

Vol. Two
176 pages

COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

SPECIAL TOWN MEETING

-and-

ANNUAL SPRING TOWN MEETING

Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR: David T. Vieira

Tuesday, April 5, 2011

7:00 p.m.

Carol P. Tinkham
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1 P R O C E E D I N G S

2 THE MODERATOR: Please don't forget to
3 check in tonight, the League of Women Voters are
4 publishing the attendance in the Falmouth
5 Enterprise. Okay, all Town Meeting Members
6 present please come forward, take your seats.

7 We'll start off with the Special Town
8 Meeting Tonight, and then we'll return to the
9 Annual.

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

14 Okay, all Town Meeting Members present
15 please come forward. Okay, let's establish a
16 quorum. All Town Meeting Members present please
17 stand for the establishment of the quorum and the
18 tellers return the count.

19 [Pause.]

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

22 MRS. TASHIRO: 55.

23 THE MODERATOR: 55.

24 In the third division, Mr. Hampson.

1 MR. HAMPSON: 61.

2 THE MODERATOR: 61.

3 In the second division, Mr. Dufresne.

4 MR. DUFRESNE: 86.

5 THE MODERATOR: 86.

6 By a counted vote of 202, we have a
7 quorum and I call the Special Town Meeting into
8 session.

9 I want to make an announcement for folks
10 in the crowd that might have a little trouble
11 hearing the course of debate and the speakers at
12 Town Meeting. We do have these electronic
13 devices up here on the stage; there's a few left.
14 What they do is they actually pick up the signal
15 from the cordless mic and from the sound system
16 and bring it right to your ear, and you can
17 adjust the level of volume. And some of our
18 folks in the front row, here, have been using
19 them for the last few Town Meetings; they swear
20 by them. So, if anybody had trouble last night
21 or has been having trouble hearing the speakers,
22 please come on down front and pick up one of
23 these electronic devices. They're over here to
24 my right, on the corner of the stage.

1 The Town Clerk arranged for these here
2 at Town Meeting, but they've also worked to
3 arrange the Selectmen's Meeting Room, and now
4 they're just going through the process of having
5 the little hand-held devices available for the
6 Selectmen's meetings. So you'll be seeing those
7 made available very shortly here at the
8 Selectmen's Meetings, as well. So.

9 I'd also like to thank FCTV-13 for our
10 live broadcast and remind all Town Meeting
11 Members each time you speak to please identify
12 yourself by name and precinct.

13 At this time, would all Town Meeting
14 Members present please rise for the presentation
15 of the colors by Boy Scout Troop 40. All rise,
16 please, not just Town Meeting Members.

17 [Colors presented.]

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

20 [Pledge of Allegiance taken.]

21 THE MODERATOR: At this time we'll have
22 the invocation by Ray Rowitz.

23 MR. ROWITZ: Lord, when it comes to
24 meeting and communicating with each other, help

1 us to be good listeners. Help us to be open-
2 minded, putting aside our own agendas. Help us
3 to be honest without being insensitive. Help us
4 to be respectful, without being too formal or
5 artificial. Help us to question and challenge
6 without being harsh. Help us to be aware that
7 this is just one moment, one meeting. And
8 lastly, help us to remember that you, too, are
9 always meeting and communicating with us. Amen.

10 THE MODERATOR: Colors post.

11 [Colors posted.]

12 THE MODERATOR: Have a round of
13 applause for the scouts from Troop 40.

14 [Applause.]

15 THE MODERATOR: At this time I'll read
16 the Officer's Return of the Warrant. By virtue
17 of this warrant I have this day notified and
18 summoned the inhabitants of the Town of Falmouth
19 qualified to vote on Town affairs as said warrant
20 directs by posting an attested copy thereof in
21 Town Hall and every precinct in the Town, signed
22 Constable Jim Crossen.

23 At this time, the Chair would entertain
24 a motion to dispense with the reading of the

1 warrant.

2 CHAIRMAN PUTNAM: Mr. Moderator, I move
3 to dispense with the reading of the warrant
4 except for the officer's return.

5 THE MODERATOR: Okay, you all heard the
6 main motion to dispense with the reading of the
7 warrant. 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 Mr. Clerk, I ask that the warrant become
14 an official part of the record for this meeting.

15 At this time, the Chair would entertain
16 a motion for non-town meeting members to sit up
17 front with their respective boards and
18 committees.

19 FROM THE FLOOR: Moved.

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

22 [Aye.]

23 THE MODERATOR: All those opposed no.

24 [None opposed.]

1 THE MODERATOR: The ayes have it.

2 At this time, the Chair would entertain
3 a motion for all Town employees who are not
4 residents of the Town of Falmouth to speak on any
5 article during the Special Town Meeting.

6 FROM THE FLOOR: Moved.

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

9 [Aye.]

10 THE MODERATOR: All those opposed no.

11 [None opposed.]

12 THE MODERATOR: At this time the chair
13 would recognize the Planning Board for a
14 notification of public hearing.

15 MR. VOLOSEVICH: Mr. Moderator, in
16 accordance with Chapter 40A, section 5
17 Massachusetts General Law and Article 43 of the
18 Falmouth Zoning Bylaw, public hearings were held
19 on March 1st on Articles 1, 2, and 3 for the
20 Special Spring Town Meeting and all those who
21 wished to speak were heard.

22 THE MODERATOR: Okay, we're going to do
23 a quick blanket here on the Special Town Meeting.
24 We'll go through each of the warrant articles.

1 There will be a brief description on the first
2 run. The second run we'll just go by numbers.
3 Anything that's not held on the blanket will be
4 adopted as recommended.

5 Article 1 -

6 CHAIRMAN KERFOOT: Hold.

7 THE MODERATOR: A hold by the Planning
8 Board.

9 Article 22 -

10 CHAIRMAN KERFOOT: Hold.

11 THE MODERATOR: Hold by the Planning
12 Board.

13 Article 3.

14 CHAIRMAN KERFOOT: Hold.

15 THE MODERATOR: Hold by the Planning
16 Board.

17 Article 4. In Article 4, we had a
18 couple of typos. I want to call your attention
19 to the last number in the printed recommendation
20 paragraph, the \$83,269; that should actually read
21 \$86,269.

22 And then if you go down to the bottom of
23 the list of transfers, five up from the bottom:
24 DPW Waste Management, the first item number

1 should be 01431, and then dash 51110. And then
2 the next one: DPW Wastewater should read 01440
3 dash 51110.

4 So, Article 4, amending the Operating
5 Budget. Article 5, unpaid bills. Article 6 is a
6 hold by the Finance Committee.

7 Article 7, appropriate a sum of money to
8 the Town's Stabilization Fund for a Capital
9 Improvement Plan, the recommendation is
10 indefinite postponement.

11 Article 8, to appropriate a sum of money
12 for the purpose of funding a Town/School
13 Financial Systems upgrade and installation; the
14 recommendation is indefinite postponement.

15 Article 9, vote to appropriate the sum
16 of \$150,000 from Certified Free Cash to
17 Fire/Rescue budget line item 01220 dash 51130,
18 overtime.

19 Article 10, to appropriate the sum of
20 \$1,800 from the Building and Fire Code
21 Enforcement Receipts Reserve for funding non-
22 criminal code enforcement expenses.

23 Article 11, to appropriate a sum of
24 money for electrical upgrades at the Town Marina;

1 the recommendation is indefinite postponement.

2 Article 12, to appropriate the sum of
3 \$20,000 from Certified Free Cash to the Veteran's
4 Ordinary Benefits line item 01543-57770.

5 Article 13, to appropriate a sum of
6 money for the purpose of funding capital repairs
7 to the Upper Cape Regional Vocational School.
8 Hold by the Finance Committee.

9 Article 14, transfer the sum of \$28,284
10 from Unemployment budget line item 01913-57799,
11 prior year encumbrances, and appropriate \$96,716
12 from Certified Free Cash to the Unemployment
13 budget line item 01913-51174.

14 Article 15, to appropriate a sum of
15 money to be distributed for the Superior Officers
16 Association Contract; the recommendation is
17 indefinite postponement.

18 Article 16. This is the Police
19 Federation Contract; indefinite postponement.

20 Article 17, the International
21 Association of Firefighters contract, indefinite
22 postponement.

23 Article 18, the American Federal of
24 State, County and Municipals Employees contract,

1 indefinite postponement.

2 Article 19, the Laborer's International
3 Union of North America contract; indefinite
4 postponement.

5 Article 20, the Falmouth Library
6 Association contract; indefinite postponement.

7 Article 21, Technical, Administrative,
8 Management, and Permanent Employees; indefinite
9 postponement.

10 Article 22 -

11 CHAIRMAN PUTNAM: Hold.

12 THE MODERATOR: Hold by the Board of
13 Selectmen.

14 Article 23 -

15 MR. FINNERAN: Hold.

16 THE MODERATOR: Hold, Mr. Finneran.

17 Article 24 -

18 CHAIRMAN SCHNEIDER: Hold.

19 THE MODERATOR: Ms. Schneider, CPC.

20 Article 25 -

21 CHAIRMAN SCHNEIDER: Hold.

22 THE MODERATOR: Hold by the CPC.

23 Article 26, to appropriate \$500,000 from
24 the Community Preservation Fund undesignated fund

1 balance for the purpose of paying the Fiscal Year
2 '11 short-term principal payment for the Spring
3 Bars Road parcel.

