

6 Now, I'm sure that's not going to please
7 each and every other individual, but I can tell
8 you that, with a surface water supply, the water
9 that you hold up has things that float around in
10 it. Our water is treated. The reason it comes
11 to the purity level is because of the treatment.
12 It's not purified. It's not filtered. So,
13 although it's clean enough to drink, our water
14 still has things in it, because it comes from the
15 surface water supply. It is in fact Long Pond.
16 It is a pond, folks. So we're going to have to
17 make some hard decisions in the spring.

18 And our suggestion would be, yes, if you
19 have a deficient immune system, that drinking the
20 water may not be the best alternative for you
21 between now and when we come up with a water
22 filtration system or an advanced treatment
23 facility.

24 But the Board of Selectmen deliberated

1 long and hard and discussed this at an open
2 public meeting and we thought that we took
3 prudent steps that protects the public in all
4 forms.

5 Thank you, Mr. Netto.

6 MR. NETTO: Thank you.

7 THE MODERATOR: Okay, Mr. Finneran.

8 MR. FINNERAN: First off, this petition
9 doesn't ask for a 911 reverse notification
10 system. There's actually a typo in here. It
11 says the most immediate and broadcast form of
12 notification. It should be the most immediate
13 broadcast form of notification, which is exactly
14 what they do in Wareham.

15 Again, this is simply that the people
16 have the option whether to drink the water or not
17 until we know exactly what's wrong or right with
18 it.

19 And, again, when you compare the first
20 hit to the second hit, you're not comparing
21 apples to apples. Because they have that 24 hour
22 period where they overdose the system to try to
23 kill it to get a positive sample. So, by that
24 time, if you're drinking the water, you could

1 have been drinking this stuff for as much as
2 three days, and it'll make you sick. It made my
3 mother sick the last time, and it made other
4 people in this town sick and a lot of people are
5 aware of that.

6 In Wareham, they just call it an
7 advisory and say if you have a compromised immune
8 system, avoid the water. It's simple. It's
9 erring on the side of caution for some people in
10 this town who need it more than others. Mostly
11 being the old and the young. I don't think it's
12 that extreme. Making people sick or having
13 people get sick when it's unnecessary, that is
14 extreme to me.

15 THE MODERATOR: Okay, Ms. Poole.

16 MS. POOLE: Diane Poole, precinct 9.
17 I'd just like to know, there's times that you
18 turn on your faucet and perhaps this should go to
19 Mr. Jack, that you get a very strong chlorine
20 smell, which is not all the time but
21 periodically. Now, is that because of a failed
22 test?

23 THE MODERATOR: Mr. Jack.

24 MR. JACK: No, unfortunately that's

1 actually normal, these days. That's one of the
2 issues that you're going to be contending with
3 very, very soon. The only form of treatment at
4 Long Pond with respect to protection is
5 disinfection with chlorine. And when you put
6 chlorine in contact with organic matter, there
7 are byproducts, that's one thing. But then the
8 higher the concentration of chlorine that you
9 use, the more you're going to have the
10 susceptibility for odors.

11 So, it depends on times of day, times of
12 year, when Long Pond's running harder, when it's
13 not, which sources happen to be online, that's
14 what determines where and when you may have
15 odorous complaints.

16 But please understand this: that back in
17 the '90's when we built Long Pond, in avoiding
18 filtration, because it was actually being
19 mandated at that time, but there was a side door
20 that said, "Well, if you want to avoid it, you
21 can super-disinfect." So, we don't disinfect
22 the way a normal water system disinfects. By
23 regulation, because we chose that option, we are
24 required to super disinfect the water, to try to

1 guarantee a fore log or 99.99 percent removal of
2 giardia and cryptosporidium. The problem there
3 of course is, as we all know, that doesn't always
4 work, of and by itself.

5 MS. POOLE: Well, I for one have chosen
6 the option of drinking nothing but spring water,
7 so because I do not want to drink things or
8 chlorine. So, I have made that choice. And it
9 costs some money but hopefully it helps with the
10 health. So, thank you.

11 THE MODERATOR: Mr. Donahue. And then
12 Ms. Siegel.

13 MR. DONAHUE: Bob Donahue, precinct 3.
14 This is to Mr. Jack, I'm sorry, I don't mean to
15 get you jumpin', Jack.

16 [Laughter.]

17 MR. DONAHUE: You gave us a
18 politically correct answer, but let me ask you a
19 different way. How many situations have we had
20 in the last let's say 15 months that has come to
21 your desk, "We've got a problem. We sent the
22 test out", and fine, the test came back and we
23 were fine, we're go. We hit it with the
24 chemicals and everything's good. But how many

1 times have your staff told you that there's a
2 potential problem in the last 15 months?

3 MR. JACK: Let me give you a short - a
4 short explanation, because I can't count -

5 MR. DONAHUE: No, no, that's, sir,
6 that's the question to you -

7 THE MODERATOR: Mr. Jack, that's the
8 question, is how many false positives -

9 MR. DONAHUE: - is how many times, 10,
10 20, once a month, twice a week?

11 MR. JACK: There's more than I can
12 count.

13 MR. DONAHUE: More than you -

14 MR. JACK: More than I can count.

15 MR. DONAHUE: All right, thank you.
16 That's - that's what I kind of thought you were
17 going to say.

18 MR. JACK: Yes.

19 MR. DONAHUE: And my point is we have
20 an elderly community here that cannot afford to
21 go out and buy bottled water all the time.
22 Isn't this really saying let's err on the side of
23 safety?

24 I know it's a pain and I know if you

1 have to do it almost once or twice a week, people
2 are going to get turned off to it because they're
3 not even going to pay attention to it, but I
4 think some kind of notification should go out.

5 And also, if we're going to build a
6 filtering plant - and I hope we're going to buy -
7 build the best one that's on the market - I think
8 that to have the support of the town in the vote,
9 we should let them know what the problem is, that
10 this is - this is a serious problem and it's
11 going to cost \$60 million or a hundred million
12 dollars to fix it. And then we won't be
13 surprised when we get a no vote. Thank you.

14 THE MODERATOR: Okay. Ms. Siegel.

15 MS. SIEGEL: Debra Siegel, precinct 6.
16 Before I comment, Mr. Moderator, I have a
17 request. More and more people are not giving
18 their names and precinct numbers -

19 THE MODERATOR: I'm sorry.

20 MS. SIEGEL: - before they speak.

21 Thank you.

22 Like Mr. Netto, I like to see us making
23 decisions based on the facts, and sadly most
24 people don't have a good enough understanding of

1 how science works to make a judgment, make a
2 decision based on the facts. And they don't
3 understand statistics - and I should say we don't
4 understand statistics. If I didn't have a
5 resident physicist living with me, I wouldn't
6 understand as much as I do.

7 We hire professionals in this town and
8 we pay them pretty good money. I think that to
9 have petitioner's articles that are emotional and
10 trying to sway us on an emotional basis, forcing
11 the professionals in this town to do their jobs
12 in a way that may not make the most sense, is a
13 bad precedent to set.

14 Mr. Jack has tried to explain the
15 expenses of what it would cost to have these
16 notifications all the time. He has told us in
17 past Town Meetings and explained about the same
18 problem about the fecal coliform and about the
19 filtration system that he's been trying to get
20 for probably as long as I've been a Town Meeting
21 Member.

22 I urge you to let the professionals do
23 their jobs. Nobody's perfect. Mistakes are
24 made, but that doesn't mean that this is the way

1 to solve them. Please vote no on this article.

2 THE MODERATOR: Okay, Mr. McNamara,
3 anything new here?

4 MR. MCNAMARA: Good evening, Matt
5 McNamara, precinct 7.

6 I think this isn't necessarily - it
7 doesn't have to be presented as an emotional
8 issue. I think we have a lot of facts that we
9 can look at. This is not a question before you
10 in terms of whether or not the professionals are
11 doing a good job, it's simply a question of
12 notifying us and the public.

13 I'm glad that Mr. Jack mentioned about
14 his presentation in 2011 at the Special Town
15 Meeting, and actually what I have for you, I just
16 have three brief slides, is a portion of the
17 transcript of that meeting. And what we learned
18 from Mr. Jack when there was an article looking
19 for us to spend \$800,000 on a study of the
20 filtration plant was that our water supply - this
21 is a fact - is tested for coliform as an
22 indicator of serious waterborne diseases, such as
23 polio, typhoid, hepatitis and others that you see
24 on the slide.

1 Bob, next slide, please. We've also
2 been told that the Town's goal regarding our
3 drinking water is to protect children who have
4 undeveloped immune systems and seniors who have
5 weakened immune systems. Add to that list
6 pregnant women and those with cancer or
7 undergoing cancer treatments.

8 Yet at the recent Selectmen's meeting on
9 the 22nd of October, when the protocol was first
10 discussed, again, it's been mentioned to - the
11 Selectmen said and it was mentioned again here
12 tonight, "Simply don't drink the water".

13 Well, as somebody in my precinct said to
14 me, "Well, can I opt out of the water system if
15 that's the case?" I don't think we can. It's
16 not just a question that our water is simply our
17 drinking water, but it's our bathing water; we
18 use it for all sorts of things, and we don't
19 always boil it.

20 Bob, the next slide, please. The third
21 part of the transcript, again, just told us that
22 everyone is susceptible to a waterborne disease.
23 In fact, I think Mr. Jack told us that every one
24 of us would get sick. And when we do, our

1 immune system would be weakened.

2 All I think this petition is asking for
3 is better notification.

4 Now, you can send out notification
5 that's alarming or you can send out notification
6 that's factual. Centerville-Osterville-Marstons
7 Mills sent out notifications, and you know what's
8 interesting? No one was alarmed in that
9 community.

10 People I think are capable of making the
11 decisions for themselves. If you want to boil your
12 water, that's fine. If you want to buy it
13 alternative, that's fine. But I don't think
14 what's proper is based on the Selectmen's new
15 protocol is that if it's important enough to
16 notify when you get the first positive test, the
17 DEP, the DPW Director, the Town Manager, our
18 Health Agent and the Chairman of the Board of
19 Selectmen, I think it's probably just as easy to
20 notify us and it's probably just as important to
21 notify us as well.

22 To be somewhat consistent, on the 22nd of
23 October, public meeting, I did offer an analogy,
24 and it did hit the paper, so I'll mention it

1 again. The analogy I used was the brake warning
2 light in your car. If the light comes on, we
3 wouldn't choose not to tell our kids about it
4 before they drove the car. We'd probably do
5 something about it. That's all we're asking.

6 Again, in April of 2011, we authorized
7 \$800,000 to study a treatment - filtration plant.
8 The cost to build that is going to be millions of
9 dollars. The cost of prompt notification of
10 possible water contamination is priceless.

11 The theme of this Town Meeting over the
12 past two nights has been safety. Whether it was
13 the field at the high school, we talked about
14 spending \$35,000 and then again up to \$4 million
15 for the safety of our kids.

16 We talked about the safety at the Surf
17 Drive beach house, and we spent \$50,000 last
18 night because there are cracks and there are
19 concerns.

20 The actual notification here doesn't
21 cost anything. We've got the mechanisms in
22 place. Wouldn't you rather know than just skate
23 along and wondering what we're drinking?

24 Please support this article. It is

1 factual and it's not emotional.

2 THE MODERATOR: Okay, anything new, Ms.
3 Liechtenstein?

4 FROM THE FLOOR: Question, question.

5 MS. LIECHTENSTEIN: We suffer from
6 information overload. We get too much; we don't
7 use it all. Beaches, everything in Boston, every
8 time they test, it goes on the website. You can
9 see every single week what each one of those
10 tests are, if you choose to do it.

11 Whether, then, a 911 call and on our
12 last time some people didn't get that 911 call,
13 sometimes people don't see it in the paper.
14 Every time you test, put it on the website.
15 People with immune system problems or any special
16 concerns can check this. But if it's going to be
17 something that we're going to have to hire
18 another person for Mr. Jack and the department to
19 be able to provide all this information -- we've
20 got a web system in town. Just simply put it up
21 there and let us see it. That way, you can make
22 up your own mind.

23 Thank you.

24 THE MODERATOR: Okay, the question will

1 MR. JOHNSON: 29.

2 THE MODERATOR: 29.

3 In the first division, Mrs. Tashiro.

4 MRS. TASHIRO: 34.

5 THE MODERATOR: 34? 34.

6 Second division, Mr. Dufresne.

7 MR. Dufresne: 45.

8 THE MODERATOR: 45.

9 By a counted vote of 64 in favor and 108
10 opposed, the article does not pass.

11 The next article I have is Article 39.

12 This was a petitioner's article by Mr. Patrick.

13 Mr. Patrick notified me shortly before the
14 meeting he had a board meeting in Westport where
15 he works and he is on his way to Town Meeting as
16 soon as that board meeting is over, and he would
17 like us to pass over 39.

18 If he's not here by the time that we're
19 ready to wrap up the meeting, then he has someone
20 prepared to make a main motion.

21 So, without objection, we will pass over
22 Article 39.

23 And we will move on to Article 41. We
24 had dispensed with Article 40 out of order, so

1 Article 41. This is a petitioner's article.

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

4 CHAIRMAN MURPHY: Yes, Mr. Moderator,
5 that the Town adopt Article 41 as printed.

6 THE MODERATOR: As printed. This is to
7 support the Board of Selectmen and the Consensus
8 Building Institute process for achieving town
9 consensus on the town wind turbine issue.

10 Ms. Driscoll. Oh, actually Mr.
11 Moriarty held this on my list. I'm sorry. Mr.
12 Moriarty. Ms. Driscoll's the petitioner.

13 MR. MORIARTY: Dave Moriarty, precinct
14 6. Good evening, everyone. I suggest we - I'm
15 in favor of this article, passing this article.
16 The job that the neighbors are doing that live
17 around the turbine and educating the people on
18 the board and everyone in town is just fabulous,
19 you know. You know, they're just terrific. The
20 knowledge that they have over the last two and a
21 half years that they've acquired is just - it's
22 just fantastic.

23 So I suggest that we keep going with the
24 wind turbine option group and eventually everyone

1 out here, everyone listening tonight, every one
2 up on the stage will understand that the only
3 solution for the turbines, I'm afraid, is to take
4 them down. Thank you.

5 THE MODERATOR: Further discussion on
6 Article 41? Article 41, the main motion is as
7 printed. All those in favor signify by saying
8 aye.

9 [Aye.]

10 THE MODERATOR: All those opposed, no.

11 [None opposed.]