4 Article 27, appropriate \$5,000 from the
5 Community Preservation Fund Undesignated Fund
6 Balance for paying fees in connection with debt
7 on the Spring Bars Road Parcel.

8 Article 28, transfer a sum of money from
9 the Planning Office Salary and Wages to the
10 Community Preservation Fund Undesignated Balance.
11 The recommendation is indefinite postponement.

12 Transfer a sum of money from the Fiscal
13 Year 2011 Health Insurance Budget line item to
14 the Community Preservation Undesignated Fund
15 balance; the recommendation is indefinite
16 postponement.

17 Article 30, vote to adopt 780 CMR 120.AA
18 of the Massachusetts Building Code, commonly
19 known as the stretch energy code.

20 MR. DUFFANY: Hold.

21 THE MODERATOR: Mr. Duffany.

22 Article 31, requesting that the Board of
23 Selectmen exercise its authority under the Town
24 Charter to appoint a Wastewater Management

1 Committee.

2 And Article 32 is a hold by the Finance
3 Committee.

4 Okay, one more shot at this one.

5 Article 1 is a hold. Article 2 is a
6 hold. Article 3 is a hold.

7 Article 4. Article 5.

8 Article 6 is a hold.

9 Article 7. Article 8. Article 9.

10 Article 10.

11 Eleven. Did I hear a hold? Yes. Ms.
12 Peterson.

13 Article 12.

14 Article 13 is a hold.

15 Article 14. Article 15. Article 16.

16 Article 17. Article 18. Article 19. Article
17 20. Article 21.

18 Article 22 is a hold. Article 23 is a
19 hold. Article 24 is a hold. Article 25 is a
20 hold.

21 Article 26. Article 27. Article 28.

22 Article 29.

23 Article 30 is a hold.

24 Article 31.

1 And Article 32 is a hold.

2 Mr. Chairman for the main motion.

3 CHAIRMAN ANDERSON: Mr. Moderator, I
4 move that all articles that have been passed and
5 not held under the blanket vote be and hereby are
6 adopted as recommended.

7 THE MODERATOR: Okay, you've all heard
8 the main motion to accept the blanket; all those
9 in favor, signify by saying Aye.

10 [Aye.]

11 THE MODERATOR: All those opposed, no.

12 [None opposed.]

13 THE MODERATOR: The ayes have it
14 unanimous.

15 Article 1 -

16 CHAIRMAN ANDERSON: Mr. Moderator - may
17 I?

18 THE MODERATOR: Oh. Yes.

19 CHAIRMAN ANDERSON: I hereby serve
20 notice of reconsideration of all articles passed
21 under the blanket vote.

22 THE MODERATOR: Good idea, thank you.

23 Okay, **Article 1.** Madame Chairman of the
24 Planning Board.

1 CHAIRMAN KERFOOT: Thank you. For
2 those of you who were not here last night, I will
3 repeat the explanation. This refers to both
4 **Article 1** and **Article 2**. At quarter of 2:00
5 yesterday afternoon, the Planning Office received
6 a request from FEMA to not pass on the maps.
7 They are rescinding the letter of final
8 determination and that means that we need to not
9 adopt any of these maps because anything that is
10 here will not become effective until the summer
11 of 2012.

12 The Planning Board met before the
13 meeting last night and took a vote to change
14 their recommendation, so I will at this point
15 move that Town Meeting vote indefinite
16 postponement of Article 1.

17 THE MODERATOR: Okay. The main motion
18 is indefinite postponement. All those in favor
19 signify by saying aye.

20 [Aye.]

21 THE MODERATOR: All those opposed no.

22 [None opposed.]

23 THE MODERATOR: The ayes have it
24 unanimous.

1 Madame Chairman, **Article 2.**

2 CHAIRMAN KERFOOT: Okay, the same
3 explanation goes for Article 2; I move that Town
4 Meeting vote indefinite postponement on Article
5 2.

6 THE MODERATOR: Okay, the main motion
7 on Article 2 is indefinite postponement. All
8 those in favor, signify by saying aye.

9 [Aye.]

10 THE MODERATOR: All those opposed, no.

11 [None opposed.]

12 THE MODERATOR: The ayes have it
13 unanimous.

14 Madame Chairman, **Article 3.**

15 CHAIRMAN KERFOOT: Article 3, we said
16 we would make the recommendation on Town Meeting
17 floor, and Bob can you put that up?

18 Okay. This is the recommendation of the
19 Planning Board on Article 3. I move that the
20 Town vote to amend Article 15, Water Resource
21 Protection Districts of the Zoning Bylaw by
22 deleting the words "dated December 23rd, 1998"
23 from Section 240 dash 72.1D, and insert in its
24 place "dated March 29th, 2011", so as to read in

1 its pertinent part, "This map is at a scale of 1
2 inch to 1500 feet and is entitled Water Resource
3 Protection Districts, Town of Falmouth, dated
4 March 29th, 2011".

5 The reason that we are doing this is
6 that the motion will do three things. It will
7 amend the Fresh Pond Water Resource Protection
8 District to coincide with the state DEP Zone 2
9 for Fresh Pond Well. Fresh Pond Well is the
10 hatched area to the right on the map. Yeah, the
11 longer one, right there.

12 It will amend the Ashumet Water Resource
13 Protection District by adding to the district the
14 state DEP Zone 2 for the Ashumet Well. That's
15 the next one over. Those circular areas were
16 already in there currently. But that's what
17 would have been added under Mr. Rhode's - excuse
18 me, under his article.

19 It will leave the existing Long Pond and
20 Coonamessett Water Resource Protection Districts
21 in place. Now, what you have to look at there
22 is the larger areas, not the red hatched. So
23 those we're asking you to leave alone, only to
24 accept the two on the right.

1 The Planning Board, unknown to Mr.
2 Rhodes, had been discussing this and planned to
3 bring it to Town Meeting at the Fall Town
4 Meeting, so his article pushed us a little bit in
5 our action on this. We feel confident in
6 recommending to you the Ashumet Pond and the
7 other, the Fresh Pond Water Resource Protection
8 Districts. We do not feel confident in
9 recommending the other portion.

10 Could you move to the next slide,
11 please? You will see there that that was the
12 only thing, before Mr. Rhodes' article, that was
13 protected for the Ashumet Well. The Ashumet Well
14 has been off-line since the 1970's. If it were
15 to come back on line, we would need - go ahead.
16 We would need that additional water protection
17 zone that was supplied by Mr. Rhodes in his
18 article. So we do want to have that added in.

19 Could you go to the next slide. Now,
20 this is what the Planning Board is proposing to
21 adopt out of Mr. Rhodes' article: Fresh Pond to
22 the right and Ashumet Pond to the left of the
23 Fresh Pond. That has been checked out with Mr.
24 Jack and he agrees with that, we agree with that,

1 so we feel very secure in that recommendation.

2 Next slide, please. Therefore, what the
3 Planning Board article does, the motion does, is
4 to allow the two zones that Mr. Rhodes put in his
5 map, including the original circles for Ashumet,
6 and leaves the Coonamessett watershed alone and
7 leaves the Long Pond watershed alone. We're
8 particularly concerned with truncating the
9 watershed for Long Pond. That the Zone 2's
10 really have only to do with water well protection
11 and Long Pond is a surface source.

12 So, that is the explanation for the
13 Planning Board action and for their motion.

14 THE MODERATOR: Okay, discussion on
15 Article 3. Microphone, Ms. Dewees.

16 MS. DEWEES: I'm new to the planning -
17 to this. What does the Zone 2 entail for people
18 who already have homes in that area, in Ashumet
19 Valley, for the Ashumet Well?

20 CHAIRMAN KERFOOT: You're protected.
21 You're grandfathered, if you will. If you have a
22 home there, it does nothing.

23 MS. DEWEES: What about new
24 construction?

1 CHAIRMAN KERFOOT: Pardon?

2 MS. DEWEES: What will be the
3 difference in new construction, then?

4 CHAIRMAN KERFOOT: Nothing, if you're
5 already protected, there will be no change in
6 that.

7 MR. JONES: Douglas Jones, Precinct 2.
8 Since this is a petitioner's article, I would
9 just like to find out how the petitioner feels
10 about the new amendment being proposed by the
11 Planning Board.

12 THE MODERATOR: Mr. Rhodes.

13 MR. RHODES: Scoba Rhodes, Precinct 8. I
14 was at the meeting when they made that final
15 decision. It's a decision I can live with.

16 THE MODERATOR: Further discussion on
17 Article 3. Ms. Hayward.

18 MS. HAYWARD: Nancy Hayward, Precinct
19 5. Could the Planning Board please tell us how
20 many new building lots this enables to be created
21 with this change, thank you.

22 CHAIRMAN KERFOOT: Brian has very
23 carefully calculated that. It would allow, if
24 you combine the two new areas, eleven new

1 building lots. I'm not separating them out
2 between the Coonamessett and between Fresh Pond.
3 But, if you combine the two, that would be the
4 total impact.

5 THE MODERATOR: Okay, Ms. Putnam.

6 MS. PUTNAM: Rebecca Putnam, Precinct
7 9. It's very hard to determine what is being
8 changed. We don't have a map for this and it's
9 very difficult to see the mapping you had up
10 there and what, you know, area - what the roads
11 are, what is surrounding all of that. We really
12 can't see it from back here. Is there any
13 handout that we can get a better view of what's
14 being changed?

15 CHAIRMAN KERFOOT: Bob is bringing up
16 slide eight. That's the existing -

17 MS. PUTNAM: Right, but we don't have a
18 map of either of what's existing or changing, and
19 it's very, very difficult to see where the
20 neighborhoods are, what - who is being affected,
21 here.

22 CHAIRMAN KERFOOT: Okay, Brian says it
23 is on the back of the motion that was handed out
24 to you.

1 THE MODERATOR: Do we have additional
2 handouts somewhere? Are they in the back, or
3 something?

4 [Pause.]

5 CHAIRMAN KERFOOT: It may not have been
6 physically handed to you; it's been out on the
7 back table both last night and tonight.

8 THE MODERATOR: I think our mic
9 carriers are checking to see how many are out
10 there. Okay. If you need a copy of this motion
11 with the map, could you please stand so the
12 microphone carriers can see you and make sure
13 they get one to your aisle?

14 [Pause.]

15 THE MODERATOR: Okay. Further
16 discussion on Article 3?

17 [Pause.]

18 THE MODERATOR: Okay, Mr. Nidositko and
19 then Mr. Johnson.

20 MR. NIDOSITKO: Jim Nidositko, Precinct
21 6. I think what Mrs. Putnam is referring to is
22 some sort of an overlay that shows the eleven
23 building lots in terms of the Planning Board's
24 actions with the Water Protection areas. At

1 least, that's what I would like to see.

2 CHAIRMAN KERFOOT: I think I'm going to
3 let Brian speak to that, because he did the very
4 careful calculations and I wouldn't even presume
5 to know that.

6 MR. CURRY: If you look carefully on
7 the slide up on the wall, here, you'll see that
8 that's the area that was removed from the Fresh
9 Pond Water Resource Protection District. It's
10 approximately 1100 acres, and we asked the
11 computer and it told us how much subdividable
12 acreage we could pull out of that, and that's all
13 that area you see in purple.

14 Next slide, please. We then asked the
15 computer to take out all the state-owned land,
16 all the Town-owned land, all land that was
17 restricted, and come back with a total that might
18 be subdividable. I used my best judgment with
19 regards to the practicality of certain parcels
20 being subdivided and, in that area you see in the
21 hatched, when we pulled out all that subdividable
22 acreage, I estimated about 30 additional lots.

23 Next slide, please. You can see this
24 is the Ashumet Valley area. You see that's the

1 existing concentric circle, that's called a DEP
2 interim Zone 2. And that's the area in green you
3 see shaded, that's the area that's added. It's
4 about 341 acres. Most of it is the state-owned
5 land to the west of Sandwich Road. And you'll
6 notice also the largest parcel that's involved
7 here is about 45 or 41 acres of the Harney Golf
8 Course. It's 61B land; that means the Town has
9 the first rights of refusal should it go for
10 sale, but I assumed you would pass it by. You
11 can get about 19 additional lots out of that
12 piece of property there if it were to be put on
13 the market and re-subdivided. And none of the
14 lots you see there in green are affected, they're
15 below; they're existing lots of record, and
16 that's what Pat was referring to, that are
17 unaffected by this change because A, you're not
18 subdividable and B, the state law protects you.

19 So, next slide, please. So that's my
20 best estimate, based on my professional judgment,
21 as to the amount of lots that could be recreated,
22 a best guess. I'm comfortable with it and so is
23 the Planning Board. And that gives you some of
24 the flavor of the acreages that are involved

1 here.

2 I'd be happy to answer any questions.

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

4 MR. CURRY: It means minus. It means
5 the total amount of acreage between Fresh and
6 Ashumet Pond, calculated down, minus the
7 proposed, that means the difference is minus 795
8 acres, between the two.

9 THE MODERATOR: Okay, Mr. Johnson,
10 you're next on the list.

11 MR. JOHNSON: Leonard Johnson, Precinct
12 5. I guess I'm the only one who's confused.

13 FROM THE FLOOR: No.

14 MR. JOHNSON: Perhaps you could explain
15 to us what the purpose of all this is. I must
16 say the map is extraordinarily confusing and
17 you're asking us to make decisions on parcels all
18 over town and I'm not sure it's even within the
19 four corners of the article. But, in any event,
20 could you explain what you're trying to do, here?
21 It appears to be less restrictive. You're down-
22 zoning, in effect, is that correct?

23 CHAIRMAN KERFOOT: That is correct, in
24 the area that has been taken out of Fresh Pond,

1 it's less restrictive. In the area that has been
2 added to the Ashumet well, it is more
3 restrictive. And when you see, on the build-out,
4 if you look at Fresh Pond, by becoming less
5 restrictive on Fresh Pond you can add a total of
6 30 building lots, best guestimate. By becoming
7 more restrictive on the Ashumet well zone, you
8 would take away 19 potential lots, because
9 instead of one acre, now you've got two acre
10 zoning.

11 So, if you do that, the total is eleven,
12 when you add and subtract, the effect of this
13 article for building lots.

14 THE MODERATOR: Ms. Abbott, did you
15 want to speak earlier, or were you standing for a
16 handout? No. Okay.

17 Mrs. Botelho. Ms. Lowell, I'll add you
18 to the list.

19 MRS. BOTELHO: I don't know about
20 anyone else, but this is just sort of been
21 brought on the floor tonight in a way that I feel
22 like you're asking me to buy a pig in a poke, and
23 I'd like to postpone this article until the next
24 Town Meeting and then we go through all the

1 proper procedures and meetings and hearings and
2 so forth and people who are probably going to
3 have their property affected by this can have a
4 say and whatever needs to be done will be done
5 and done in the proper channels. So I'd like to
6 make a motion that this article be postponed
7 until the next town meeting. Thank you.

8 THE MODERATOR: Okay. To do that, we
9 would just vote no on the main motion. Ms.
10 Dewees.

11 MS. DEWEES: [No mic. Inaudible.] ...
12 two acre lot, right?

13 THE MODERATOR: Yes, two acres, yes.
14 Gentleman to my left with the red hat.

15 MR. BARROW: Bruce Barrow, Precinct 8.
16 If someone owned a parcel of land that was
17 considered unbuildable in the Water Resource
18 Protection District and it were moved by this
19 article from the Water Resource Protection
20 District, could it then be considered buildable?

21 CHAIRMAN KERFOOT: Not necessarily. If
22 it's unbuildable because it's - well, it would be
23 the reasons that it's unbuildable. And that
24 would determine whether it would -

1 MR. BARROW: Well, the reason it's
2 unbuildable is because it doesn't have the
3 sufficient amount of acreage in the Water
4 Resource Protection District.

5 CHAIRMAN KERFOOT: Okay. The remaining
6 zoning would then be 40,000 square feet for the
7 now unprotected area.

8 MR. BARROW: So if it conformed to that
9 it would then be Buildable?

10 CHAIRMAN KERFOOT: Yes.

11 MR. BARROW: Okay.

12 CHAIRMAN KERFOOT: But if you had
13 something that was grandfathered and was slightly
14 less than two acres, no, you couldn't subdivide
15 it, because it -

16 MR. BARROW: Yeah, subdivision's not an
17 issue.

18 CHAIRMAN KERFOOT: Okay, uh-huh.

19 MR. BARROW: Thank you.

20 THE MODERATOR: Ms. Lowell.

21 MS. LOWELL: Vicky Lowell, Precinct 1.
22 This is basically pretty simple. Mr. Rhodes has
23 land in the Fresh Pond Water Resource District
24 currently. The state, working with the Town, I

1 imagine, has redefined the Zones of Contributions
2 for our various wells, so the existing zones we
3 have protecting our wells no longer jibe with the
4 most recent science and understanding of the
5 water that's - the area that needs to be
6 protected to keep those wells with good quality
7 water.

8 So, rather than live in the past and
9 using old information, the Planning Board has
10 agreed with Mr. Rhodes that this Zone of
11 Contribution can be modified so we're not keeping
12 land with a restriction when it really, for that
13 purpose, it doesn't need to be restricted
14 anymore.

15 And the Ashumet well, with the prospect
16 that we might be using it sometime, they've
17 decided, using the state - the most current
18 information, that they know enough to create a
19 new Zone of Contribution that would add some more
20 land to the Ashumet Well Zone of Protection. The
21 only land, according to the studies that Mr.
22 Curry's done, shows the only land that's
23 potentially developed in that added area is part
24 of the Paul Harney Golf Course, and it's under a

1 restriction which would give the Town the first
2 right of refusal to buy it if it ever was going
3 to be developed. So I don't think anybody's
4 going to be hurt by this; they're all going to be
5 helped. And we're going to be using the most up
6 to date science to re-do our zoning maps.

7 THE MODERATOR: Okay, Mr. Fleer.

8 MR. FLEER: Alan Fleer, Precinct 6.
9 Can I have an explanation for what really is the
10 state Zone 2 recommendation, is that a minimum?
11 And what I'm concerned about is that obviously
12 the Board's not suggesting that we accept those
13 for either the Coonamessett well or Long Pond
14 because they're woefully inadequate; why should
15 we be accepting it for Fresh Pond? Thank you.

16 CHAIRMAN KERFOOT: Okay, first I did
17 not say necessarily that they are woefully
18 inadequate. We have not had time to review them
19 yet. I did say that the Zone 2's refer to water
20 well supply protection. Well supply. Long Pond
21 is a surface water supply. That requires also
22 looking at the topography, and therefore probably
23 does require to have exactly what we have in
24 place.