12 THE MODERATOR: The ayes have it
13 unanimous.

14 Article 42. This is a petitioner's
15 article. The Board of Selectmen recommendation
16 is indefinite postponement.

17 Ms. Siegel held this article.

18 MS. SIEGEL: Thank you, Mr. Moderator.
19 I was asked to hold this article for the
20 petitioner, Barry Funfar, and I would like to
21 state a new main motion, replacing the current
22 language.

23 I move that the Town Meeting vote to
24 request the Board of Selectmen to turn both

1 turbines off while the process continues and a
2 solution to the problem is determined.

3 I would now like to introduce Diane
4 Funfar of precinct 6 who will speak to that
5 motion.

6 THE MODERATOR: Okay, main motion as
7 presented on the overhead. Ms. Funfar.

8 MS. FUNFAR: Thank you. Diane Funfar,
9 precinct 6.

10 Article 42 asks the Selectmen to cease
11 the operation of the Town turbines while the wind
12 turbine option process continues and the
13 Selectmen determine a solution to the problem.
14 Stopping the turbines has nothing to do with
15 Article 41, which only asks you to support the
16 wind turbine option process.

17 Unfortunately, the CBI process, although
18 started in January, held no meetings until the
19 WTOP was formed in May, with ongoing meetings.
20 The WTOP committee will continue their work
21 whether the turbines are on or off. There is no
22 conflict in voting yes on both articles.

23 Presently the turbines are scheduled to
24 be shut down from 7:00 p.m. to 7:00 a.m., but

1 there have been many days when they have come on
2 as early as 5:00 a.m., and other days when they
3 were still on at 9:45 p.m. This makes it
4 impossible for those who must leave their home
5 when the turbines are on to plan their lives.

6 If the Town cannot live up to this
7 simple agreement of 12 hours on, 12 hours off,
8 how can we trust them? It happens repeatedly.
9 Despite our questions to Town Hall, we never
10 receive an explanation.

11 The point is that running them 7:00 a.m.
12 to 7:00 p.m. with no speed curtailment has
13 continued to negatively impact the neighbors.
14 Most people sleep at night, but not all do. The
15 quality of life during the day is so poor that
16 many leave their homes to escape the ill effects.
17 Neighbors have been struggling with the ill
18 effects of living too close to these improperly
19 sited wind turbines for over two and a half
20 years.

21 The health dangers are serious. They
22 can be cumulative and have been well documented
23 by peer reviewed studies. These dangers deprive
24 us of our basic human rights, namely the right to

1 life, freedom from torture and the highest
2 attainable health and integrity of the body, as
3 cited by the World Health Organization, the
4 United Nations and the Organization of American
5 States.

6 Dozens of victims, many repeatedly, have
7 publicly described their suffering to the Town
8 officials and to the Falmouth Board of Health,
9 which has made an emergency plea to the
10 Massachusetts State Department of Health.
11 Meanwhile, the Massachusetts Department of
12 Environmental Protection has found violations of
13 the state noise regulations with just one turbine
14 running, Wind I.

15 At every wind speed tested, Wind I alone
16 violated outdated state regulations that do not
17 come close to being protective enough in dealing
18 with the pulsing nature and fluctuating pressures
19 of this complex noise source.

20 Relief has been delayed far too long.
21 We are only asking you to vote as you did before
22 to turn the turbines off while the process
23 continues and a solution is determined. Please
24 vote yes on Article 42, sending a message to the

1 Selectmen that it's time to put citizens' health,
2 welfare and quality of life above finances by
3 turning the turbines off. Thank you.

4 THE MODERATOR: Ms. Driscoll.

5 MS. DRISCOLL: Thank you. Kathy
6 Driscoll, precinct 7. We've heard what the
7 neighbors have to say, and we all hear what
8 they're saying.

9 I'm a member of the Wind Turbine Options
10 Process Group. I've been working on the process,
11 the policy - the packages for several months
12 since May, and the compromise that the Board of
13 Selectmen had with the neighbors coming to the
14 table was to operate the turbines from 7:00 a.m.
15 to 7:00 p.m. Yes, there have been some times at
16 which the turbines have come on before or after;
17 there's been some inconsistencies. But it hasn't
18 been intentional. It's nothing to do with having
19 them on and trying to see if we can get away with
20 something; that's not what's been happening.

21 Some of it has been operational issues.
22 Some of it has been, you know, software,
23 computer-type issues. They are being responded
24 to.

1 From the information that I've received,
2 yes, the Town is responding to make those
3 corrections and correcting them promptly so that
4 they are working within the guidelines of 7:00
5 a.m. to 7:00 p.m., and that was set back in and
6 around the April/May time frame. So that's what
7 we've been working under.

8 The Wind Turbine Options Process Group
9 is looking at a whole range of packages, and
10 which are going from, you know, 24/7 operation
11 all the way to taking them down and/or moving
12 them. And everything in between.

13 We have a few more weeks to go in the
14 process where we have more information, more
15 detailed information about those packages that
16 will be going to the Board of Selectmen and
17 something - a formal report coming out hopefully
18 by January and then a final presentation being
19 presented in April.

20 I'm going to come back to one more
21 issue, and we've been dealing with it for three
22 nights. We're in our third night, and yes, it
23 is a fiscal component. I am the taxpayer
24 representative on the Wind Turbine Options

1 Process Group.

2 Currently, the wind turbine operation
3 is not covering our debt obligations. It is an
4 important factor: that money has to come from
5 somewhere. When Wind I was installed, a
6 Stabilization Fund was developed so that a
7 million dollars went into that account. That
8 million dollars is now depleted until about
9 \$200,000. The money that's coming in, the
10 revenue that is coming in from both wind turbines
11 operating 12 hours a day is not covering the
12 costs of the debt obligation applied to Wind I.
13 And the debt obligation, there's also operations
14 and maintenance costs, there's insurance, and
15 then there are other fees that go with that.

16 We've talked about spending \$35,000 on
17 plans and designs for a field. Last night we
18 talked 45 minutes about capital infrastructure
19 payments for \$1.3 million. That's coming out of
20 Free Cash. We don't have some place to come and
21 cover the bills as we do this.

22 The process that we're working under
23 right now has been under a compromise. The wind
24 turbine options process is working with all of

1 the stakeholders at the table: taxpayer
2 representative, climate change representative,
3 town employee representatives and neighbor
4 representatives, and we're working together,
5 we're collaborating. It is a very effective
6 process and the information is very detailed to
7 go through. Please give us the time.

8 The process that we are going through,
9 it will be coming to conclusion very soon. We
10 hope to have something for you. But right now,
11 with the 7:00 a.m. to 7:00 p.m. operation, we at
12 least can pay a big portion of the bill that we
13 have that is there for the wind turbine, for Wind
14 I. Thank you.

15 THE MODERATOR: Okay. Ms. Cool and
16 then Mr. Suso.

17 MS. COOL: Thank you, Mr. Moderator
18 and Town Meeting Members. Annie Hart Cool,
19 precinct 6. I appreciate Ms. Driscoll bringing
20 up the tax obligation. I, too, am a taxpayer in
21 this town and I have been for 20 years. I have
22 the misfortune of having a beautiful home on Fire
23 Tower Road, only 1600 feet from Wind I. I had
24 appreciated the 7:00 p.m. to 7:00 a.m. reprieve

1 from the wind turbines.

2 However, there has been occasion where
3 I've actually wanted to be home during the day.
4 And I just want you to think about this: today
5 was a prime example. I had things I needed to
6 do at home, but couldn't, because the wind
7 turbine was so loud and so difficult that I had
8 to leave my home.

9 So picture this, if you will: I work.
10 I'm a very busy woman in real estate, and there
11 are days where I drive by my road and find
12 somewhere else to go rather than to go home.
13 Because I know it'll be intolerable.

14 I, too, pay taxes in this town. I have
15 for 20 years. How many of you drive past your
16 home and don't go into it because you know it's
17 intolerable?

18 When these turbines went up two and a
19 half years ago, a Town official said to me, "I'm
20 sorry. You're collateral damage." I need you to
21 hear that we are trying to work with you, work
22 with the Selectmen. But, you know, two and a
23 half years. Two and a half years for very
24 committed community taxpaying neighbors?

1 Give us a break. Turn them off until
2 the next Town Meeting and let's revisit it.
3 Thank you.

4 THE MODERATOR: Mr. Suso.

5 MR. SUSO: Thank you, Mr. Moderator.
6 Julian Suso, Town Manager. We have experienced
7 a temporary problem with the time of day
8 operating system which Vestus, the turbine
9 manufacturer, developed to manage the routing
10 operation of both Wind I and Wind II. This has
11 resulted in a few instances of either Wind I or
12 Wind II, or both, either starting up or shutting
13 down outside of the 7:00 a.m. to 7:00 p.m.
14 operating hours which the Board of Selectmen has
15 specified.

16 We believe that we have identified the
17 cause of this temporary problem. It appears to
18 relate to the significant power outages which we
19 experienced affecting most of the Town as a
20 result of Hurricane Sandy and then more recently
21 with the temporary outages of the noreaster which
22 arrived one week later. This was further
23 compounded by a very significant error on Vestus'
24 part to adjust the start and stop programming for

1 daylight savings time.

2 Unfortunately the daylight savings time
3 error resulted in an out of time sequence
4 operating continuing for multiple days prior to
5 correction.

6 We are working with Vestus and Town
7 staff members in correcting these circumstances.
8 In the meantime, I do want to apologize to those
9 individuals whose expectations of routine start
10 and stop times have been negatively affected.

11 And, Mr. Moderator, one other comment,
12 if I may. There's been some discussion about
13 noise exceedances via testing by the state
14 Department of Environmental Protection, and I do
15 want to set the record straight. We have had DEP
16 representatives, as I think Town Meeting is
17 aware, in the town, testing turbines on multiple
18 occasions, and that was strictly at the request
19 of the Board of Selectmen asking the state to
20 voluntarily do this sound testing.

21 Wind II, of course, has only been in
22 operation since April. Wind I considerably
23 longer.

24 The state has confirmed to us, and this

1 was also reported, that in regard to the daytime
2 testing of both Wind I and Wind II, operating at
3 the same time, not a single instance of
4 exceedance of the noise standards by the state
5 was found. None in the daytime. Wind I and
6 Wind II.

7 The only exceedance which was ever found
8 was testing of Wind I alone, and that was between
9 the hours of 1:00 and 4:00 a.m. in one location
10 at one residence. That is reported in writing to
11 us, and anyone who would like to review that, we
12 have that report information at the Selectmen's
13 Office; I'd be happy to make it available to
14 anyone.

15 But, again, one instance, one location,
16 between 1:00 and 4:00 a.m., documented in writing
17 by the state Department of Environmental
18 Protection. All the daytime testing of both
19 Wind I and Wind II evidenced not a single
20 exceedance, and again that is DEP. The Town did
21 not conduct those tests.

22 Thank you, Mr. Moderator.

23 THE MODERATOR: Mr. Latimer.

24 MR. LATIMER: Richard Latimer, precinct

1 1. I will say I'm a proponent of green energy
2 and of wind and solar. I am also strongly
3 adamant about the need for America and this
4 community to get off of our addiction to fossil
5 fuels and petroleum.

6 Now, I look at the problem we're having
7 up on Thomas Lander's Road as a real issue. It
8 is certainly an issue of property rights and
9 property values, land use questions, to be sure.
10 And there may well be some health-related issues
11 there. That is not a question of human rights.
12 In fact, it does a disservice to the notion of
13 human rights, given the real violations of human
14 rights that go on all around this world that we
15 are in this country blessed not to suffer.

16 That, to me, is hyperbole, which frankly
17 undermines the case that the opponents of this
18 wind turbines in West Falmouth are trying to
19 make. When you get into that kind of hyperbole,
20 you start to have to wonder, well, how much of
21 that is hysteria and how much of it is real.

22 Now, I'm not trying to say that they
23 don't have some real problems; I'm sure they do.
24 But what that gets us into is an emotional

1 response to what should be simply a rational,
2 cost-benefit analysis for the Town. And we're
3 looking at turbines that cost us a lot of money
4 to put up and maybe there were some errors made
5 when we put them up and these people have a right
6 to feel aggrieved about it and that's what this
7 process is trying to address.

8 But the bottom line is -- and we have to
9 look at the bottom line; that's our
10 responsibility as the overseers of this Town's
11 business - the bottom line is that even with
12 reduced hours on these turbines, we're losing
13 money.

14 So now we're faced with a process that's
15 trying to resolve the issue as to what to do with
16 those turbines up there. And we've had three
17 basic approaches outlined. And I want to talk
18 about each one of those briefly, just in terms of
19 the bottom line.

20 The one that I'm sure the people in West
21 Falmouth, or in Thomas Landers Road would like to
22 see is, oh, just tear them down. What that means
23 is we've thrown away millions of dollars. Just
24 throw it away. We got nothing for it. Period.

1 Does that make sense? To solve what is
2 basically a public health and property value
3 issue? No, it doesn't.

4 The other one, which is apparently off
5 the table because of pragmatic concerns, would be
6 to move the turbines. I'd be in favor of that.
7 That would cost millions of dollars and all we'd
8 get is the continued use of the turbines that we
9 own at a higher cost. Okay, that makes more
10 sense than tearing them down if we could do it.

11 The third one, and it's one that we're
12 going to have to face to be responsible about
13 this - and this is something that's been talked
14 about by this, as I've heard from the proposals
15 which talked about buyouts. Absolutely. The
16 people who can't live there should negotiate with
17 the Town for a buyout. And -

18 THE MODERATOR: Okay, Mr. Latimer,
19 let's focus -

20 MR. LATIMER: - people who don't -

21 THE MODERATOR: - on whether or not we
22 want to shut them down now until the process is
23 done.

24 MR. LATIMER: Well, okay. So, that's

1 what we're facing in the long run while this
2 process goes on.

3 We should not be losing money in the
4 process. I would say that we vote against this
5 proposal to shut them down. Let the committee
6 do its work. Ultimately come back with us with a
7 proposal that will solve this problem in the most
8 cost-effective way. Thank you.

9 THE MODERATOR: Mr. Heath.

10 MR. HEATH: Austin Heath, precinct 8.
11 I couldn't disagree more with Mr. Latimer, but
12 I'm not going to go into that.

13 The real reason I wanted to speak is
14 that the calendar for the process is such that
15 their report will come out in April. That will
16 be after Town Meeting. These people have waited
17 two and a half years.

18 I would call upon the Board of Selectmen
19 to ensure that this report is done regardless of
20 whether the people have to work nights and it's
21 out and published by the first of March so people
22 can read it and understand before Town Meeting
23 what's going to go on and there should be some
24 type of motion made by the Board of Selectmen for

1 their choice of a solution to this problem on the
2 next Town Meeting warrant.

3 There's no reason that this report can't
4 be written and hashed out before April. And it
5 can only be that they don't want to handle it in
6 the next Town Meeting, but sometimes in this
7 world you have to make a decision whether you
8 want to make a decision or not. It's time to
9 make a decision.

10 And I think there's a matter of right
11 and wrong in here. This was a bad investment
12 decision. Yeah. Almost all of us have made bad
13 investment decisions, one way or another. And
14 anyone who wants to hold me harmless can go buy
15 some stock I've got.

16 That we ought to do what's right.
17 There is a difference in this world, or at least
18 the way I was brought up, which was a long time
19 ago, between right and wrong. And it's not right
20 to do things for the greater good. I heard
21 about the greater good when I was about nine
22 years old. The greater good came from Adolph
23 Hitler. Mussolini made the trains run on time.
24 Tojo: greater prosperity. Hirohito. Stalin.

1 You don't hurt people for money. Thank
2 you.

3 [Applause.]

4 THE MODERATOR: Ms. Elder. Ms. Elder,
5 let's go.

6 FROM THE FLOOR: Question.

7 MS. ELDER: Katharine Elder, precinct
8 6. I'd like to make a few very brief comments.
9 First that Ms. Driscoll spoke tonight to you as a
10 representative the WTOP Committee, and I don't
11 believe that that was anything that people on
12 that committee asked her to do, and as a member
13 of that committee myself, I think it was
14 inappropriate for her to be doing that.

15 I also think it's inappropriate and too
16 soon for us to be discussing the options that
17 will be recommended by this group. That report
18 will come out, as we heard early on, at Town
19 Meeting. It should come out in January and it
20 will be fully vetted and discussed and looked
21 over carefully by the Board of Selectmen.

22 We're not coming up with a solution that
23 will have a consensus behind it. There will be
24 options put forward and the Selectmen are going

1 to decide what to do.

2 I want to also comment on what Mr. Suso
3 said. We appreciate having information about the
4 operation of the turbine because it's been very
5 frustrating for us not to have that
6 communication. When I say that people build
7 their lives and plan their lives around the
8 operation of that turbine, I'm not kidding. It
9 comes on and we are well aware of when it comes
10 on. It wakes people up. And we're well aware
11 of when it goes off, because it has that much of
12 an effect on our lives.

13 That's what this article is asking you
14 to do, is shut it off because it's been two and a
15 half years and some of the neighbors are so
16 significantly impacted that they are just living
17 a very difficult situation for over two and a
18 half years. It's taking too long and we've
19 tried to be very patient. We've been involved in
20 this process and we will see it through to the
21 bitter end, but this article is simply asking to
22 do the right thing, which is to shut them off to
23 give these people some relief until we come up
24 with a final solution, whatever that is going to

1 be.

2 We're trying to be patient and I hope
3 you all could be patient with us, too, until we
4 get there. Thank you very much.

5 THE MODERATOR: Okay, the gentleman in
6 the back in the center.

7 MR. PETERSON: I'm Tom Peterson,
8 precinct 1. I live right behind the turbine on
9 Woods Hole Road. I look out my living room
10 window, I see it every day. I have no problem
11 with the wind turbine. I hear it once in a
12 while; it doesn't bother me.

13 However, that being said, I know a
14 couple of people that live by these turbines and
15 I believe they have honest, legitimate health
16 problems. Unfortunately I think the Town just
17 made a mistake. We didn't realize what we were
18 getting into when we bought these things.
19 They're two and a half times bigger than what was
20 originally proposed.

21 I think we should, for the sake of the
22 health of our fellow citizens, shut them down.
23 We can't basically sacrifice the health of our
24 citizens for profit.

1 I think you should do - just do the
2 right thing and shut 'em down.

3 THE MODERATOR: Okay. Mr. Moriarty.

4 MR. MORIARTY: Good evening, Dave
5 Moriarty-

6 THE MODERATOR: I've got two more on
7 this and then we're going to vote. One in the
8 back and -

9 MR. MORIARTY: - precinct 6. I'd just
10 like to say that, you know, what a - what a
11 teachable moment right now, for everyone in this
12 room, everyone in the Town of Falmouth, everyone
13 in the state of Massachusetts and everyone in the
14 United States of America.

15 You know, it's time to recalibrate our
16 moral compass in the Town of Falmouth. It's
17 time to say enough is enough. We love our
18 neighbors, we love our friends, we love our
19 fellow citizens; we wouldn't want to impose this
20 kind of adverse health effects on anyone in this
21 room, or anybody in the Town of Falmouth.

22 You know, there's no need to be upset.
23 There's no need to have opposing parties anymore,
24 okay? We're just not going to do that. You

1 know what we're going to do? We're going to say,
2 Listen, we had a good idea. It's - the idea was
3 perfect. It sounded great inside our heads. But
4 when we put the boots on the ground and the bolts
5 in the foundation, it didn't add up. It wasn't
6 the idea in our head that we got.

7 What we got was antiquated technology
8 that the U.K. has totally banned. Does
9 everybody know that in this room? That the
10 United Kingdom had banned all land based wind
11 turbines?

12 So, with that said, we don't have to
13 fight anymore. All we need to do is find a buyer
14 for these machines, make up the difference in the
15 taxes, and let's move on to newer projects and
16 things that we can all get behind. Thank you
17 very much.

18 THE MODERATOR: Okay. Is it Mr.
19 Anderson in the back, there?

20 MR. ANDERSON: Thank you. For over
21 two and a half years, I have been trying to
22 defend my family and my home -

23 FROM THE FLOOR: [Inaudible.]

24 THE MODERATOR: They're asking for

1 identification, Mr. Anderson.

2 MR. ANDERSON: I'm sorry.

3 Who am I? Neil Anderson, 211

4 Blacksmith Shop Road. Thank you.

5 For over two and a half years I have
6 been trying to defend my family and my home from
7 the physical and psychological abuse from the
8 constant repetitive and tortuous pounding
9 pressure pulses from Wind I.

10 Two and a half years of seeking help and
11 assistance with these serious issues. And met
12 with denial, disregard, disbelief, deflection,
13 even ridicule.

14 In the meantime, two town-wide wind
15 turbine moratoriums have passed, an attempt has
16 been made to limit the size of any future wind
17 turbines to 250 kilowatts. Ours, up there, are
18 1650 kilowatts.

19 After two and a half years, most of you
20 must agree with Senate President Therese Murray
21 that 1.65 megawatt wind turbines do not belong in
22 neighborhoods. That maybe installing these huge
23 machines was not such a great idea after all.

24 So now what? If anyone here thinks

1 that there is any mediation or solution that will
2 alleviate the negative health effects on the
3 turbine neighbors, as well as operate on a
4 schedule that will generate a positive cash flow,
5 you are seriously mistaken. The low frequency
6 pressure pulses that are the cause of the harm
7 cannot be mitigated. They go everywhere.
8 Distance or separation is the only solution.

9 Webster's defines community as a society
10 of people having common rights and privileges.
11 We are not asking for anything extra or anything
12 different. We just want to have the same rights
13 as everybody else. These turbines being so
14 close to homes are causing people to get sick.
15 You know, I'm sorry, I'm sorry I get sick from
16 these things.

17 Day and night, they are forcing people
18 to flee their homes, and in one case has forced a
19 family to completely abandon their home. Yes,
20 completely abandon their home because of the
21 turbine effects.

22 Any community that sits back and allows
23 this to happen is not a community that I wish to
24 live in. Putting a dollar sign on my life and

1 my family's life doesn't work with me. So, you
2 want to keep these turbines running, make an
3 offer on my house. I'll get the hell out of
4 here as soon as I can. But they're not going to
5 work.

6 So, please, let's put an end to this
7 tonight. We just want these turbines stopped so
8 we can have the same lifestyle as everybody else.
9 Thank you.

10 THE MODERATOR: Mr. Murphy.

11 CHAIRMAN MURPHY: Yes, Mr. Moderator
12 and Town Meeting. The Board of Selectmen is
13 fully committed to the process that we've put
14 into place. Committed enough to say that when -
15 when and if the consensus working group comes to
16 a decision, if it doesn't match up with the
17 process meaning of a Town Meeting, we have
18 committed that we would call a Special Town
19 Meeting to be able to work through this.

20 Mr. Heath, I believe when they were
21 talking about April, we were talking about
22 bringing an article forward at the April Town
23 Meeting, not a report.

24 We were hoping to have something from

1 that group for this Fall Town Meeting. When and
2 if that comes forward, the Board will act on it,
3 we'll deliberate on the options and come up with
4 a thoughtful recommendation to this group.
5 Because in fact each and every one of those
6 options is going to cost us some money and we're
7 going to need to work through this as a
8 community.

9 In the interim, the Board was committed
10 to make sure that we addressed the concerns of
11 the neighbors with sleep deprivation. That's
12 why we put a 7:00 a.m. to 7:00 p.m. operational
13 time. We understood that the folks there said
14 sleep deprivation was a major issue. We
15 addressed that.

16 We're working through this as quickly as
17 possible. We will do what it takes to - and you
18 are going to be part of that process. We will
19 be bringing something forward to this group,
20 either at the April Town Meeting or, if they were
21 to have something for us next week, we would
22 consider scheduling a Special Town Meeting.

23 So I want you to know the Board is
24 committed to coming to a solution. I don't

1 think circumventing the process is the way to go.
2 Thank you very much.

3 THE MODERATOR: Okay, the question will
4 come on Article 39, the main motion as presented.
5 All those in favor, signify by saying aye.

6 [Aye.]

7 THE MODERATOR: All those opposed no.

8 [No.]

9 THE MODERATOR: All those in favor
10 signify by standing and the tellers will return a
11 count.

12 FROM THE FLOOR: Mr. Moderator, you
13 said Article 39.

14 THE MODERATOR: I'm sorry. I'm
15 looking at where we're going back - I highlighted
16 it in yellow.

17 This is Article 42.

18 FROM THE FLOOR: Can you call for a
19 vote again?

20 THE MODERATOR: Article 42, all those
21 in favor of the Article 42 motion as presented,
22 signify by saying aye.

23 [Aye.]

24 THE MODERATOR: All those opposed no.

1 [No.]

2 THE MODERATOR: The opinion of the
3 chair is that the no's have it; is there a
4 challenge to the chair?

5 FROM THE FLOOR: Yes. Yes.

6 THE MODERATOR: Okay, all those in
7 favor, signify by standing and the tellers will
8 return a count.

9 Good catch, Ms. Fenwick. I highlighted
10 it in yellow so we wouldn't forget to go back to
11 it.

12 [Pause.]

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

15 MRS. TASHIRO: 14.

16 THE MODERATOR: 14.

17 The second division, Mr. Dufresne.

18 MR. DUFRESNE: 31.

19 THE MODERATOR: 31.

20 In the third division, Mr. Johnson.

21 MR. JOHNSON: 28.

22 THE MODERATOR: 28.

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

1 [Pause.]

2 THE MODERATOR: First division, Mrs.
3 Tashiro.

4 MRS. TASHIRO: 27.

5 THE MODERATOR: 27.

6 Third division, Mr. Johnson.

7 MR. JOHNSON: 26.

8 THE MODERATOR: 26.

9 Second division, Mr. Dufresne.

10 MR. DUFRESNE: 48.

11 THE MODERATOR: 48? Eight? Yes.

12 By a counted vote of 73 in favor and 101
13 opposed, the motion doesn't pass.

14 We'll now go back to Article 39; this
15 was the petitioner's article on the eco-toilet
16 demonstration project. The recommendation of
17 the Board of Selectmen was indefinite
18 postponement.

19 Mr. Patrick is going to make a positive
20 motion on this article. Mr. Patrick.

21 MR. PATRICK: Do you have a copy?

22 THE MODERATOR: I've got it, yeah.

23 MR. PATRICK: I move a positive motion
24 on an amendment to this article.

1 THE MODERATOR: Okay, so this will
2 actually be the main motion. Mr. Patrick.

3 MR. PATRICK: Yes, this will be the
4 main motion.

5 What you have on the wall is a
6 replacement amendment to the article that is in
7 the book. And essentially what we want to do is
8 we want you to approve the concept; we're going
9 to go back and work on it and come back in the --
10 probably in the spring, hopefully in the spring
11 with all the details worked out so we can make
12 this work for people.

13 The concept is to allow people to opt
14 out of connecting to the sewer if they join our
15 program, our demonstration program, and install
16 eco-toilets. Even though you get a \$5,000
17 incentive, it could be a very expensive
18 proposition to install eco-toilets in your home.
19 Right now if the sewer's built and runs by I
20 think it's within 100 feet of your home, you'd
21 have to connect. We want to give people a
22 chance to opt out of connecting to the sewer if
23 they've already gone through the expense of
24 putting in an eco toilet.

1 The Water Quality Management Committee
2 endorses the amended - the amendment, and they're
3 willing to work with me to come up with the
4 details that we hopefully can present in the
5 spring that will make this work.

6 And, don't forget, there was a \$5,000
7 incentive if you want to join our demonstration
8 project.

9 THE MODERATOR: Okay. Mr. Wilber.

10 MR. WILBER: Jude Wilber, precinct 8.
11 In a town that is struggling with a huge issue as
12 we do now with wastewater management, science
13 must take precedence, and this is clearly
14 outlined in number nine of the Citizen's
15 Checklist, which I refer you to.

16 In our case, the answer is not at all
17 clear. There is no one assured path towards
18 solving the wastewater problem. I believe
19 everyone agrees on this. Under such
20 circumstances, experimental initiative is
21 required and is in fact the norm of the standard
22 scientific procedure.

23 The technology referred to in this
24 article has been demonstrated as effective on an

1 individual basis, but it has not be integrated
2 into the larger wastewater infrastructure. The
3 proposals provide proper experimental parameters,
4 restraints and options.

5 It seems that the only argument against
6 this is rather weak, overstated and in part
7 deceptively worded, particularly with regard to
8 Mass. General Law 83 and the Codes of Falmouth.
9 If in fact all the volunteers in this project are
10 outside the 100 foot specification, then there
11 are no conflicts with the Falmouth code.