1 There are multiple different formulas,
2 which I don't even pretend to understand, that
3 has to do with the travel of a particle of water,
4 and this was calculated by the DEP under severe
5 drought conditions to obtain the Zone 2 water
6 protection for our wells. What we are simply
7 trying to, and Mrs. Lowell stated extremely well
8 and clearly, is to conform with the state DEP
9 Zone 2 regulations. They were not in place when
10 we adopted the Water Protection Wells of the -
11 protections for our water wells in 1986. They
12 were not available at that time. They have since
13 become available and this has been on our agenda
14 to do, is to look at that and determine whether
15 we wanted to adopt those or not. And in the
16 instances of Coonamessett well and Fresh Pond
17 well, yes, we had already looked at that as a
18 Planning Board and decided that those were very
19 fine to adopt at this time.

20 We have not had a chance to look at Long
21 Pond and Coonamessett in great detail at this
22 point. That is why we are recommending that you
23 adopt exactly what we proposed.

24 THE MODERATOR: Okay, Mr. Murphy and

1 then Mr. Latimer.

2 MR. MURPHY: Mr. Chairman, Mr.
3 Moderator, through you if I might, I've been
4 following this in Mr. Rhodes's article and
5 everything he has put in his article was to take
6 away, in other words restrictions, not add
7 restrictions. My question to the Planning Board
8 is, in the Ashumet well, it appears that you
9 added restriction there. And I realize that
10 you're saying the restriction was to the Paul
11 Harney Golf Course. Was Paul Harney the abutters
12 there, meaning Paul Harney's, themselves,
13 notified that the Planning Board was going to
14 make this recommendation? That's my question and
15 if I can ask that, Mr. Moderator, through you,
16 first, and I'd like to have a follow-up.

17 THE MODERATOR: Yes, Madame Chairman.

18 CHAIRMAN KERFOOT: Brian was trying to
19 answer that.

20 THE MODERATOR: Okay.

21 CHAIRMAN KERFOOT: So, Brian, what did
22 - oh, yeah, all right. He received the same
23 notification that others in the area did. The
24 map was published in the paper. He did not get

1 any special notification and no, we are not
2 actually adding something to Mr. Rhodes. That
3 map, that includes Ashumet Pond, he also put in
4 on his map as part of his original article the
5 Zone 2 protection for Ashumet, which did not
6 previously exist. So he was doing the Town a
7 great favor by having done that.

8 MR. MURPHY: And I'm in full support of
9 Mr. Rhodes being able to get his lot
10 subdividable. I'm not quite in support, and I
11 want folks to understand, when you're going to
12 take away the value of that property, and I
13 understand the Town has an option to buy the Paul
14 Harney Golf Course, but if you're going to take
15 away 19 building lots from the value of that
16 property, number one is you're going to put in
17 his mortgage, in his any value he has there, it's
18 going to be subjected to 19 less lots.

19 I think that that needs to be a little
20 bit fairer vetted with the owners of the golf
21 course. I understand the Town has an option to
22 buy it, but this is strictly property value and
23 on two things: his taxable value will be much
24 less, therefore it will affect all of us here

1 because he's going to be taxed if he would have
2 developed that at 19 fewer lots.

3 I would just hope that the folks at the
4 golf course who are affected by this would be
5 notified by the Planning Board so they would be
6 able to at least be able to educated-ly talk
7 about it. Thank you.

8 THE MODERATOR: Yes, Mr. Latimer.

9 CHAIRMAN KERFOOT: Yeah. I do disagree
10 with you, Mr. Murphy, that his - if he did
11 subdivide it, even if he could get lower - a
12 lower number of lots, his tax valuation would go
13 up. Because he would have subdividable capacity,
14 there. He just wouldn't be able to get 40,000
15 square foot lots. He'd have to limit it to
16 80,000 square foot lots. It would take away some
17 of the numbers of lots that he could get, if he
18 chose to subdivide it, instead of continue it as
19 a golf course.

20 THE MODERATOR: Mr. Latimer.

21 MR. LATIMER: Yes, Richard Latimer,
22 Precinct 2, a member of the Planning Board,
23 speaking as such, now. As Ms. Lowell succinctly
24 pointed out, the purpose of this change is to

1 conform with the state law, with the state
2 regulations. So that our zones of contribution
3 match up with the states. The state has superior
4 technical capacity to do the on the ground
5 measurements, and what we are doing is we are
6 changing our zoning laws. In some instances,
7 yes, making them more restrictive and in some
8 instances making them less restrictive based on
9 science. Not property values. The whole purpose
10 of a zoning overlay such as we're talking about
11 is to protect our water resources, not to protect
12 property values.

13 Now, if Mr. Rhodes's property - and he
14 was doing his diligence, is outside of what state
15 considers to be important, he properly comes to
16 the Planning Board and says, "Look, I'm being
17 penalized here on a zoning overlay." And, by the
18 way, this isn't the zoning, this is an overlay.
19 Which means that the people right outside that
20 line in his same zone have less restriction than
21 he does. So he's saying, "I'm being treated
22 unfairly because there's no scientific basis for
23 this restriction on my property."

24 So, what we're asking Town Meeting to

1 vote is to change that irregularity. Now, if
2 that means that the people up in Harney Golf
3 Course are going to have to come into one of
4 these zones, it's because that conforms to the
5 important public purpose of the zoning and of the
6 overlay, which is to protect our well resources,
7 not to protect property values and not to impair
8 property values. And I think Mr. Murphy should
9 be aware of that, that that's what the purpose of
10 our zoning bylaws is. Not for real estate deals,
11 Mr. Murphy, but to protect our water resources,
12 and that's what this is about. Thank you.

13 THE MODERATOR: Mr. Shearer.

14 MR. SHEARER: Dan Shearer, precinct 6.
15 I just have a yes or no answer - would like a yes
16 or no answer. Does this help or benefit our
17 wells, or not? If we change this, do the wells
18 in any way will be less protected?

19 CHAIRMAN KERFOOT: The wells will not -
20 those two wells will not be less protected. In
21 fact, the Ashumet well would be more protected.

22 THE MODERATOR: Okay, Ms. Lowell.

23 MS. LOWELL: Vicky Lowell, again. Just
24 to eliminate any confusion about the tax

1 situation. If you have a 61 B assessment, you're
2 assessed as a golf course use whether the zone
3 changes or not. So, we're not going to lose tax
4 revenue by this vote.

5 THE MODERATOR: Ms. Houle, something
6 new? With the mic, please.

7 MS. HOULE: If the state isn't going to
8 finalize their decision until the middle of next
9 year, why are we moving ahead now? Could that
10 change?

11 CHAIRMAN KERFOOT: You've got two
12 articles confused. The first is the FEMA flood
13 control. Those are the first articles, Articles
14 1 and 2. This Article 3 has to do with our water
15 well protection.

16 THE MODERATOR: Ms. Dewees.

17 MS. DEWEES: Just a clarification on
18 Zone 2. Are there any restrictions for the
19 people living there? You said we are
20 grandfathered in as far as our zone - our size of
21 lots and stuff like that. But what about
22 fertilizer, etcetera that might impact? This is
23 a fairly dense area in Ashumet Valley. Are we
24 going to be restricted in what we can put on our

1 lawns and?

2 CHAIRMAN KERFOOT: You'd continue to be
3 able to live as you live.

4 MS. DEWEES: Okay.

5 THE MODERATOR: Mr. Smolowitz.

6 MR. SMOLOWITZ: Ron Smolowitz, Precinct
7 8. I support this article. Basically there's
8 confusion between the Zone 2 and the Water
9 Resource Protection District. The Zone 2 is
10 state law. Basically the same is true of
11 Coonamessett well. When they don't know which
12 way the flow is, they draw a circle around it;
13 it's a half mile. There are strict requirements
14 what can and cannot be done in a Zone 2. As they
15 get data, they change the boundaries. They did
16 that with the Coonamessett well and apparently
17 they've done it with the Ashumet well.

18 So it's more reflective of water flow.
19 It's state law. It's - so there are about 98
20 percent of the pesticides you would normally
21 apply outside of a Zone 2 cannot be applied in a
22 Zone 2. There are rules, but it's beyond this
23 Town Meeting.

24 I think this is a good idea to conform

1 with the current regulations and it's what
2 happens to property values is not anything that
3 we could alter. It's a Zone 2 regardless of what
4 this Town Meeting votes.

5 THE MODERATOR: Mr. Pinto, and I think
6 we're about ready to vote.

7 MR. PINTO: Oh, no, we're definitely
8 ready to vote. Because I was basically going to
9 say what Mr. Smolowitz just said. So, I make a
10 motion to take the vote now, please.

11 THE MODERATOR: Okay, the question will
12 come on the main motion, Article 3, as presented
13 by the Planning Board Chairman. You've got the
14 handout; it's on the overhead. All those in
15 favor of Article 3 signify by saying aye.

16 [Aye.]

17 THE MODERATOR: All those opposed, no.

18 [No.]

19 THE MODERATOR: It's the opinion of the
20 Chair that the ayes have it by a two-thirds
21 majority and I so declare.

22 **Article 6.** Article 6, Mr. Chairman of
23 the Finance Committee for the main motion.