12 Experimentation is a powerful tool in
13 science. Experimentation is leadership in
14 science. With regard to the matter of the
15 wastewater odyssey of Falmouth which stretches
16 out for the next 50 years before us, Falmouth
17 must provide experimentation and leadership. We
18 are at the forefront of this issue.

19 We are lucky to be able to consider and
20 approve this fine proposal here tonight. Thank
21 you.

22 THE MODERATOR: Okay, further
23 discussion on the article?

24 Mr. Potamis.

1 MR. POTAMIS: Jerry Potamis, precinct
2 2. I actually agree with both gentlemen, however
3 I disagree on the intent of this. I think we owe
4 great deal of gratitude to Representative Patrick
5 and to Hilda and many others that brought this to
6 our attention. Two years ago, it was somewhat
7 poo-pooed, but they persevered and this Town
8 Meeting authorized experimentation.

9 Experimentation. We don't know if eco
10 toilets will work. They're approvable; we don't
11 know the amount of nitrogen. That's not an
12 emotional appeal by an angry Greek; that's fact.

13 [Laughter.]

14 MR. POTAMIS: We don't know if these
15 things don't work why should someone be able to
16 leave it in place. I don't know why. We don't
17 know the unintended consequences. Someone may
18 put in an innovative and alternative septic tank
19 system that could cost 35 and 40 thousand that
20 may not meet the TMDL requirements. Why not
21 give them an exemption?

22 Someone may put in a toilet, eco-toilet,
23 for 10,000, we give them 5,000, their out of
24 pocket expenses are 5,000, but we may give them

1 an exemption up to \$20,000. It doesn't make
2 sense in this fiscal economy.

3 This has not been fully discussed with
4 the Water Quality Management Committee. It's
5 intended to be discussed, and I hope it's
6 intended to be discussed with the Fin Com and
7 with other bodies that make fiscal decisions.

8 We don't know if there's two or 62
9 people that want to volunteer within the sewer
10 service district that we're proposing of Little
11 Pond and portions of Falmouth Heights. Most
12 likely there are four or five.

13 So, this is entirely premature. I
14 agree, we have to fully discuss this; we have to
15 fully discuss opt out, but we have to discuss it
16 when we have the facts. We have to discuss it
17 after the Water Quality Management Committee has
18 fully discussed it. I think we should discuss it
19 after the Fin Com has analyzed it and after we
20 have looked at the fiscal impacts that - and this
21 is called checkerboarding - has.

22 Some communities have done it.
23 Provincetown did it. It was a failure. Several
24 years after it was implemented, people wanted to

1 connect to the sewer. That brings up an other
2 issue we don't discuss: if people connect, they
3 sell their house and someone else wants to re-
4 connect, we don't have a policy for recouping
5 some of that money we gave away. That's a
6 policy decision that we have to look at.

7 What happens if after we do this, the
8 same person wants to now connect to the sewer?
9 We've said, "You get a free ride. Some of your
10 neighbors have spent 10 and 20,000. Now you
11 want to go back the other way for a variety of
12 reasons."

13 So that, I think this is well-
14 intentioned. I think I've worked with Matt on
15 some suggestions. But I think it's really
16 premature. We're asking to send out the wrong
17 information without the facts.

18 If I was going to put it in, I don't
19 know what this motion would be. The contract
20 that the people are signing say they may not be
21 relieved from the betterment. This confused the
22 issue and does not help the debate. Thank you.

23 THE MODERATOR: Mr. Patrick and then
24 Mr. Turkington.

1 MR. PATRICK: Thank you, Mr. Moderator.

2 I have to respectfully disagree with Mr.
3 Potamis. We know that composting toilets remove
4 88 percent of the body's nitrogen that your body
5 puts out. What we don't know is how much
6 nitrogen will be left in the gray water, and
7 that's what the testing will do, it will test how
8 much nitrogen is in the grey water with a home
9 that converts completely to composting toilets.

10 That's the information we have to know,
11 all right? And we're talking about whatever is
12 left after the 88 percent of the nitrogen is
13 collected in a composting toilet. That's a
14 significant removal of nitrogen.

15 And what we also need to do is find out
16 how much it costs, on average, to put these
17 things in.

18 So we need people to participate to do
19 that.

20 Now, a lot of the questions that Mr.
21 Potamis brought up will be addressed before we
22 come to you with an actual article to implement
23 this.

24 Mr. Potamis mentioned P-town,

1 Provincetown, I'm sorry, and he called it a
2 failure. Well, Provincetown never would have
3 installed a sewer system if it wasn't for
4 checkerboarding, or that section of the law
5 Chapter 83. They had their own bill first.

6 Chapter 83 of the MGL was actually based
7 on Provincetown's law. And what it enabled
8 Provincetown to do is to get the votes of people
9 to install the sewer system who had just put in a
10 new Title V system. They just went through that
11 enormous expense and they didn't want to have
12 another expense. They didn't want to have to
13 take out their brand new Title V system and then
14 connect it to the sewer and have to pay for that
15 all over again.

16 So that's why it worked: it helped
17 Provincetown get over that obstacle.

18 This is an opportunity for us to take
19 advantage of that language so we can get full
20 participation. We have room for 62 people, for
21 62 families to participate in this program. We
22 need to get all of those people to participate
23 and we don't want to have to tell them, "Well, if
24 the sewer goes by your house, in a year you may

1 have to rip that out."

2 Thank you, Mr. Moderator.

3 THE MODERATOR: Mr. Turkington.

4 MR. TURKINGTON: Eric Turkington,
5 precinct 1, Chairman of the Water Quality
6 Committee and hopefully this will be the last
7 time you get to hear from me tonight, or at this
8 meeting.

9 The Water Quality Committee initially
10 was presented with the Article 38 as printed, and
11 we found it had a number of flaws that made it
12 undesirable to proceed. Matt and the other
13 proponents of eco toilets came back with a very
14 different proposal, which is the one that's on
15 the board here tonight.

16 What it says is that Town Meeting is
17 requesting the Board of Selectmen to request us
18 to pursue this. There are legal issues, there
19 are practical issues, there are economic issues,
20 all the ones that Jerry raised.

21 You asked us to pursue eco toilets.
22 Like everything else you've asked us to pursue,
23 it's complicated. We are going to pursue it, but
24 all this does is tells us to pursue it.

1 It doesn't provide exemptions from sewer
2 hookups to a large universe of folks. Right
3 now, the Selectmen have only authorized 15 eco-
4 toilet applicants to receive the \$5,000 and
5 presumably if we get the 15, we'll be back for
6 more. But the outer limit is 62. And the
7 number that are likely to be in an area that's
8 likely to be sewerred, as Jerry said, it may be
9 four or five.

10 So we're not talking any serious
11 economic impact, here. What we are talking is
12 to provide enough incentive to get enough people
13 to try this out and to see if it works.

14 THE MODERATOR: Okay, Ms. Shephard.

15 Ms. Shephard: [No mic. Inaudible.]

16 THE MODERATOR: Okay, okay.

17 Mr. Putnam.

18 MR. PUTNAM: Good evening, ladies and
19 gentlemen, Brent Putnam, vice chairman, Board of
20 Selectmen.

21 The Board voted indefinite postponement
22 on this, originally, and I can't speak for the
23 whole Board; I'll speak for myself in this
24 situation, and I was swayed to vote indefinite

1 postponement because the original language as
2 noted here discussed and specified laws that the
3 Town doesn't even participate in at this point.
4 We haven't even voted to accept those.

5 This new language gives me reason to
6 reconsider the idea of indefinite postponement at
7 this point.

8 Last night, you may recall we voted and
9 approved Article 40. Or you did. And that, I
10 think, was an important step, that it gives us
11 direction, and it helps us make these
12 determinations and decisions going forward.

13 Let's not cut off the options. I
14 understand Mr. Potamis's concerns. However, I
15 think let's look at where we started from, folks.
16 You know, a few years ago we had before us a
17 proposal that a half a billion dollars. We've
18 come a long way since then to broaden our minds,
19 try to cut back the expense and try to do more
20 with less, the most bang for the buck.

21 This proposal is a very good idea,
22 because without some incentives we may not get
23 the necessary numbers of individuals to verify
24 whether or not these alternative systems are

1 going to work or not. You have to get people to
2 participate. When the toilet looks different
3 from what they're looking at now, I can tell you
4 I work in the computer industry, and the hardest
5 problem that we face is not putting the new
6 technology in, it's getting the person to use the
7 new technology because it's unfamiliar to them;
8 it's alien.

9 We need the incentives to get people to
10 participate. So I would encourage you to
11 support this article. Thank you.

12 THE MODERATOR: The gentleman in the
13 center. Yes. Microphone.

14 MR. CALLAHAN: Thank you, Mr.
15 Moderator. Jim Callahan, precinct 5. I just
16 have a question.

17 We've talked about Surf Drive Beach,
18 we've talked about Old Silver Beach, are these
19 going into these places? Are we putting our
20 money where our mouth is?

21 THE MODERATOR: Mr. Patrick.

22 MR. PATRICK: Mr. Moderator, I think it
23 might be better to get an answer from Mr. Potamis
24 on this. I don't know if those proposals have

1 been firmed up. I know we talked about putting
2 eco toilets in those - in those areas, you know,
3 for bathrooms in our beaches, but I'm not sure
4 that worked out.

5 MR. POTAMIS: I'll speak for Mr.
6 McConarty, and if it's well, thank him. If it's
7 not, blame me. Jerry Potamis, precinct 2.

8 Yes, they looked at it, in fact Special
9 Town Meeting, Spring Town Meeting voted \$150,000
10 to put eco-toilets in municipal locations. I'm
11 not on the Committee, but I sit through the
12 Committee and I talk to Mr. Hoffer, the Beach
13 Committee, and I occasionally talk - more than
14 occasionally talk to Mr. McConarty.

15 They have looked and it's not feasible
16 for a variety of reasons. And it - yes, they've
17 looked. So, that's it.

18 I would like to respond to Mr. Patrick's
19 statement about the amount of nitrogen. Compost
20 toilets are approvable in Massachusetts.
21 They're not approvable for nitrogen removal.
22 The amount of nitrogen in grey water is not
23 known. We don't know if it'll meet the TMDL.
24 If it does, I think a lot of people would

1 probably opt for it. But, until we know for
2 sure -

3 But, you know, I can see where people
4 are going: this may be a harmless motion. You
5 know, the objection might be, on my part, more
6 technical than practical. I don't think it does
7 any real harm. I think it's just the precedent
8 it sets, in: where else are we going to make
9 exceptions when we don't have all the
10 information?

11 The Committee doesn't need this mandate.
12 The Committee already has the mandate, thank you.

13 THE MODERATOR: Mr. Patrick and then -

14 MR. PATRICK: Mr. Moderator, just in
15 response: that's what we want to find out. And
16 DEP is paying - Mass. DEP is paying specific
17 attention to this project because they are ready
18 to base their decision to allow eco-toilets to
19 meet the TMDL's, the Total Maximum Daily Loads
20 based on the results of these studies, okay?

21 So that's why it's so important.

22 THE MODERATOR: Okay, Ms. Schneider.

23 MS. SCHNEIDER: I just - Barb
24 Schneider, precinct 4.

1 I just want to say that in the mid-
2 '80's, and there are a number of you in this room
3 that served on the Planning Board and our former
4 Town Manager is sitting here, we were told in our
5 area where I live that we had to have a
6 denitrification system, a gang denitrification
7 system.

8 Since I've been involved in watching
9 what we're going to do about wastewater, living
10 on Green Pond and holding my breath for something
11 to save it, I have been talking about
12 checkerboarding for a long time. And what would
13 happen with people like us who live on this
14 insisted by the Town gang denitrification system.
15 Would we be exempt? Would our system have one
16 connection? There have not been answers to
17 this.

18 But I'm just suggesting to you: here I
19 am, standing here telling you that there are 13
20 of us, 13 homes that will be asking all of you,
21 then: if you think you can exempt eco-toilets,
22 will you also exempt us, and what science do you
23 have to say whether you will or won't. And
24 before we make a decision, I hope you'll all

1 remember there are a lot of possibilities out
2 there and I think we're premature in making
3 exemptions. Thank you.

4 THE MODERATOR: Okay. Further
5 discussion?

6 Okay, the question will then come on the
7 main motion. So this is - it says "amendment",
8 but this is the main motion. All those in favor
9 of the main motion as presented, signify by
10 saying aye.

11 [Aye.]

12 THE MODERATOR: All those opposed no.

13 [No.]

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

16 [Applause.]

17 THE MODERATOR: Article 44, this is a
18 Community Preservation Article. Mr. Chairman
19 for the main motion.

20 CHAIRMAN CLARK: Mr. Moderator, Peter
21 Clark, precinct 1, Chairman of the Community
22 Preservation Committee. I would move Article 44
23 as recommended.

24 THE MODERATOR: Article 44 as

1 recommended. This is to appropriate the sum of
2 \$63,000 from the Community Preservation Fund
3 Estimated Receipts for Historic Preservation,
4 bell tower, including masonry and shutters, at
5 the Church of the Messiah.

6 Who held the article? Mr. Waasdorp?

7 Nope, you're all set.

8 Okay, any discussion on Article 44?

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

12 [Aye.]

13 THE MODERATOR: All those opposed, no.

14 [No.]

15 THE MODERATOR: The ayes have it by a
16 majority.

17 Article 45, Mr. Chairman.

18 CHAIRMAN CLARK: Mr. Moderator, I move
19 Article 45 as recommended. I held it for reasons
20 of explanation.

21 THE MODERATOR: Okay, Article 45.

22 This is to appropriate the sum of \$20,000 from
23 the Community Preservation Fund Undesignated Fund
24 balance for the purpose of Recreation, to create

1 a Community Recreational Playground at the Cape
2 Cod PAL Center.

3 Mr. Chairman.

4 CHAIRMAN CLARK: Thank you.

5 I want to explain to Town Meeting that
6 in the Community Preservation efforts to protect
7 your Town dollars when we make a recommendation,
8 we require a letter of agreement from any
9 applicant that they will meet certain conditions,
10 and what happened with this article was that we
11 wrote into the initial letter of agreement a deed
12 restriction on the piece of property that would
13 hold this playground.

14 Our Town Counsel felt that was overly
15 restrictive, an over-reaction to a \$20,000
16 contribution to the playground. And so we re-
17 worded that with the language that is in your
18 explanation, which speaks of a right of first
19 refusal. I think that was appropriately
20 questioned at a precinct meeting, because it
21 usually carries the connotation of purchasing
22 back something.