24 CHAIRMAN ANDERSON: Mr. Moderator, I

1 move that the Town vote to raise and appropriate
2 the sum of \$800,000 for the purposes of Article
3 6, including costs incidental and related
4 thereto, provided, however, that no money shall
5 be raised hereunder by assessing taxes in excess
6 of levy limitations unless the Town shall have
7 voted to exclude this amount from the provisions
8 of Proposition 2 ½, so called, under Mass.
9 General Law Chapter 59, Section 21C (I½), as a
10 capital exclusion and only after passing a town
11 wide referendum vote on the ballot of the May,
12 2011 Annual Town Election, said sum to be
13 expended under the jurisdiction of the Board.

14 THE MODERATOR: Okay, that's our main
15 motion. We went to a capital exclusion from a
16 debt exclusion, which was what was originally
17 written in the warrant booklet. Mr. Chairman.

18 CHAIRMAN ANDERSON: The Finance
19 Committee believes it's more prudent to fund this
20 filtration study as a capital exclusion rather
21 than a debt exclusion. The taxpayers will save
22 about \$60,000 in interest charges. The cost of
23 the capital exclusion will be about 7.2 percent
24 on the tax rate for one year, or about \$29 for a

1 \$400,000 house.

2 THE MODERATOR: Okay. Discussion on
3 Article 6? Yes, in the center. With the
4 microphone, please.

5 MR. NICKERSON: Brian Nickerson,
6 precinct 2. One of the things that I've read
7 about this is it's talking about safe drinking
8 water, and I'd like to share an experience.
9 Before I moved to Falmouth in the 1990's I lived
10 in a Central Mass. community that installed water
11 filtration. Not only did it provide for safe
12 drinking water, but the water quality and the
13 taste of the water improved considerably. I
14 can't say that that might happen in Falmouth, but
15 may be Mr. Jack or Mr. Chapman might be able to
16 speak to the improved taste of the water.

17 THE MODERATOR: Mr. Jack.

18 MR. JACK: Thank you, Mr. Moderator,
19 Raymond Jack, Precinct 9, Director of Public
20 Works. I actually have a short, 100-slide
21 presentation that may answer some of the
22 questions that -

23 [Laughter.]

24 THE MODERATOR: You've got 15 minutes.

1 MR. JACK: I can do that.

2 [Pause.]

3 MR. JACK: One of the reasons we need
4 to update our computer system, I see.

5 [Laughter.]

6 MR. JACK: I do come prepared; I have
7 it on a disk, if you don't have it on your - ah.
8 Here we go.

9 This is the most important public health
10 decision this body has made and probably will
11 make. Next slide, please.

12 These are some of the EPA regulations as
13 they impact water supplies, so of course there's
14 a lot of EPA regulations. The ones in yellow are
15 the ones that are more pertinent to this
16 particular issue.

17 SWTR is a Surface Water Treatment Rule
18 and the total coliform rule of 1989, that is what
19 drove the town to make the decision at Long Pond
20 to build a disinfection facility to begin with.
21 That was a five and a half million dollar project
22 and it included chlorine gas as an additive in
23 order to achieve disinfection.

24 What happened with that, though, they

1 had presumed, meaning the Federal Government has
2 presumed that all surface water systems in the
3 country, and it was predominantly targeted to the
4 larger systems but it included us as a smaller
5 one, would have to filter their water in order to
6 provide a much higher level of protection because
7 there's a much higher risk of contamination.
8 However, Boston fought the issue and actually
9 subsequently won, with EPA. EPA didn't take that
10 too well, so what you have on the next three
11 yellow ones is the interim enhanced surface water
12 treatment rule, 1998, and the long term one
13 enhanced surface water treatment rule in 2002,
14 and the long term two enhanced surface water
15 treatment rule in 2006. That last one is the one
16 that's driving this decision now.

17 Quite frankly, this has nothing to do
18 with anything with last summer. This is an
19 EPA/DEP mandate that has to take effect by
20 October 1st of 2012. Next slide.

21 Here's the actual mandate, by October
22 1st, the Long Pond Water Treatment Plant must use
23 chlorine dioxide, ozone or UV under the LT-2
24 program. And we currently use chlorination. We

1 are required to select only from these three. So
2 the fact we use chlorination is not good enough.
3 We are mandated to add additional disinfectants,
4 at least one, probably two.

5 To meet the 2-log cryptosporidium
6 inactivation -- and cryptosporidium is one of the
7 water borne pathogens we have to be concerned
8 with - in addition, unfiltered systems - and this
9 is us - must meet the combined cryptosporidium,
10 giardia and virus inactivation requirements using
11 a minimum of two disinfectants. And each one
12 must achieve activation.

13 If that does not happen with both of
14 these disinfectants, meaning that we would have
15 to add two if chlorine cannot contribute to one
16 of those.

17 Next slide, please. So what we actually
18 have here, we have an unfiltered source, and it
19 is a surface water source, and the treatment
20 consists of pH adjustment with sodium hydroxide -
21 - and that's under the lead and copper rule, one
22 of the rules I showed you previously -
23 disinfection with chlorine gas. So, when you put
24 chlorine in an organic matter, it equals

1 trihalomethanes, which are also known as
2 disinfection byproducts. Back in the 1980's,
3 many of you may have seen things in the newspaper
4 and other media about carcinogens in the drinking
5 water. This is what they were talking about.
6 The addition of chlorine as a disinfectant is a
7 very, very valuable device, but it has an
8 offsetting side effect, and that side effect is
9 chlorine with organic matter equals
10 trihalomethanes and haloacetic acids, and they
11 are known and suspected carcinogens. But this is
12 what the Town had opted for with a disinfection
13 facility.

14 Disinfection removes nothing from the
15 water. All it does is kill all aquatic organisms
16 that it comes in contact with.

17 These are some of our system capacities,
18 because there are those who say, "Well, why don't
19 we just get rid of Long Pond?" We can't get rid
20 of Long Pond. The yellow here is what's
21 important. Our total permitted capacity on a
22 daily basis is 7.34 million gallons a day. As
23 you just heard about with the Zone 2, when we go
24 through a permitting process with the state for

1 either a well or a surface water source, the
2 question is how much can you safely extract and
3 be able to safely replenish, so that you don't
4 exceed your safe yield. So these are permitted
5 capacities that we could be fined for if we were
6 to go over them.

7 The 2030 maximum daily demand is almost
8 13 million gallons a day, is what we're going to
9 need, and so that shortfall by that time is going
10 to be 5.6. Right now, on a summer day, we're
11 pushing over 11 million gallons a day. So we're
12 already not that far away from it. All of that
13 balance, that maximum daily demand, the shortfall
14 there, all of that balance between four and five
15 million gallons a day right now is all coming out
16 of Long Pond. We take that pond over a six foot
17 fluctuation each year.

18 This is a surprising but true reality.
19 The question came up at a Selectman's meeting, I
20 think Chairman Putnam was the one that brought it
21 up, and it was really a very good question: which
22 came first, the chicken or the egg? What do we
23 fix? Everybody knows we have problems on the
24 distribution system because you're seeing the

1 effects of that: rusty water. We also have
2 problems at the plant. These two mains are our
3 mains. The one on Palmer Avenue, when we were
4 doing the Ter Heun Drive intersection upgrade, we
5 put in a new main through there. This is the
6 piece that came out. That's one of the ones
7 that's closest to Long Pond.

8 The other main, there's another
9 transmission main on Gifford Street that's
10 predominantly serving East Falmouth. You can see
11 the heavy tuberculation and slime deposits that
12 are in these mains. That is the impact of an
13 untreated water source. That's what "pure and
14 natural" buys you. Pure and natural in the
15 Commonwealth or throughout New England is
16 naturally acidic, and this is what it does to
17 pipes. It corrodes them. So, the answer to the
18 question is: we're really going to have to fix
19 both, but as far as which ones come first, the
20 plants come first. Because without doing that,
21 this is going to continue unabated.

22 Some of the misperceptions, and I picked
23 this up from the Precinct meetings in questions
24 that people have asked me: the wells naturally

1 purify and filter water. So think about this
2 logically. And it's not that this is an untrue
3 statement. There is a natural filtration that
4 can occur when you pour water through sandy
5 soils. This is true. That's actually the basis
6 of sand filtration at the municipal level. But
7 that's talking about particulates.

8 So think about it, if we have natural
9 filtration here then we should have never had to
10 worry about any of the base problems. None of
11 our wells would have been impacted, we shouldn't
12 have to worry about the impact of a landfill
13 plume on Long Pond or the wastewater treatment
14 plant, none of that, because the ground will
15 naturally filter it out. No. It won't. The
16 Ashumet well was shut down in '79 due to
17 methylene blue active substances. What are they?
18 They're detergents that were detected when they
19 came out of somebody's faucet.

20 Fresh Pond well, perchloroethylene in
21 the 1990's; that's otherwise known as PCE, it's a
22 known carcinogen.

23 Coonamessett well, ethylene dibromide in
24 1996. The exposure on that particular

1 contaminant is so acute that the maximum
2 contaminant level is the detection level. Which
3 means if you find it at the lowest detectable
4 level that science can find it, you must shut the
5 source down. I happened to be down in Florida
6 when this happened and had to deal with this one
7 on the phone. For what it's worth, this
8 Coonamessett well is currently treated today. So
9 don't think that our wells are natural at the
10 present time.