23 We were not asking PAL to allow us to
24 purchase back something we had purchased for

1 them. So we have worked with the PAL board to
2 use this language in the Letter of Agreement. It
3 is not in the recommendation, but it says, "In
4 the event of the sale of the property or change
5 of use, the Town has the right to reclaim and
6 relocate the playground and other equipment
7 purchased with the grant before it can be
8 considered available for any other use."

9 So I just wanted to explain to you that
10 that's the language that is now in the letter of
11 agreement that the PAL board has agreed to.

12 That same language in the Letter of
13 Agreement speaks about the playground being open
14 to the public whenever PAL programs are not in
15 use. That's the same kind of condition that
16 school playgrounds have, also.

17 The second reason I wanted to hold this
18 article is simply to say a few words about
19 Recreation and Recreation opportunities, because
20 the law was amended in this last session.

21 And if we can go to the next slide.
22 You've seen this often. And I want simply to
23 let you know that, as of November, 2013, a
24 variety of Recreation proposals will be

1 acceptable that have not to this point been
2 acceptable.

3 And I would point to Recreation, coming
4 down the column of verbs: Rehabilitate or Restore
5 used to have the same language that Open Space
6 and Housing did, if the property was already had
7 been acquired with CPA funds. That used to be
8 here. But it is no longer there. And that was
9 part of an amendment that was worked out in the
10 state level.

11 What it practically means is that
12 existing athletic fields, existing playgrounds,
13 existing facilities that were not purchased by
14 CPA funds in the first place can now be brought
15 to us for rehabilitation or restoration. And
16 that opens up possibilities.

17 I'll skip this slide and go to the next,
18 if I can. And just to explain to you that, on
19 January 24th, we will have as part of a CPA - CPC
20 meeting a public discussion of the amendment,
21 what it means, how it applies in specific
22 situations.

23 Before I go to the next, I want to go
24 back to say: on another matter I want to call

1 your attention to the fact that November 27th,
2 relative to the Spring Bars Road Conservation
3 Area, there will be a discussion of a master plan
4 that's being developed.

5 But may I go forward, then, Bob, please.
6 Also staying with Recreation, on the 14th there
7 will be a formal hearing by CPC with a final
8 review of criteria for projects. Applications
9 are available; on the 11th there's an application
10 workshop. There's applications for all
11 purposes, but on Recreation particularly will be
12 due on June 10th.

13 So, going forward, I want you all to be
14 aware we want to do an educational and discussion
15 process on this new area. The PAL is allowable
16 because it is an entirely new recreational use,
17 and whether or not - because it's a brand new
18 facility, it was eligible under the old law as
19 well as the new.

20 Thank you very much.

21 THE MODERATOR: Okay. Any discussion
22 on Article 45? Yes, Mr. Murphy.

23 CHAIRMAN MURPHY: Yes, Mr. Moderator.
24 At the precinct 5 and 6 meeting, there was a

1 representative, or someone that alleged that they
2 were a representative of the Police Athletic
3 League, was there and they said they were not
4 ready to participate at this time until they got
5 their finances in order.

6 Is there someone here that can address
7 that?

8 CHAIRMAN CLARK: I - I think we have to
9 clarify that, because I have been contacted
10 directly by them since we changed this language.
11 Their original resistance, as I understood it,
12 was to the deed restriction, not based on
13 financial conditions. And I've been brought a
14 written document signed by them agreeing to this
15 - to the Letter of Agreement that we have with
16 them.

17 CHAIRMAN MURPHY: And what was the
18 date of that, through you, Mr. Moderator?

19 THE MODERATOR: Doctor.

20 CHAIRMAN CLARK: That was delivered to
21 us since the precinct meetings. It was about
22 four days ago.

23 CHAIRMAN MURPHY: Okay, very good,
24 thank you.

1 THE MODERATOR: Okay. Further
2 discussion?

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

6 [Aye.]

7 THE MODERATOR: All those opposed no.

8 [No.]

9 THE MODERATOR: The ayes have it by a
10 majority.

11 Article 49. This is to adopt provisions
12 of the Massachusetts General Law Chapter 59,
13 Section 5, Clause 54, establishing a limit to the
14 tax exemption allowed under said statute to
15 personal property value of \$10,000 and under.

16 We have a new main motion from the Board
17 of Selectmen.

18 CHAIRMAN MURPHY: Yes, Mr. Moderator.
19 The Board of Selectmen moves that as printed,
20 with a reduction in the exemption value from
21 \$10,000 to \$2,000.

22 THE MODERATOR: Okay, that's the main
23 motion. Mr. Herbst held this. He's not here
24 tonight.

1 Any discussion on Article 49? Ms.
2 Murphy.

3 MS. MURPHY: Thank you. Carol Murphy,
4 precinct 9. I just have a question. Through
5 you, Mr. Moderator, what is the personal
6 property? What is defined as personal property
7 going from \$10,000 down to \$2,000?

8 THE MODERATOR: Do we have Mr. Bailey
9 with us this evening? Mr. Bailey.

10 MR. BAILEY: Dave Bailey, Director of
11 Assessing. Personal property in this case is
12 primarily the contents of second homes. The
13 \$2000 exemption will allow us to not send bills
14 to about 400 property owners whose bills average
15 about \$10. The cost of sending the bills,
16 creating the bills, abating them when necessary,
17 it just - it just isn't cost effective.

18 MS. MURPHY: Thank you.

19 THE MODERATOR: Further discussion?
20 That was the question you had, okay. Any
21 further discussion?

22 The question will come on the main
23 motion as recommended. All those in favor
24 signify by saying aye.

1 [Aye.]

2 THE MODERATOR: All those opposed no.

3 [None opposed.]

4 THE MODERATOR: The ayes have it
5 unanimous.

6 Article 50, this is to appropriate the
7 sum of \$34,026 for the purpose of purchasing and
8 installing a radio system and associated
9 equipment for the Fire Department.

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

12 CHAIRMAN LEWIS: Mr. Moderator, I move
13 the Town vote to appropriate the sum of \$34,026
14 for the purpose of this article. And to meet
15 this appropriation, the Town transfer \$12,528
16 from Article 38 of the 2012 April Town Meeting
17 and to raise and appropriate \$21,498.

18 [Pause.]

19 CHAIRMAN LEWIS: 33, sorry.

20 THE MODERATOR: That's okay, Article
21 33, yes. So there's the main motion. Any
22 discussion? Article 50?

23 Hearing none, the question will then
24 come on the main motion. All those in favor,

1 signify by saying aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [None opposed.]

5 THE MODERATOR: The ayes have it
6 unanimous.

7 Okay, now, Article 51 and 52 deal with
8 appropriations and we learned a lot last night
9 about Town Meeting Member's expectations, and I
10 want to thank the Town Manager for preparing a
11 presentation that relates to both of these
12 articles about the financial position of the
13 Town, and it gets in more detail of the items
14 within Article 52.

15 So, at this point, by a call of the
16 Chair, I'm going to take a main motion on Article
17 52. We'll have the full presentation by the Town
18 Manager. And then we'll vote on Article 52 and
19 then go to Article 51. But this will give us a
20 comprehensive financial picture so that you can
21 make a good decision about these two articles.

22 So, at this point the Chair would
23 entertain a motion from the Finance Committee on
24 Article 52.

1 CHAIRMAN LEWIS: Mr. Moderator, I move
2 Article 52 with the recommendation - as
3 recommended, with the following change: in the
4 bottom where they talk about the DPW account
5 1401451-5110, I'd like to change the 5110 to 5 -
6 three one's - 51110.

7 THE MODERATOR: Yes, so DPW
8 Administration Salary and Wages will now read
9 01451-51110 for \$50,000.

10 FROM THE FLOOR: [Inaudible.]

11 THE MODERATOR: So the change is
12 actually in the first set of digits. It says
13 01411. It's now going to say 01451.

14 FROM THE FLOOR: [Inaudible.]

15 THE MODERATOR: There's grumbling. Is
16 this confusing to someone? Okay.

17 So let's go to DPW Administration
18 Salaries and Wages, and the number will be 01451-
19 51110. That's the line item. Okay? That's
20 the main motion.

21 Mr. Suso.

22 MR. SUSO: Thank you, Mr. Moderator.
23 Julian Suso, Town Manager. We have, as you
24 noted, thank you, we do have a PowerPoint on

1 this.

2 MR. DONAHUE: [No mic.] Mr.
3 Moderator.

4 THE MODERATOR: Mr. Donahue.

5 MR. DONAHUE: [No mic. Inaudible.]

6 THE MODERATOR: No, we couldn't get
7 anyone to man the - or staff the break, so we're
8 not going to have a formal break. So, if folks
9 need to sort of go out, use the restroom.

10 If I need to use the restroom, then the
11 Town Clerk will take over the meeting.

12 Mr. Suso.

13 MR. SUSO: The Town Accountant and our
14 financial team are working to adequately fund in
15 stabilized budgets. The quarterly tax billing
16 process allows the Town more flexibility than
17 what we have had in the past. Falmouth has the
18 opportunity to make second quarter budgetary
19 adjustments at the November Town Meeting which we
20 are before you for your - respectfully for your
21 consideration this evening.

22 The Board of Selectmen and the Finance
23 Committee and our financial managers recommend
24 the following adjustments. In the category of

1 Town Meeting Advertising, Fiscal Year 2013,
2 requesting your consideration of \$2,000 for the
3 additional expense of printing of the warrant.
4 As you can see, the 2013 budget, you've already
5 set aside \$9,000 this past spring; we're
6 requesting an additional \$2,000 for a total of
7 \$11,000 based on actual spending.

8 In the category of Legal, of Special
9 Counsel, there's a summary of the Town's actual
10 spending in that category from FY '10 through FY
11 '12, actual. As you can see that varies from
12 just in excess of \$100,000 to \$156,000. The last
13 complete year, 131. Of course, FY '13, we've
14 earmarked \$100,000 which clearly is going to be
15 insufficient so we ask your consideration of an
16 additional \$25,000, increasing the FY '13
17 appropriation to \$125,000.

18 Natural Resources - Shellfish
19 Propagation, we talked about this last night in
20 terms of the Fisheries Technician. I talked
21 about the shellfish workshop the Selectmen held
22 recently and what that revealed to us. A policy
23 request on the part of the Board of Selectmen to
24 invest shellfish revenues back into the fishery

1 to restore that very important resource in our
2 community. It would fund the shellfish seed,
3 both oyster and qua-qua- quahog, excuse me.
4 Cages, materials, and electricity.

5 Annual revenue from licenses sold is in
6 excess of \$65,000 annually, as we noted last
7 night, FY '10 through FY '13. You see the modest
8 amounts we've reinvested in our shellfish
9 resources. We're proposing an additional \$80,900
10 for a total FY '13 of \$106,000, which will allow
11 us to jumpstart the recovery of our shell fishery
12 in the Town of Falmouth because this is a three
13 to five year proposition. So we do respectfully
14 request your consideration of that.

15 Also we talked about adjustments within
16 the existing - continuing within the existing FY
17 '13 budget. This is for the purpose of the
18 compensation necessary that we anticipate for the
19 Deputy Public Works Director position. And, as
20 we noted again last night, if you so approve,
21 your existing funds which have been set aside in
22 salary and wages from the Water side would be
23 moved a total of \$50,000 to DPW Administration.
24 Both those accounts, of course, are within the

1 Department of Public Works, and that would fund -
2 - provide the adequate additional funding for the
3 Deputy position.

4 As you will note on the last bullet
5 point, the grade for a range 10A, \$78,822.00 to
6 \$104,796. Do not know where in that grade the
7 position will be funded, but that is the range
8 which we appreciate your having approved.

9 Moving forward to Public Works and
10 Gasoline, again you can see the trends there. FY
11 '10, '11 and '12 and the fact that we've had to
12 spend considerably more even in the past year
13 than has been set aside already in FY '13. We
14 know the fuel costs, all of us see it at the
15 pumps, they continue to escalate. We do not see
16 that as reversing anytime in the near future.
17 Requesting an additional \$80,000 to cover that
18 automatic fuel escalator for a total of \$295,000,
19 respectfully with your concurrence.

20 Moving on to Excluded Debt. \$415,000
21 in this article is proposed to be raised for
22 Excluded Debt. This value was not available for
23 reporting to you at the time the budget was
24 prepared. It represents a principal payment due

1 on the high school debt.

2 The exempt debt does not compete with
3 other needs. So these are - this is a
4 responsibility that we do have for existing debt
5 and we must step forward and address it, again
6 within our existing budget.

7 DPW Solid Waste Collection. As you can
8 see, again, FY '10 through '12, the amounts that
9 have been required for that. FY '13 we've set
10 aside actually slightly less than we required in
11 '12. Again we anticipate fuel adjustment
12 charges there and we're asking for \$80,000
13 additional to bring the total for FY '13 to a
14 million, ninety thousand dollars, attempting to
15 be proactive since we have that information at
16 this time.

17 Moving forward to Medicare Tax. I think
18 everyone here is probably familiar with that.
19 It's based upon strictly upon amounts of payroll
20 payed out on both the School and the Town side.
21 You see what's been set aside again in FY '10
22 through '12. FY '13 we've set aside less than
23 we spent in '12. Asking for an additional
24 \$30,000 to cover the anticipated costs with your

1 concurrence.

2 Onto Employee Benefits, the Sick Leave
3 buyback amount. This is an amount that is
4 available annually to retiring employees. It is
5 - the amount is capped annually but it is
6 available in a modest amount to every retiring
7 employee and it's based on a rough estimate of
8 those who will retire in any given year. Again,
9 no guarantees of the numbers.

10 We do have a firmer number of those who
11 are retiring. We've spoken about some of that
12 here already. It is an employee benefit that is
13 owed upon retirement. Clearly we are going to be
14 short in that amount. The FY '13 set-aside of
15 \$15,000. We're asking your consideration of
16 that being supplemented for \$30,000, which we now
17 anticipate needing.

18 The funding sources, we've identified
19 state aid, the cherry sheet revenue was,
20 thankfully, higher than projected. We do want to
21 remind you that that - we're still a decrease,
22 however, from what we have enjoyed in prior
23 years. We have also enjoyed some new growth.
24 We estimated \$500,000, and that the actual has

1 been \$850,000.