11 Microorganisms can and do contaminate
12 wells and/or surface water sources.

13 "Water treatment is bad." If I were to
14 say "water treatment" generally, to most people,
15 and what would they think of as far as what the
16 process is? Chemical treatment. And you know
17 why that's true? Because of what we did to Long
18 Pond. Our solution to a filtration or
19 disinfection mandated by EPA and DEP was to go
20 with a chemical solution. Many towns do that.
21 Why? It's cheaper.

22 And that's where you are tonight: you're
23 going to have a choice to make, as a body and as
24 an electorate of the Town. Do you want to go

1 with one that is least effective or least costly
2 versus one that's more costly? But that's not
3 for me, that decision is for you.

4 Many people drink bottled water because
5 they think that is pure and natural. No, it's
6 not. Read the label: it is treated. Ozonated,
7 reverse osmosis, activated carbon, these are all
8 very good treatment processes. Do I have a
9 problem with bottled water because of that?
10 Absolutely not. I think it's the responsible
11 thing for them to do.

12 If you really want to think about pure
13 and natural, go to Maine. Find Poland Springs.
14 Take off your shoes and your socks, roll up your
15 pants, go wading on out there. Take your family
16 with you. Reach down with a wooden bucket, just
17 like you see on that picture. And then, as you
18 see the dead muskrat floating by -

19 [Laughter.]

20 MR. JACK: And the moose on the bank
21 doing his thing, that's pure and natural.

22 [Laughter and applause.]

23 MR. JACK: Turbidity and algae. These
24 were problems that we did have last summer.

1 Turbidity is a very broad term, and it just means
2 particulates, whatever they may be, could be sand
3 or organisms that are in a water that will not
4 allow light to pass through. So the less light
5 that goes through a water sample, the higher
6 turbidity. The higher the turbidity is, the more
7 disinfection problems you're going to have.

8 Pond turnovers can occur naturally, they
9 can occur when the water density is at 39
10 degrees, and that occurs twice a year. Wind can
11 cause a turnover. Heavy rains and storms can
12 cause a turnover, and all that means, it's mixing
13 the pond up. There's a lot of dead organic
14 matter that settles out throughout the year on
15 the bottom of the pond. When this turnover
16 occurs, all that material becomes suspended in
17 the water. Now we have a problem. If we had a
18 filtration plant, it's not a problem. Why? The
19 plant would filter all that organic matter out,
20 all the suspended solids out.

21 Right now and last summer, that did not
22 happen. So when we have these events, it passes
23 through. And as heavily as we disinfect it, it
24 was obvious it's not enough.

1 All of this gets pumped into the
2 distribution system because it does not get
3 removed. This infection only kills organisms, it
4 doesn't remove them.

5 Same thing with algae. It constitutes a
6 major portion of turbidity in the surface water
7 source. It'll interfere with disinfection
8 because the higher the algae level you have, the
9 less disinfectant you're going to have to go
10 after pathogenic organisms. And it, too, gets
11 pumped into the distribution system. For those
12 who have home water treatment filters, they clog
13 up much more frequently than your manufacturer
14 suggests. This is exactly why. That's all these
15 particulates that are being pumped into the
16 system and they wind up in your filter.

17 Filtration removes this, and it is one
18 of the reasons why I'm always a strong proponent
19 of this.

20 Water borne disease organisms. These
21 are the things that you're afraid of. Coliform,
22 I wanted to speak for a moment about that, that's
23 a very large group of organisms. The strain that
24 you're afraid of is 015787, and that is a very

1 specific strain of coliform. But not all
2 coliform is bad. However, it's found in the
3 intestinal tract of warm-blooded mammals, so we
4 use it as an indicator organism. When we sample
5 municipal water for microorganisms, we're not
6 sampling for giardia or cryptosporidium or
7 legionella or cholera or typhoid or dysentery or
8 polio or hepatitis. And those are all water-
9 borne diseases. We're not testing for any of
10 them. We're testing for coliform. If we find
11 coliform we have to presume that all of the rest
12 of these can survive because the environment for
13 survival is correct for that to happen. Okay?

14 But these are just indicator organisms
15 as far as coliform goes. When you hear about
16 coliform, it doesn't always mean that it's bad.
17 It's the same type of test that we use to close a
18 beach.

19 So, who are we trying to protect, here?
20 Sensitive sub-populations. We have children who
21 have an undeveloped immune system. Senior
22 citizens may have a weakened immune system.
23 Pregnant women, at the fetal level, or even the
24 DNA level. You have to ask yourself where a

1 three-legged frog came from. He didn't grow that
2 way; it was at the DNA level that that happened.
3 And that's becoming a problem.

4 Asexual fish. These are trace
5 contaminants that are having these impacts at
6 that DNA level. We now have to be concerned
7 about that for pregnant women and fetal
8 development. So these are considered sensitive
9 sub-populations. Essentially for most people a
10 bee sting is a nuisance. For some, it's fatal.
11 Our goal here is to protect those for which it
12 may be fatal.

13 Even for those who may have strong
14 immune systems, everybody in this room, you're
15 going to get sick. And at that point in time,
16 you're system is weakened and it makes you much
17 more susceptible than you would normally be to a
18 waterborne disease.

19 Next, please. So these are just going
20 to be some very quick slides, just to show you
21 some filter processes. On the left, these would
22 be a surface water system, and these are above-
23 ground surface water filters. These are sand
24 filters you would see in any major city like

1 Philadelphia or L.A.

2 On the left, that's a filter being
3 cleaned. You can see how dirty the water is.
4 And on the right, that's when it's done cleaning.
5 The point is, the water going into that filter,
6 if you were to hold it up in a glass, it would
7 look perfectly crystal clear. After 24 hours,
8 that's what is taken out of the water.

9 Next, please. This is an example of a
10 sand filtration plant. It has air-stripping,
11 which removes VOC's, or volatile organic
12 compounds. It also naturally raises the pH,
13 because it releases carbon dioxide. Carbon
14 dioxide is what you would find in a beverage that
15 gives it that acidic taste. And you find it in
16 water as well, which gives it the acidic quality.

17 Sand filtration for the removal of
18 particulates.

19 Carbon absorption. This is one of the
20 most effective forms of treatment known to man,
21 right here, carbon absorption. This is the
22 equivalent of the Pur water filter or the Britta
23 water filter you would buy at home. Does it
24 work? Absolutely it does. This is what takes

1 out the things that you're really afraid of, the
2 carcinogenic compounds. And then a pH adjustment
3 and disinfection.

4 And, if you could hold on for a minute,
5 here, the air stripper is in the circular one on
6 the bottom; you can't see it that well. And then
7 that's an activated carbon absorber that you see
8 on the left, there, and those are the manganese
9 green sand photos on the right. This is your
10 plant. This is not some other town. This is the
11 Crooked Pond Treatment Plant.

12 When I told you that the Coonamessett
13 well was impacted by EDB in 1996, it's sitting on
14 a plume of EDB today. That well is pumped into
15 this plant, as well. The base paid for 95
16 percent of the cost of this plant, and that plant
17 right there treats 2 ½ million gallons of water a
18 day. It is the best water you're going to see.
19 So it is part of your source and it cost \$6
20 million and we paid \$500,000 on it. So, this
21 went on line several years ago. Why? Because
22 the plumes that we have in the ground and the
23 issues we're going to be dealing with in the
24 future are serious, and you are concerned about

1 it. This is the best way to go.

2 Next, please.

3 THE MODERATOR: Mr. Jack, we've hit the
4 15 minute presentation mark. You can request a
5 specific amount of additional time if necessary.

6 MR. JACK: Okay, sure. Five minutes.
7 I think five minutes will be fine for this.

8 THE MODERATOR: Okay, there's a request
9 for an additional five minutes for the
10 presentation. All those in favor of an
11 additional five minutes, signify by saying aye.

12 [Aye.]

13 THE MODERATOR: All those opposed, no.

14 [None opposed.]

15 THE MODERATOR: The ayes have it
16 unanimous, Mr. Jack.

17 MR. JACK: Thank you. I will breeze
18 through this quickly.

19 Now, this is an example of a membrane
20 plant. This is more the modern technology today.
21 And if you've heard the term "reverse osmosis",
22 this is not an RO plant, but this is what RO
23 plants look like. They are membrane processes.
24 But this is equivalent to sand filtration in a

1 conventional plant today.

2 Next, please. This is a plant that just
3 went up in Mattapoissett.

4 Next. This is what one of those units
5 look like. There are little hair-like fibers
6 within a tube that affect that membrane
7 filtration.

8 Next. UV disinfection. Where you see
9 those yellow lines, there, and the stainless
10 steel cylinder behind it, those are connected to
11 UV disinfection tubes. They look very similar to
12 a florescent bulb or a florescent tube, and as
13 water goes past it, it uses ultraviolet
14 disinfection which is equivalent in the old days
15 to sunlight disinfection. It is very effective,
16 though.

17 This an ozone generator. The silver
18 tubes that you see on the right-hand side is
19 where the ozone is generated on sight. Ozone is
20 created by passing oxygen through an electrical
21 field or an electrical charge, and then it takes
22 O₂ and coverts it into O₃, which is very unstable
23 but highly reactive, and it's capable of killing
24 disease organisms. Same process as how you get

1 the ozone in the air from lightening strikes.

2 This one I would have liked to have
3 spent a little time on, but anyway, on the bottom
4 right, here, what you have is this is a
5 filtration spectrum going from right to left. So
6 we see particle filtration on the bottom.
7 Everything above that green zone is what your
8 conventional, particle or sand filter can take
9 out of water. So you can see human hairs, some
10 bacteria can be removed, fine dust, and mist.

11 Then you go next to micro filtration.
12 Now you can take out the rest of the bacteria,
13 some of the viruses. You have to go to ultra
14 filtration in order to remove the viruses,
15 however. Then you have nanofiltration as a next
16 step and then ultimately reverse osmosis.

17 But this is just a scale that shows you
18 that conventional filtration itself doesn't take
19 out everything that we have to be concerned
20 about. Those viruses are as deadly as the
21 bacteria.

22 Next, please. So, what the feasibility
23 or pilot study will do. It is mandatory, and
24 this is the last thing that is necessary,

1 required for process changes by DEP. If you are
2 going to have any major process changes on your
3 plant, you have to have a feasibility and pilot
4 study submitted and approved to DEP and then you
5 can proceed with it.

6 So, for those who would think that we
7 don't have to do the study, we can just launch
8 forward into a process, no, we can't. This study
9 would be necessary in order to do that. It is
10 going to provide you with the answers and options
11 that you need in order to have an informed
12 decision. If we didn't have that, you wouldn't
13 have those options, you wouldn't have those
14 answers.

15 Next, please. So here we are at a
16 crossroads, and I'm finishing up with what I
17 started out with. This is the most important
18 public health decision that you are going to
19 make, make no mistake about it. And the Board of
20 Health isn't making it for you, this is you.
21 It's important for you personally because this
22 water is coming to every single tap and every
23 single house in this community.

24 Economic health? Nobody comes to a

1 community that has a boil water order. Nobody
2 comes to a community and wants to buy a home that
3 has dirty water, has rusty water.

4 Here's the option, here. We have to do
5 one of these two. You are either going to
6 disinfect this water, again, or filter it by
7 October 1st of 2012, and it's not my decision,
8 it's all up to you.

9 The feasibility study's going to give
10 you the options.

11 Ask yourself, really, if you're
12 concerned about your water quality. You're
13 drinking it. You're using it. And if you have
14 any questions about it, then I think you're
15 answering your own questions.

16 The bottom line today: I can stand up
17 here and tell you about all kinds of
18 contaminants, all kinds of things to worry about,
19 all kinds of treatment processes, but there's a
20 simple bottom line: if I can't pronounce it, I
21 don't want it there. Those - how am I going to
22 tell you that 1,1,1 trichloroethylene is safe at
23 five parts per billion? No. It sounds bad, it
24 must be bad. But that's where we are today, and

1 that's where it's going in the future. I'm
2 telling you that these requirements are never
3 going to get less stringent, they're going to get
4 more stringent. It's going to be more costly to
5 effect the same result that we have the
6 opportunity to do today.

7 What we did in the 1990's was fine in
8 the 1990's, but that was 20 years ago. Thank
9 you.

10 [Applause.]

11 THE MODERATOR: Okay. Mr. Hampson and
12 then Mr. Nickerson.

13 MR. HAMPSON: Mr. Anderson, in his
14 wonderful speech, told us that we should work
15 together and help solve some of the problems that
16 we have raising money. I want to point to you to
17 one area we can just do that. The water rate
18 system for the Town of Falmouth needs fixing.
19 It's been mentioned to us by Mr. Johnson and Mr.
20 Smolowitz, and I'm mentioning it tonight.

21 For \$49 for most of our houses, we have
22 180 days if you pay it half your bill, and you
23 get 11 cubic feet - cubic feet of water per day.
24 Then when you get to the excess rate over that

1 amount, it's \$2.80 for 750 gallons of water. And
2 that is if you decide and you use an excessive
3 amount of water.

4 If this happens in the Town of Falmouth
5 and we adopt this filtration system, it would be
6 nice if I when I go on my walks I don't see
7 people in certain areas of North Falmouth
8 watering their lawns when it's raining outside
9 with this super water that we're producing.
10 That, ladies and gentlemen, I cannot stand.
11 Especially when my wife was one of the people
12 that got sick in June. And it was terrible, what
13 happened. We had no warning that that was going
14 to happen.

15 So Ray Jack is right. I could only
16 follow half of what he said, but he's right on
17 the mark and I support him. And I also plead
18 with the Selectmen and the Finance Committee to
19 revisit the method by which you establish the
20 rates of our drinking water. You've got to do
21 that. People that waste water have to pay for
22 it, because we can't pay for it, we've got too
23 much on our shoulders right now. Thank you.

24 [Applause.]

1 THE MODERATOR: Mr. Nickerson. Mr.
2 Nickerson.

3 MR. NICKERSON: Brian Nickerson,
4 Precinct 2. Through you, Mr. Moderator. Ray,
5 in 20 minutes, I asked about taste. Can you talk
6 about taste?

7 MR. JACK: Absolutely. All of the
8 things, all of the things that I described of
9 course are all of the things that you can't see,
10 you can't smell - necessarily. Think about it
11 this way, though, taste and odor control has been
12 around for a long time in municipal systems and
13 the most effective mechanism to handle taste and
14 odors in water is activated carbon absorption,
15 which would be ultimately one of the processes.

16 And secondarily, when it comes to taste
17 and odors, they are generally caused by organic
18 matter getting into the system.

19 But, yes, this would dramatically
20 improve the overall taste and quality.

21 THE MODERATOR: Okay, why don't we pass
22 the mic through here, Mr. Stetcher and then Joe.

23 MR. STETCHER: Bernard Stetcher,
24 Precinct 3. Through you, Mr. Moderator. It

1 seems to me this is a no-brainer. I mean, who
2 wants this disinfecting stuff, with the
3 carcinogens and everything else in it? Now, I
4 happen to drink Town water and I'd like to see it
5 to a point where I can drink it safely.

6 You walk into the supermarket today and
7 see how many people are walking out with bottled
8 water, just absolutely not necessary if we're
9 going to have clean water in town. Thank you.

10 MR. APICELLA: Joe Apicella, Precinct
11 7. I'd like to know this filtration system that
12 we're proposing, how does it compare cost-wise
13 and effectiveness-wise with reverse osmosis?

14 MR. JACK: Reverse osmosis as a
15 process, probably 15, 20 years ago would have
16 quadrupled your water rate if you were to put it
17 in place. Today, that process is somewhere
18 around double. Fixing Long Pond is going to be
19 in somewhere in that range. It's not going to be
20 an RO plant, but it will be a series of
21 processes. That's why the range is twenty-five
22 to forty million dollars. I'm not quite sure
23 what all those processes are going to be to
24 formulate a complete treatment plant, but it'll

1 have multiple processes. Filtration in one way,
2 shape, or form, would be one of them, though.

3 But as far as the overall cost, if it
4 were a \$40 million plant and if you were looking
5 down the road to see what that impact would be,
6 it would be \$100 on a \$400,000 home, as far as
7 annual. Over a 20 year repayment period at 2 ½
8 percent. If it was on your water rate, currently
9 the water rate is 49.49 for a six month period
10 and it would double the minimum charge. You
11 wouldn't even have to increase the excess charge,
12 but literally it would have to double the minimum
13 charge if you were going to try to recover all of
14 it from the water rate.

15 So that would take the annual minimum
16 charge for a typical homeowner from a hundred a
17 year to \$200 a year. But those answers would
18 actually be better served after this study is
19 over. Meaning that, once the study is done,
20 you're going to have all the capital and ongoing
21 maintenance costs questions and answers at that
22 time.

23 THE MODERATOR: Okay, Ms. Poole.
24 Something new, Ms. Poole?

1 MS. POOLE: Diane Poole, Precinct 9.
2 I'm one of those people drinking the muskrat
3 water. My question is: nothing is perfect and
4 I'm sure that there's times when even these kind
5 of treatment - not treatment but filtration
6 plants break down. I was wondering what the
7 weaknesses would be in those systems and what the
8 safeguards would be to protect us from a disaster
9 like last summer?

10 MR. JACK: The end product, especially
11 under regulatory guidelines, is known as
12 redundancy in municipal water systems. So the
13 bottom line is: whatever process you have, you
14 have to have another one right beside it so that
15 you're not going to be able to deliver the water
16 in the event that you have a problem. So that
17 you can maintain that water quality and
18 regulatory standards at all times, 365 days a
19 year.

20 So there's a lot of redundancy built in.
21 It costs money and that's why these plants are
22 expensive. You can't have just a filter, you
23 have to have multiple filters. Whatever the
24 process is, you're going to have to have a

1 multitude of them.

2 THE MODERATOR: Okay, the question will
3 come on the main motion, Article 6 as presented
4 by the Finance Committee. All those in favor,
5 signify by saying aye.

6 [Aye.]

7 THE MODERATOR: All those opposed, no.

8 [None opposed.]

9 THE MODERATOR: The opinion of the
10 Chair is that the ayes have it unanimous.

11 **Article 11**, this was held by Ms.
12 Peterson. The recommendation is indefinite
13 postponement. Are you looking for some
14 clarification or are you going to put a positive
15 motion?