2 Free Cash, and I want to emphasize that.
3 We've talked a lot about Free Cash in this Town
4 Meeting and we appreciate Town Meeting Members
5 allocating a considerable amount of that in
6 warrant Article 32 yesterday.

7 Also some additional requests, going
8 forward, for our colleagues on the school side,
9 we want to make clear to all of you what those
10 amounts are. For FY 2012, the Certified Free
11 Cash amount is \$3,384,446, representative of some
12 very frugal and disciplined management of the
13 Town's resources on the part of all the Town's
14 departments, and for that we thank them. We
15 expect that to continue going forward.

16 As I've noted, \$1,137,461 of that has
17 been appropriated, in large part on the capital
18 amount that you approved yesterday.

19 Finally, in conclusion, a couple slides.
20 The overall town is in good fiscal health, we're
21 happy to report. In FY '14 the budget policy in
22 capital and spending was adopted by the Board.
23 That represents, as Selectman Murphy mentioned
24 yesterday, all of the Board concurred unanimously

1 on an operating budget cap of 2.25 percent for
2 Fiscal Year '14. That's a budget I will be
3 bringing to the Board by January 1 for the Town
4 Charter.

5 It also includes a .25 percent. That's
6 point two five of one percent set aside toward
7 Capital Stabilization per the Board of Selectmen.

8 Fiscal goals by 2014, our goals - again,
9 these are goals - would be Stabilization Fund
10 \$2.3 million. Reduced reliance on non-recurring
11 revenue. Capital Stabilization Fund goal of
12 \$1.3 million. Health Stabilization Fund, we've
13 talked about that in the spring; that is \$1.4
14 million. And the OPEB Trust Fund, an amount of
15 \$40,000. Clearly, there is still work to be
16 done.

17 We appreciate very much our partnership
18 with the Finance Committee and the serious work
19 that they do in collaboration with members of the
20 staff, which we hold very highly. We look
21 forward to that continuing into that partnership,
22 moving forward.

23 Also Fiscal Year '14 goals: to build
24 reserves and to stabilize the budgets.

1 By comparison, FY 2011, our total
2 Stabilization Funds, just over a million dollars:
3 \$1,070,686. Our projection - again, this is a
4 projection at this point, but it is our best
5 projection, the work is still in progress - for
6 total Stabilization Funds with the good work of
7 the Finance Committee, Board of Selectmen, and
8 others setting the lead: \$5.4 million.

9 Again, contrast that with just over a
10 million dollars from FY 2011.

11 Our Free Cash is anticipated to continue
12 to recover, as I've already noted. And again,
13 that represents continued discipline, stability
14 and wise management decisions on the part of all
15 those entities so important to the involvement in
16 this partnership.

17 And I'm happy to answer any questions,
18 Mr. Moderator, that may be forthcoming. Thank
19 you.

20 THE MODERATOR: Okay, discussion on
21 Article 52. Mr. Johnson.

22 MR. JOHNSON: Leonard Johnson, precinct
23 5. Reflecting on the conversation last night
24 that related to transparency and trust, and that

1 that discussion last night, contrasted to what we
2 just heard from the Town Manager, suggests to me
3 that there is indeed a connection between
4 openness in government and full disclosure as a
5 vehicle for building trust. So I thank the Town
6 Manager for heading us in the right direction
7 both in the broader sense of the picture and in
8 the smaller detail.

9 Some of us get involved in the smaller
10 detail.

11 I'd also like to commend the Town
12 Manager for last night stepping up and taking
13 accountability for what went on. I thought that
14 was admirable and is again something that builds
15 trust.

16 [Applause.]

17 MR. JOHNSON: And, while I'm on a roll,
18 I for over a decade have tried to get the
19 salaries of Town employees published by the Town.
20 I know it's been available in the last couple of
21 years by - in the Cape Cod Times. And so if you
22 get the new Town Report, you will find, indeed,
23 in the last few pages beginning at page 205,
24 there is a listing of the W-2 numbers for the

1 Town employees. This is, again, a big step in
2 the interests of full disclosure and building
3 trust.

4 So I'd like to thank the Charter Review
5 Committee who was heavily involved in this
6 process, the Town Manager and the IT Department
7 because these numbers, I've discovered from
8 requesting them in the past, are not always easy
9 to come by. Thank you.

10 THE MODERATOR: I'd also like to
11 mention that we have 200 copies of the printed
12 version of the Town Report and multiple copies of
13 the electronic version. So, those that would
14 like to grab a copy of the Town Report, we urge
15 you if you are able to take the electronic
16 version, it's cheaper for us to produce. It's
17 cents on the dollar. What's that?

18 FROM THE FLOOR: [No mic. Inaudible.]

19 THE MODERATOR: And it's also the
20 entire report is also on the Town website. But
21 for those that need a solid copy, we do have 200
22 of them; we're just trying to reduce the printing
23 costs there.

24 Okay, Ms. Fenwick.

1 MS. FENWICK: Judy Fenwick, precinct 1.
2 Could I ask you to go back to the slide that has
3 Excluded Debt? And then I have a question on
4 that slide.

5 The second bulleted item. This is a
6 mistake commonly made by high school students,
7 but I believe you've used the wrong "principle"
8 there.

9 [Laughter.]

10 MS. FENWICK: The principle you have
11 referred to is when you have ethics and scruples,
12 but I don't think we're paying for those. So,
13 the correct spelling would end in "P-A-L".

14 [Applause.]

15 THE MODERATOR: I think the Town
16 Manager was underscoring the principle of
17 building trust with Town Meeting.

18 [Laughter.]

19 THE MODERATOR: Mr. Finneran.

20 MR. FINNERAN: Yeah, there was an
21 \$11,000 figure for printing of the warrants. I
22 wonder, how many of them do we print? You
23 almost answered the question for me. You're half
24 a psychic. There's two hundred extra. What was

1 the total amount?

2 THE MODERATOR: No, no, that was the
3 Town Report.

4 MR. FINNERAN: Oh, the Town Report.
5 Oh, excuse me, thanks.

6 THE MODERATOR: Any further discussion?
7 Yes, Mr. Netto.

8 FROM THE FLOOR: Question.

9 MR. NETTO: Joe Netto, precinct 9. I,
10 too, would like to comment on the openness and
11 transparency of this presentation. I stood up
12 here 24 hours ago as a critic and Mr. Johnson
13 beat me to it, but to Mr. Suso: thank you very
14 much; do appreciate it.

15 THE MODERATOR: Okay, Mr. Latimer.

16 MR. LATIMER: Just a minor question.
17 Probably reflects more of my ignorance, but I
18 didn't know we had an Old People Eating Beans
19 Trust Fund. And perhaps I'm wrong about that,
20 but what does OPEB mean otherwise?

21 THE MODERATOR: Other Post Employment
22 Benefits.

23 MR. LATIMER: Excuse me?

24 THE MODERATOR: Other Post Employment

1 Benefits.

2 MR. LATIMER: Oh, okay, thank you. I
3 didn't know that. I'm sorry, I thought it was
4 Old People Eating Beans, I don't know.

5 [Laughter.]

6 THE MODERATOR: No.

7 Any further questions on the Article 52?

8 FROM THE FLOOR: Question, question.

9 THE MODERATOR: Ms. Tobey. And then I
10 think we're ready to vote.

11 MS. TOBEY: Thank you very much.
12 Linda Tobey, precinct 4.

13 Mr. Suso, thank you for your
14 presentation.

15 I have a question on the page about the
16 shellfish. I noticed that - I think it's great
17 that we're investing money in improving our
18 shellfish development. I'm just wondering if the
19 Town will be receiving money from doing this or
20 if it's just to make our shellfish more, you
21 know, better.

22 THE MODERATOR: Ms. Lowell - Mr. Lowell
23 was actually on the subcommittee. Mr. Suso, do
24 you want to defer to him or?

1 MR. SUSO: Yes, Mr. Moderator, may I
2 have -

3 THE MODERATOR: We've got lots of
4 people here.

5 MR. SUSO: - Mr. Martinson, our DNR
6 chief comment on that? Chuck, if you would?

7 MR. MARTINSON: Good evening, Town
8 Meeting Members. Chuck Martinson, Acting
9 Director of Natural Resources.

10 I think the short answer to your
11 question is yes, we do anticipate that license
12 sales will indeed go up when the amount of
13 shellfish that people are able to dig increases
14 in a shorter period of time. There will be
15 certainly more people interested in shell
16 fishing, yes.

17 MS. TOBEY: Okay, thank you.

18 THE MODERATOR: Okay. Mr. Lowell, do
19 you want to add anything?

20 MR. LOWELL: [No mic. Inaudible.]

21 THE MODERATOR: Okay. Any further
22 discussion? The question will come on the main
23 motion. All those in favor, signify by saying
24 aye.

1 [Aye.]

2 THE MODERATOR: All those opposed no.

3 [None opposed.]

4 THE MODERATOR: The ayes have it
5 unanimous.

6 Now we'll go back to Article 51.
7 Article 51 is to appropriate a sum of money for
8 the Fiscal Year '13 School Department Budget.

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

11 CHAIRMAN LEWIS: Mr. Moderator, I move
12 the Town vote to appropriate the sum of \$238,890
13 from Certified Free Cash for the purposes of
14 Article 51, to be expended under the jurisdiction
15 of the School Committee.

16 THE MODERATOR: Okay, so the amount is
17 \$238,890. Mr. Chairman.

18 CHAIRMAN LEWIS: Mr. Moderator, if I
19 can read into the record the recommendation, or
20 the explanation from the Finance Committee. The
21 Finance Committee has looked closely at the
22 School Department needs and funds available and
23 feels that at this time the monies are justified
24 for the 213 budget and should be added under

1 Article 51.

2 However the Finance Committee votes this
3 as a one time increase to the FY '13 budget only
4 and will look closely at the need for these
5 expenses in the 214 budget. Thank you.

6 THE MODERATOR: Okay, discussion on
7 Article 51? Back, Ms. Putnam.

8 MS. PUTNAM: Rebecca Putnam, precinct
9 9. Again like last night, we're being asked to
10 spend \$238,890 for what, exactly?

11 THE MODERATOR: Mr. Chairman.

12 MS. PUTNAM: Thank you.

13 THE MODERATOR: Oh, Mr. Dupuis is
14 actually -

15 MR. DUPUIS: Mark Dupuis,
16 Superintendent of Schools. As you may recall
17 last spring when the School Department was
18 passed, it was reduced by an amount - by this
19 amount. And there was discussion at that point
20 to come back to the Fall Town Meeting for
21 supplemental funding, which is where we are at
22 this point. And we do have a slide that breaks
23 out that \$238,000.

24 \$100,000 of it would be used for

1 unexpected salaries that we were forced to pay.
2 These are due to needs that came up since the
3 budget was developed and since the school year
4 started. That would be one teaching position
5 and two aid positions to meet the needs of
6 various students and to maintain low class size.

7 The second amount, \$70,000, was reduced
8 from last year's budget and that's for supplies
9 and material that reflects \$20 per student and
10 will be used in all seven schools based on \$20
11 per student.

12 \$25,000 again was reduced from last
13 year's budget and that will be used for various
14 technology needs and programs in the district,
15 again involving all seven schools.

16 And the last balance, which I don't have
17 my glasses, here, but I think it's \$43,890 is for
18 professional development, which is the result of
19 a variety of state and federal mandates which
20 we're forced to implement and be involved with.
21 And this is very vital if we want to maintain the
22 training that's needed for all our staff.

23 So that's the breakdown of those funds.

24 THE MODERATOR: Okay, further

1 discussion? Mr. Donahue. Mr. Murphy and then
2 Mr. Donahue. Yes, we'll get you a mic.

3 Mr. Murphy.

4 CHAIRMAN MURPHY: Through you, Mr.
5 Moderator, to the Finance Committee. Is this
6 money to be added to their budget so their budget
7 base would begin next year with the \$238,000?
8 Or would this be a one time supplement for this
9 year's budget?

10 THE MODERATOR: I thought he was very
11 clear. He read that into the record. But, Mr.
12 Chairman.

13 CHAIRMAN LEWIS: Yes, we were very
14 specific. Our explanation does read, the last
15 sentence: However the Finance Committee feels
16 this is a one time increase for the FY '13 and
17 we'll look at the budget for 214 when it comes
18 through.

19 THE MODERATOR: Okay -

20 CHAIRMAN LEWIS: I'm assuming that the
21 Town will probably give them the one percent they
22 gave them last year and -

23 CHAIRMAN MURPHY: Mr. Moderator, I'm
24 going to personally vote for this. I'm going to

1 support this issue. But I do want to say that
2 it's - it needs to be put on the table that every
3 union in this community has taken multiple zeros
4 over the last several years, and the School
5 Department has a contract to settle, and that
6 contract still has not been settled and we need
7 to keep that in mind as we move forward. Thank
8 you very much.

9 THE MODERATOR: Mr. Donahue.

10 MR. DONAHUE: Thank you, Mr.
11 Moderator. The unbudgeted salaries, the
12 teacher and teacher aides, I believe that the
13 population of the schools is going down, but we
14 need to hire another teacher. Is there a
15 specific - is this for special needs children or
16 something like that, that was unanticipated or?
17 Thank you.

18 THE MODERATOR: Mr. Dupuis.

19 MR. DUPUIS: The two aid positions
20 were for that situation which was just described
21 and we're required to provide services to those
22 students.

23 The teacher position was a second grade
24 section at Teaticket School. And, as many of you

1 are aware, the School Committee has class size
2 ranges and we were outside that class size range,
3 so that was the reason that was added.

4 THE MODERATOR: Mr. Shearer.

5 MR. SHEARER: Dan Shearer, precinct 6.
6 I am going to vote for this because our kids need
7 it, but I want to remind everybody that we had an
8 override in 1978 -

9 FROM THE FLOOR: 1998.

10 MR. SHEARER: '98 is it? Okay. For
11 \$831,340 for technology supplies and school
12 books. It is being used by the school for
13 salaries. And I think this is wrong. We vote
14 for something; we're told it's going to be used
15 for that; it should be used for that.

16 In the coming years, with the amount of
17 computers in the school system, we're going to
18 need every penny of that to replace them, repair
19 them and keep them up to date.

20 I don't think we can keep using this
21 money for salaries in the school.

22 But please vote for this this year; we
23 need it. Thank you.

24 THE MODERATOR: Okay, any further

1 discussion on Article 51? Mr. Heath.

2 MR. HEATH: Perhaps you can explain to
3 me, but this looks to me like you just plain
4 didn't pay attention to the budget that was
5 loaded and the amount authorized, did what you
6 wanted to do, and now you're back for
7 supplemental.

8 I'm going to vote it because we - you've
9 already spent the money, you've already committed
10 it, and we have to pay our debts. But when we
11 vote a budget at Town Meeting after it's been
12 vetted by the Finance Committee, I think we
13 should expect that Town employees, whether it be
14 School Committee or in the - under the Mr. Suso,
15 that basically they've got to live by that
16 because that's what they committed to.

17 And it looks, with the exception of the
18 \$43,890, which you can't help, the rest of it
19 looks like you spent what you got turned down,
20 but you spent it anyway.

21 THE MODERATOR: Mr. Dupuis.

22 MR. DUPUIS: If I can just respond.
23 The \$70,000, the \$25,000 and the \$43,000 has not
24 been spent in hopes of getting approval this

1 evening.

2 THE MODERATOR: Ms. Lowell.

3 MS. LOWELL: Vicki Lowell, precinct 1.

4 My memory is that at the - at last Annual Town
5 Meeting the School Committee had requested these
6 additional funds and the Finance Committee had
7 said that they didn't want to recommend them at
8 that time, but that they would review it in the
9 fall. And that's what they've done, is my
10 understanding, and now they're recommending that
11 yes, the schools do need this money. So, it's
12 not as if we didn't have some warning of these
13 potential costs, and we've just done it for all
14 the other departments and when they've - we
15 adjusted their budgets. So I think it's very
16 fair to do it for the schools. Thank you.

17 [Applause.]

18 THE MODERATOR: Okay, Mr. Thrasher.

19 MR. THRASHER: Scott Thrasher, precinct

20 4. The only thing I can say about this request
21 is many of the other requests that were made on
22 the warrant we had people at our precinct meeting
23 that were there to speak to us and answer our
24 questions. Because we had many questions of the

1 people that came to our precinct meeting. And I
2 was told when we were reviewing the articles that
3 there would be something at Town Meeting for
4 Article 51. But they didn't have anything for
5 us at that time.

6 If they know there's something
7 forthcoming, it would be worthwhile to not have
8 to debate it in 20 minutes on Town Meeting floor
9 after all of these other departments have gone
10 through Fin Com and everything's been laid out
11 and we've had time to digest it. This is a
12 little short - a little bit of a short notice.

13 THE MODERATOR: Okay, anything else?

14 Ms. Augusta.

15 MS. AUGUSTA: Susan Augusta, School
16 Committee, precinct 9. Just to reiterate what
17 Mrs. Lowell just stated. We brought this to Town
18 Meeting last April, and we were - we notified
19 Town Meeting that once we were told that this was
20 not going to be recommended at the time that we
21 would be bringing it back this fall. This is
22 what we have done.

23 THE MODERATOR: Okay, the question will
24 come on the main motion: \$238,890 from Certified

1 Free Cash. All those in favor, signify by saying
2 aye.

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [No.]

6 THE MODERATOR: The ayes have it by a
7 majority.

8 Article 54, this is to appropriate
9 \$50,000 from Certified Free Cash for the purpose
10 of dredging the inlet to Bourne's Pond. Mr.
11 Chairman of the Finance Committee for a main
12 motion.

13 CHAIRMAN LEWIS: Mr. Moderator, I move
14 Article 54 as recommended.

15 THE MODERATOR: As recommended. Mr.
16 Netto held this. You're going to release -

17 MR. NETTO: [No mic:] Question was
18 answered.

19 THE MODERATOR: Yes, question was
20 answered. Any further discussion on Article 54?

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

24 [Aye.]

1 THE MODERATOR: All those opposed no.

2 [None opposed.]

3 THE MODERATOR: The ayes have it
4 unanimous.

5 Article 55. This is to authorize the
6 Board of Selectmen to enter into a contract not
7 to exceed 20 years for energy management
8 services. Mr. Chairman of the Board of Selectmen
9 for the main motion.

10 CHAIRMAN MURPHY: Yes, Mr. Moderator.
11 I move that the Town vote to authorize the Board
12 of Selectmen to enter into a contract not to
13 exceed 20 years between the Town of Falmouth and
14 the Energy Management Services Contractor in
15 accordance with General Law 250A point 11, upon
16 such terms and conditions the Board deems
17 appropriate.

18 The Explanation: the new motion removes
19 the terms "raise and appropriate".

20 If feasible, the full project will be
21 presented to the 2013 April Town Meeting for its
22 consideration and action as needed. The Board
23 of Selectmen is simply seeking the authority to
24 move forward.

1 And if I can ask the Town Manager to do
2 a presentation, I believe, on this.

3 THE MODERATOR: Mr. Suso.

4 The main motion is to authorize the
5 Board of Selectmen to enter into a contract not
6 to exceed 20 years between the Town and the
7 Energy Management Services contractor in
8 accordance with General Law 25A, Section 11L.

9 MR. SUSO: Thank you, Mr. Moderator.
10 If I may, this is a presentation that with a
11 PowerPoint covering both Articles 55 and 56, if I
12 may.

13 What is performance contracting? Energy
14 savings performance contracting enables building
15 owners to use future energy savings to pay for
16 design and construction costs of energy saving
17 projects. Eliminating the need to dip into
18 Capital budgets. That's what an ESCO or energy
19 savings contract is all about.

20 Performance contracting in
21 Massachusetts, successful projects have occurred
22 since 1994, which is of course 18 years to date.
23 New legislation in Massachusetts, Chapter 25A,
24 Section 11L was enacted in 2006. This is a

1 streamlined process. The ESCO or energy
2 management company - performance contracting
3 company installs, guarantees energy savings.
4 That's guarantees. And maintains the systems.

5 To date, 171 Massachusetts cities, towns
6 and regional school districts are currently in
7 the performance contracting pipeline. And
8 that's from the state of Massachusetts data that
9 we have available.

10 We've talked about the company Trane,
11 which is the selected performance contracting
12 company for the Town of Falmouth. They have
13 project experience in the Commonwealth in the
14 City of Lynn, in the Town of Marshfield, in
15 Medway Public Schools, the Old Colony Regional
16 Vocational School District, the Town of West
17 Springfield and West Springfield Public Schools,
18 the Bristol-Plymouth Regional Vocational High
19 School.

20 And the Town of Falmouth is working in
21 cooperation, obviously, with the Falmouth Public
22 Schools. We've talked about this in the past
23 and also at our precinct meetings in terms of the
24 Town's overall needs, working with the School

1 Department as well.

2 The ESCO selection process, Falmouth
3 solicited ESCO's utilizing a request for
4 qualifications process. Several firms were
5 interviewed. Trane was identified as the most
6 responsive and responsible. With the support
7 from the Board of Selectmen I have authorized an
8 investment grade audit to be performed by Trane.
9 We're working out the details of that going
10 forward.

11 Typically the municipalities achieve
12 energy savings from 15 percent to 25 percent in
13 this process in the Commonwealth. Falmouth
14 currently has an annual utility expense that's
15 combined Town and School-side together in excess
16 of \$2 million a year. The anticipated annual
17 savings if this process would go forward, again
18 only with Town Meeting approval, would be within
19 the range of \$300,000 to \$500,000 annually.

20 A detailed audit will define the savings
21 and the overall program details for
22 implementation. The Town would need to approve
23 that project going forward.

24 Typical projects might include new high

1 efficiency boiler plants, new windows, heating
2 and ventilating systems, a building envelope,
3 including the weatherproofing, energy efficient
4 lighting upgrades, variable frequency drives for
5 pumps - that includes water and wastewater, by
6 the way - state of the art building automation
7 system, kitchen or cafeteria exhaust hood,
8 controls and others that are customized and
9 detailed through the audit, with many more
10 details to be brought to Town Meeting if we're
11 allowed to move forward.

12 Existing Morse Pond School, there's one
13 of the snapshots of the energy system there. The
14 Lawrence School energy system, some information
15 there. Existing Teaticket School energy systems,
16 as well. Just a snapshot of a few illustrative
17 examples.

18 The process steps under Mass. General
19 Law Chapter 25A, section 11L: step one, issue a
20 request for qualifications. We've noted that's
21 been concluded. Select an energy services
22 provider, step two, has been accomplished.

23 Conduct a detailed audit of energy
24 facilities - pardon me, a detailed energy audit

1 of facilities, that has not yet been brought to a
2 conclusion.

3 Step four would lie ahead: select the
4 optimal project for local approval. All the
5 other steps still lie ahead.

6 Number five: seek Board of Selectmen's
7 approval to advance to Town Meeting. That would
8 be to come in the spring if we have your
9 continued support.

10 Step six: present projects and seek Town
11 Meeting approval for project borrowing. That
12 lies ahead in the spring.

13 Seven: upon approval, execute an
14 agreement to proceed, lies ahead.

15 Also lying ahead: the implementation of
16 the project in step eight.

17 Step nine: experience measurably
18 improved facilities and guaranteed energy savings
19 under Mass. General Law if we're allowed to
20 proceed.

21 The potential benefits to Falmouth.
22 The bullet points: upgrade the Town and School
23 facilities, reduce energy consumption, guaranteed
24 energy savings as part of our contract with Trane

1 if we are able to proceed, improved comfort and
2 efficiency in the schools and the Town-side
3 buildings as well.

4 Measurably improve indoor air quality.
5 Automate and monitor with a web-based system 24/7
6 every day of the year.

7 Ongoing training, maintenance, to
8 personnel to sustain performance guidelines.
9 Environmental benefits as well, with the
10 avoidance of additional emissions. Obviously
11 fiscal, social and environmental stewardship an
12 important part of our overall goals.

13 Falmouth's next steps would be between
14 October and December of 2012 to conduct and
15 conclude that detailed investment grade audit.
16 January of 2013, we would review the progress and
17 define the projects. An owner's representative
18 review of energy savings and costs. That
19 owner's representative, by the way, would be part
20 of Warrant Article 56.

21 In February, 2013, we would develop a
22 project pro forma and schedule. From February to
23 March of the coming year, we would review the
24 project with officials and the board.

1 In April, 2013, only if we're allowed to
2 proceed would we present a project to Town
3 Meeting and specifically seek your concurrence on
4 bond authorization. Without it, nothing would
5 move forward.

6 If funded, we would move forward and
7 construct this project. Again, Town Meeting
8 would have to pull the trigger on that in the
9 spring.

10 Article 56 we've touched on. That would
11 allow an owner's project representative. We feel
12 that's an important adjunct to insuring success
13 of this. If you allow us to proceed, a proposed
14 owner's representative could serve as a third
15 party objective reviewer. We think that would be
16 very important. That would allow us to engage
17 an engineer qualified to review energy efficiency
18 projects with related savings. Again, including
19 windows and roofs, the building envelope, the
20 HVAC system improvements proposed by Trane.

21 Will the projects proposed by Trane
22 indeed result in a projected savings? Let's
23 have an independent third party take a look and
24 report back to the Board of Selectmen, Finance

1 Committee, and Town Meeting.

2 May serve in a project oversight role as
3 well, as a potentially as a construction project
4 manager if we're allowed to move forward.

5 And that concludes the summary of what
6 we are proposing in both Articles 55 and 56.

7 One final comment, Mr. Moderator, if I
8 may. In talking with my colleague,
9 Superintendent Mark Dupuis, the Town has had
10 experience on the school side working with
11 Honeywell in a performance management contracting
12 process, so we do have some actual experience on
13 the school side with regard to this model and it
14 has been conducted successfully, and with my
15 colleague's assistance there may be questions on
16 that which I'm sure we could follow up on as
17 well. Thank you.

18 THE MODERATOR: Okay, Mr. Young.

19 MR. YOUNG: Bob Young, precinct 5. I
20 want to support this article. The Selectmen's
21 position and thank you, Mr. Suso, for a wonderful
22 explanation.

23 I have just a comment, here, and I may
24 want to offer an amendment. What I see in this

1 first sentence that the Town wants to come in
2 with a contract not to exceed 20 years, all I can
3 think of is the Red Sox and Carl Crawford, \$200
4 million for ten years. Does it have to be 20
5 years? Could it be not to exceed five years,
6 possibly?

7 THE MODERATOR: Ms. Harper.

8 MS. HARPER: It's proposed as up to 20
9 years and it needs to relate to the term of
10 borrowing because that's the period in which
11 Trane is guaranteeing the savings to offset the
12 cost of the borrowing. So it may be 15 years or
13 ten years, depending on what the project is, but
14 it could be up to 20 years and more than likely
15 will be.

16 THE MODERATOR: Mr. Young.

17 MR. YOUNG: Follow-up, please. I'd
18 like to make an amendment that it be reduced to
19 not more than ten years. And I offer that
20 amendment now.

21 THE MODERATOR: Okay, the amendment is
22 to change the not exceeding 20 years to not
23 exceed ten years.

24 Discussion on the amendment? Yes, Mr.

1 Murphy.

2 CHAIRMAN MURPHY: Yes, Mr. Moderator.
3 The Board has talked about this particular issue
4 and there are many directions you could go in
5 energy savings. I think the Board's discussions
6 has led us to believe that we will go towards the
7 more traditional areas where we can make savings.
8 Not new technologies where things would not be
9 tried and true.

10 And some of those technologies, those
11 traditional technologies, as we all have in our
12 homes, are things like windows and roofs. Those
13 things do in fact last multiple numbers of years.
14 This is an opportunity for the Town to help its
15 aging infrastructure and be able to finance it
16 with the savings we would get via energy.

17 I would suggest that you do not pass
18 this amendment because it will tie our hands
19 moving forward.

20 Again, tonight is only to authorize us
21 to come back to you in the spring and bring you a
22 list of the items that the Board, collectively
23 with the staff, have come up with as the items
24 that we would like to move forward with.

1 I can assure you on my part that
2 anything innovative and new technologies that's
3 not tried and true will not be on the list if I
4 have anything to say about it.

5 So I ask that you don't put something on
6 there 20 year - under 20 years, because it may
7 tie our hands with some of the payback issues,
8 thank you.

9 THE MODERATOR: Okay, Ms. O'Connell.
10 Mr. Latimer on the amendment? I'll put you on
11 the list.

12 MS. O'CONNELL: Oh, pardon me, Mr.
13 Moderator, it's not about the amendment.

14 THE MODERATOR: Okay, any further
15 discussion on the amendment, Mr. Latimer?

16 MR. LATIMER: No.

17 THE MODERATOR: No. Any further
18 discussion on the amendment? Hearing none, the
19 question will come on the amendment, whether or
20 not to reduce the years to ten.

21 All those in favor signify by saying
22 aye.

23 [Aye.]

24 THE MODERATOR: All those opposed no.

1 [No.]

2 THE MODERATOR: It's the opinion of the
3 chair that the no's have it by a majority and
4 I'll go back to my original list. Mr. Latimer.
5 Ms. O'Connell, I'll add you to the original list.

6 MR. LATIMER: Richard Latimer,
7 precinct 1. I've worked on contracts before and
8 analyzed them. They have parties; in this case
9 it's the Town of Falmouth and Trane. They have
10 a term of years, okay, 20 years. They have a
11 scope of work; that's been explained.

12 But every contract has a price and I
13 haven't seen anything here as to what the price
14 of this contract would be, that we're committing
15 ourselves to 20 years. Is it a set fee per
16 year? Or is it a per project -

17 THE MODERATOR: The main motion took
18 out an appropriation, so they make their money on
19 the long term.

20 MR. LATIMER: It's contingent fee,
21 then? Okay, I mean, is that what it is? I
22 mean, what's it going to cost each year of the 20
23 years? I mean, it's just a basic question that
24 -

1 FROM THE FLOOR: [Inaudible.]

2 MR. LATIMER: Is it free?

3 THE MODERATOR: Ms. Harper.

4 MS. HARPER: It's certainly not free.

5 The Trane earns its money each year of the
6 contract as the service - either the service
7 contractor or they also are responsible for
8 installing the project. So they make their
9 money as the installer as well as the service
10 contractor.

11 All of those decisions have yet to be
12 presented and analyzed and that would be part of
13 what Town Meeting would be reviewing in the
14 spring.

15 MR. LATIMER: It's like a contingent
16 fee. Great. I have no problem with that.

17 THE MODERATOR: Mr. Lowell.

18 MR. LOWELL: Nick Lowell, precinct 5.

19 A member of the Finance Committee. We've
20 briefly touched on this, but not well enough for
21 me to say that I'm not simply speaking for
22 myself, which is what I'm doing.

23 I have attended the Trane presentation
24 and some of the Energy Committee meetings and I

1 am supportive of the article here. However, in
2 general, I think that we should take the whole
3 project with a - take it for what it is. It's
4 not free money and it's a great opportunity for
5 us to upgrade many of our capital projects and
6 not have it show up as an override.

7 And many of these things are things
8 that, you know, we don't spend a lot of time
9 looking at. The boiler rooms, for example.

10 But, it is a little bit dangerous in
11 that there is a certain amount of risk that isn't
12 obvious to the way that the funding works. We
13 pay for it out of the energy savings. The energy
14 audit will help us to determine how much we're
15 going to save by upgrading certain equipment and
16 then we can decide how many projects we want to
17 do.

18 Certain projects have a very good
19 payback, typically lighting and controls, such as
20 setbacks, automatic setbacks and preventing those
21 rooms that just get incredibly hot, which we see
22 in a lot of the old buildings.

23 But, other projects such as roofs and
24 windows often have a much lower payback. And

1 it's very tempting to try to lump the really good
2 payback projects in with the not so good payback
3 projects. And then fill up the total amount of
4 projected savings with all of the projects,
5 because I mean we do need new roofs and we need
6 new windows, but they don't necessarily give us
7 the best payback.

8 So, when I - I want the Selectmen to go
9 ahead and look into this contract and complete
10 the energy audit, but when we do come time to
11 select the projects, I really encourage you to
12 stick to the highest payback projects, so that we
13 can really show that this works and then we can
14 revisit it and add more projects in later on. We
15 don't have to do it all at once.

16 Because I know that by the time we bring
17 it back to the spring Town Meeting, the train's
18 going to be going fast. It'll be difficult to
19 cherry pick out, perhaps, some of the projects
20 that might not have a great payback. Thank you.

21 THE MODERATOR: Okay, Mr. Finneran.

22 MR. FINNERAN: I think I heard the
23 figure once that we spend about \$2 million a year
24 on energy. Does that qualify us for the Cape

1 Light Compact? And if it does, don't they do a
2 lot of these services for nothing and next to
3 nothing? And if that was the case, wouldn't it
4 be smarter to do what they can do for us, first,
5 and then go to these people second?

6 MS. HARPER: Well, the Cape and
7 Vineyard Electric Coop is not a performance
8 contracting company. They do do a lot of
9 retrofitting and we have participated in many,
10 many of those.

11 Paul Gentile I know would be delighted
12 to talk about those. But that is not the same
13 model.

14 And I just want to add that I agree
15 completely with Mr. Lowell's comments. I'm not
16 entirely convinced yet, but I do believe it makes
17 perfect sense to move forward and analyze whether
18 there are projects.

19 And, it's important to know that,
20 without the School, the Town facilities would not
21 be attractive to an ESCO. It's only the
22 partnership with the School facilities that make
23 it possible for the Town facilities to
24 participate and benefit.

1 So, you know, we appreciate that
2 cooperation and willingness to work with the
3 Town, and I believe it's worth exploring.

4 THE MODERATOR: Mr. Patrick.

5 MR. PATRICK: Matt Patrick, precinct 7.
6 I've known about this stuff for a long time and I
7 have to respectfully disagree with Mr. Lowell.

8 You want to get all of these projects in
9 and get them paid for with energy savings. To do
10 otherwise is called cherry picking, or cream
11 skimming and you won't get all the savings that's
12 available if you do that. So you try to mix in
13 the long payback energy savings with the short
14 payback energy savings and that's the best thing
15 for the Town, Thank you.

16 THE MODERATOR: Okay, Ms. O'Connell and
17 then Mr. Dupuis.

18 MS. O'CONNELL: Yes, Mr. Moderator, I
19 have a question about the Article 55. It says
20 that we're authorizing the Board to enter into a
21 contract and also to appropriate a sum of money.
22 Is there a --

23 THE MODERATOR: No, no, that was the
24 main motion. The main motion removed the

1 "appropriate a sum of money" language.

2 MS. O'CONNELL: Okay, pardon me. Then
3 my other question is: should we go forward with
4 this, is there an amount that would be negotiated
5 in this contract that we would have to spend
6 every year with Trane, sort of a baseline to keep
7 them? Sort of a contractual contingency fee, if
8 you will? Would there be a base amount we would
9 have to spend with them every year?

10 THE MODERATOR: Ms. Harper.

11 MS. HARPER: I'm not sure I entirely
12 understand the question.

13 MS. O'CONNELL: If we had a contract
14 with Trane for 20 years to do one thing or
15 another, to boost our energy savings, what if a
16 year came and we didn't have anything we really
17 wanted to do? Do we have to pay them something
18 in order to keep doing business with them?

19 MS. HARPER: The way the project works
20 is all of the projects are identified up front.
21 They are all done Day One. So all of the savings
22 -

23 MS. O'CONNELL: I see.

24 MS. HARPER: - are available the first

1 day. The variability that Mr. Lowell was
2 talking about is the energy prices and demand,
3 and it's important that you control the demand.
4 We don't have control over the prices.

5 So that really is the issue, is that as
6 the energy prices grow and your savings stay the
7 same, there really will be more expenses, even
8 though your energy consumption is either stable
9 or going down.

10 MS. O'CONNELL: So the 20 years is
11 what, to kind of guarantee the work that they
12 have done in case we need -

13 MS. HARPER: Correct.

14 MS. O'CONNELL: - them to come back and
15 remediate.

16 MR. HARPER: And it's the likely term
17 of a bond that you would enter into for a large
18 scale construction project.

19 MS. O'CONNELL: Okay. Thank you very
20 much.

21 THE MODERATOR: Okay, Mr. Dupuis, did
22 you have something? In the back.

23 MR. DUPUIS: Mark Dupuis,
24 Superintendent of Schools. Just to follow up on

1 what Mr. Suso said earlier. A number of years
2 ago, probably ten or 12 or 13 years ago, the
3 School Department was involved in a similar
4 arrangement with Honeywell on a much smaller
5 scale, but the concept was the same, and it
6 clearly worked.

7 And I want to follow up on things that
8 were said earlier. It gives the Town an
9 opportunity to address many of the capital needs
10 that are lingering without a major bond or
11 anything like that.

12 So, I would certainly support this.

13 THE MODERATOR: Okay, Ms. Murphy.

14 MS. MURPHY: Thank you, Mr. Moderator.
15 Carol Murphy, precinct 9. I've just got a
16 question as far as we were told at our precinct
17 meetings that it was a figure of \$30,000 for
18 Article 55. So, I'm confused. So now there's
19 no \$30,000 figure involved with Article 55?

20 THE MODERATOR: Yeah, who went to a
21 precinct meeting and said \$30,000? Mr. Suso?

22 MR. SUSO: Thank you Mr. Moderator.
23 The figure that the speaker's referring to, if
24 Town Meeting declined to proceed, we are having

1 an energy audit conducted as I noted in the
2 PowerPoint; the Town would be obligated to pay
3 for that energy audit for all our buildings, Town
4 and School side; the estimated cost is in the
5 \$30,000 area.

6 If we decline to move forward with
7 energy performance contracting, we would have
8 some obligation in that area, and the Town would
9 utilize all that information to more effectively
10 manage both our Town and School side buildings,
11 but sadly we would be denied the opportunity to
12 make all those enhancements and pay for them with
13 energy savings.

14 MS. MURPHY: So Trane would be charging
15 us the \$30,000; that's their fee?

16 MR. SUSO: That's correct.

17 MS. MURPHY: And then, Article 56 is a
18 \$20,000 audit of the audit?

19 THE MODERATOR: Yeah, that would be for
20 the owner's representative. They did the
21 presentation, the PowerPoint.

22 MS. MURPHY: Yeah, it's an audit of the
23 audit. It's an audit of the Article 55 audit.
24 We have to have an overseer? I thought Trane

1 was very, very, you know.

2 THE MODERATOR: That was right in the
3 PowerPoint. We're going to have an -

4 MS. MURPHY: Yes, I did see it.

5 THE MODERATOR: - independent third
6 party take it, make sure that the savings are
7 correct, so we don't get ourselves into trouble.

8 MRS. MURPHY: Right, so we're - we're
9 doubling down. We're auditing the audit.

10 THE MODERATOR: Yes.

11 MRS. MURPHY: Okay.

12 MR. SUSO: Fundamentally, Mr.
13 Moderator, we are -

14 MS. MURPHY: Okie-dokie.

15 MR. SUSO: - it's a checks and balances
16 to ensure large dollars are spent wisely.

17 MS. MURPHY: Okay, so the whole thing
18 is \$50,000 - well, I mean the figure, if you take
19 the \$30,000.

20 THE MODERATOR: It's \$30,000 if we
21 don't do this.

22 MS. MURPHY: I see, thank you.

23 THE MODERATOR: So if you vote no, it
24 might cost us up to \$30,000.

1 Any further discussion on Article 55?

2 Mr. Finneran. Then I think we're ready.

3 MR. FINNERAN: I don't really think
4 that my question was answered by Ms. Harper.
5 Maybe Mr. Gentile can answer it. Is there
6 anything that the Cape Light Compact can do for
7 us first like they do for homeowners in the area?
8 At no charge.

9 THE MODERATOR: So Mr. Gentile, if we
10 could have a nice, tight answer to that question.

11 MR. GENTILE: Mr. Moderator, I'd like
12 to respond to that. Paul Gentile, Energy
13 Coordinator. Cape Light Compact continues to
14 work with us and will continue to work with us
15 during this contract. They're in a different
16 business. They're not in the energy performance
17 contract business; they couldn't afford to be.

18 Most ESCO companies are large so they
19 can co-support these projects with towns and
20 municipalities. Cape Light Compact is in a
21 different business. They don't do performance
22 contracting. But we still will continue to work
23 with them, in other areas. Thank you.

24 Does that answer your question?

1 MR. FINNERAN: [No mic. Inaudible.]

2 MR. GENTILE: Yes.

3 THE MODERATOR: Okay, thank you, Mr.

4 Gentile.

5 The question will come on the main
6 motion, Article 55. All those in favor, signify
7 by saying aye.

8 [Aye.]

9 THE MODERATOR: All those opposed no.

10 [No.]

11 THE MODERATOR: The ayes have it by a
12 majority.

13 Article 56. Appropriate \$20,000 from
14 Certified Free Cash. Mr. Chairman.

15 CHAIRMAN LEWIS: Mr. Moderator, I move
16 Article 56 as recommended.

17 THE MODERATOR: As recommended. This
18 is to engage a consultant to review the audit.
19 Any discussion?

20 FROM THE FLOOR: Question.

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

24 [Aye.]

1 THE MODERATOR: All those opposed no.

2 [No.]

3 THE MODERATOR: The ayes have it by a
4 majority.

5 Mr. Chairman. Article 57.

6 CHAIRMAN LEWIS: Mr. Moderator, I move
7 that all articles approved at this Town Meeting
8 be funded and the voting for the total is \$3,875
9 -

10 THE MODERATOR: Folks, there's an
11 undercurrent here and I can't hear the numbers
12 myself. And I'm sitting right next to him, so.
13 Mr. Chairman.

14 CHAIRMAN LEWIS: Okay. \$3,875,713.67.

15 THE MODERATOR: Okay, the main motion:
16 \$3,875,713.67. All those in favor of the main
17 motion, signify by saying aye.

18 [Aye.]

19 THE MODERATOR: All those opposed, no.

20 [None opposed.]

21 THE MODERATOR: The ayes have it
22 unanimous.

23 At this time, I'd recognize the Chairman
24 of the Board of Selectmen for notification of the

1 next Annual Town Meeting.

2 CHAIRMAN MURPHY: Yes, Mr. Moderator,
3 April Town Meeting would be on April the 8th.

4 THE MODERATOR: April 8th will be the
5 next Town Meeting.

6 Mr. Chairman.

7 CHAIRMAN LEWIS: Mr. Moderator, I move
8 that the November 212 Annual Town Meeting be
9 closed.

10 THE MODERATOR: Okay, you've all heard
11 the main motion to dissolve the meeting. All
12 those in favor signify by saying aye.

13 [Aye.]

14 THE MODERATOR: All those opposed no.

15 [None opposed.]

16 THE MODERATOR: The ayes have it; the
17 meeting is dissolved.

18 [10:10 p.m. Whereupon, the meeting closed.]

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth Annual Fall Town Meeting, taken by me on November 15, 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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