16 MS. PETERSON: [No mic:] I wanted to know
17 the dollar amount, clarification.

18 THE MODERATOR: There is no dollar
19 amount. They're asking indefinite postponement.

20 MS. PETERSON: [No mic.] Yeah, well,
21 there has to be - [inaudible.]

22 THE MODERATOR: Okay. Mr. Chairman,
23 do you want to put the main motion on the floor
24 as indefinite postponement and then -

1 CHAIRMAN ANDERSON: Mr. Moderator, I
2 move Article 11 as recommended.

3 THE MODERATOR: Okay, as recommended:
4 indefinite postponement. Ms. Peterson. With a
5 mic, so you can get on the record, here.

6 MS. PETERSON: Laura Peterson, Precinct
7 3. I apologize for my ignorance, but I just
8 don't - I just wanted to know if - what the
9 dollar amount is. If they know that they need to
10 do the work, how can they know that without
11 having a dollar amount?

12 THE MODERATOR: Mr. Anderson.

13 CHAIRMAN ANDERSON: When this was
14 proposed originally there was a budgeted amount,
15 but there's also a contingency dollar amount in
16 there. Mr. Frazier, the Harbormaster, assumed
17 that he might have some difficulties with the
18 electrical and may need some more money. He has
19 since come to the conclusion, and this is as of
20 late last week, that he will not need any more
21 money to finish this project. So there is no
22 money in this article.

23 MS. PETERSON: Okay, thank you. I
24 misread it. I apologize.

1 THE MODERATOR: No, that's okay. The
2 question will come on the main motion, indefinite
3 postponement. All those in favor, signify by
4 saying aye.

5 [Aye.]

6 THE MODERATOR: All those opposed, no.

7 [None opposed.]

8 THE MODERATOR: The ayes have it
9 unanimously, indefinitely postponed.

10 **Article 13.** Held by the Finance
11 Committee. Mr. Chairman.

12 CHAIRMAN ANDERSON: Mr. Moderator, I
13 move that the Town hereby approves the \$2 million
14 borrowing authorized by vote of the Upper Cape
15 Cod Regional Vocational Technical School District
16 on March 10th, 2011, for the purpose of paying
17 costs of replacing windows at the district high
18 school located at 220 Sandwich Road, Bourne,
19 Massachusetts, and for the payment of all costs
20 incidental and related thereto.

21 THE MODERATOR: Okay, explanation.

22 CHAIRMAN ANDERSON: The Upper Cape Cod
23 Regional Vocational Technical School needs to
24 replace the 40 year old windows in the school.

1 The estimated cost of \$2 million will be
2 partially funded by a grant from the state,
3 amounting to about 43 percent of the total cost.
4 The balance will be funded by a ten year bond,
5 the costs of which will become part of the
6 school's capital budget in Fiscal Year '13.
7 There is no expense for the Fiscal Year '12 for
8 this project.

9 Based on Falmouth's current capital
10 allocation from the school, the cost will be
11 about \$36,000 per year for ten years.

12 THE MODERATOR: Okay, discussion on
13 Article 13.

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

17 [Aye.]

18 THE MODERATOR: All those opposed no.

19 [None opposed.]

20 THE MODERATOR: The ayes have it
21 unanimous.

22 **Article 22.** This was held by the Board
23 of Selectmen. Mr. Chairman.

24 CHAIRMAN PUTNAM: Mr. Moderator, I

1 release my hold and recommend that the Town vote
2 Article 22 as printed.

3 THE MODERATOR: Okay the main motion
4 here is as printed. This is to authorize the
5 Board of Selectmen to transfer a parcel of land
6 known as the Odd Fellows Hall for community
7 housing.

8 Any discussion on Article 22? Mr.
9 Herbst.

10 MR. HERBST: Mr. Moderator, Ralph
11 Herbst, Precinct 8. I have a PowerPoint
12 presentation.

13 THE MODERATOR: Okay.

14 MR. HERBST: Hello?

15 THE MODERATOR: Yeah, you can do it if
16 you want, but.

17 MR. HERBST: I'd like - it will take a
18 very short period of time.

19 [Pause.]

20 THE MODERATOR: Yeah, go ahead, I said
21 it, yeah.

22 MR. HERBST: Okay. Good evening,
23 folks, Ralph Herbst, Precinct 8. I'm here to
24 speak on the petition Article 22, concerning the

1 redevelopment of Odd Fellows Hall property
2 located in Town Square, currently owned by the
3 Town.

4 The Odd Fellows Hall is an historical
5 building originally fronting on Main Street
6 before being moved to its present location. It
7 was built in 1856 as a district school, commonly
8 known as the Town Grammar School where Katherine
9 Lee Bates attended as a child.

10 Town Meeting purchased it from the Odd
11 Fellows Lodge in November of 2004, using funds
12 from Certified Free Cash. Not everybody in this
13 room was here that night. The building is
14 mortgage-free. There were no offers when it was
15 put up for sale the following year in 2005. It
16 has remained unused since its purchase.

17 Next. Odd Fellows Hall is a two-story
18 wood frame Greek Revival structure containing
19 2,520 square feet, and it is on the Town's
20 Cultural Resource List. Current assessed value
21 is 400,000. There is a relatively new heating
22 system in the building and the roof appears to be
23 in good condition. The building has no sprinkler
24 or alarm system. No testing for lead paint or

1 asbestos was conducted when the building was
2 purchased, so we assume that there may be some
3 present. The building is on Town sewer and Town
4 water. It's not in a flood zone and has a .2
5 percent risk factor.

6 There's currently no designated parking
7 area, a significant factor if commercial use is
8 considered. The building is zoned B-1, which
9 allows business and other uses with Zoning Board
10 of Appeals Approval.

11 Here's some additional photos. The one
12 on the right provides a good sense of the size of
13 the building.

14 Last year, after the Finance Committee
15 representative to the Community Preservation
16 Committee, Dan Shearer, who's a member here,
17 suggested something be done with Odd Fellows
18 Hall, I decided to form a volunteer group to tour
19 the building, do some research, and brainstorm
20 some potential uses. Each member - this is the
21 group - had relevant expertise: development,
22 building materials, real estate planning and
23 construction. You probably know several of these
24 people.

1 After meeting four times, the group came
2 to the unanimous conclusion that the best use for
3 the space would be to redevelop it into four one
4 bedroom rental community housing units. With
5 Zoning Board of Appeals approval, the Business 1
6 zoning for the property would allow up to four
7 housing units. As part of the redevelopment,
8 four parking spaces would be added in front of
9 the building, a sprinkler and alarm system would
10 also be installed.

11 We believe it's the best current use for
12 the building for several reasons. The Town has
13 no current use for the space, nor the funds to
14 upgrade it. There is no demand for the
15 building's use as a commercial space due to the
16 glut of unoccupied space currently in town, and
17 the fact that parking is an issue.

18 Recent housing survey funded by the
19 Community Preservation Committee verifies the
20 serious need for affordable rental housing in
21 Falmouth. Redevelopment of affordable housing
22 rentals is not routinely undertaken by a non-
23 profit such as Habitat for Humanity or the
24 Falmouth Housing Trust. The location of the

1 units is ideal because of their proximity to
2 downtown, schools and recreation.

3 The first step would be to develop a
4 request for proposal to select a qualified
5 developer. The Falmouth Affordable Housing
6 Committee could assist in the criteria. The RFP
7 responses should be evaluated by the Falmouth
8 Affordable Housing Committee or the Falmouth
9 Building Committee, as appropriate, and the
10 Selectmen, and awarded to the best bidder. The
11 Town would transfer the deed or lease the
12 property to the developer. The developer could
13 pursue Community Preservation Act money or other
14 funding to finance and cover the redevelopment
15 and renovation expenses. The developer would
16 either manage the property or select a management
17 firm for themselves.

18 Cost and financing. The cost to create
19 these units would be below recent one bedroom
20 affordable units costing approximately \$180,000.
21 We estimated that the renovations will cost
22 \$300,000. Add the Town's cost of \$330,000 and
23 the total investment will be \$630,000, or
24 \$157,500 per unit. By comparison, the Town of

1 Dennis is proposing a 27 unit affordable housing
2 project on land it bought ten years ago and that
3 has estimated costs of over \$310,000 per unit.

4 Cash flow. We also estimated that rents
5 in the \$800 per month range would cover the costs
6 associated with these units under this scenario.

7 By developing the property with deed
8 restrictions for historic and affordable housing,
9 the Town would preserve the building for its
10 historic character and maintain control of Town
11 Square. These were the two most significant
12 reasons that Town Meeting wanted to purchase this
13 property in the first place. If you weren't here
14 six years ago, then you're now are of that. The
15 basement could be leased to the Town for storage
16 for one dollar a year as a benefit of
17 contributing its costs for the housing. Placing
18 this property back on the tax rolls would
19 generate income for the Town.

20 Finally, redeveloping the property that
21 was - this way increases Falmouth's affordable
22 housing inventory, which is consistent with the
23 Town's housing production plan which was adopted
24 by the Selectmen and the Planning Board last year

1 - I'm sorry, two years ago.

2 In closing, I ask you to consider this
3 as an investment in community housing and not an
4 expense. Thank you very much.

5 THE MODERATOR: Okay, Mr. Dufresne.
6 And then Mr. Shearer.

7 MR. DUFRESNE: Adrian Dufresne,
8 Precinct 2. Originally, this was voted down on
9 Town Meeting and under a reconsideration with an
10 explanation by Mr. Boyer that we would place an
11 historical preservation restriction on the
12 property - and I was told yesterday that this has
13 not yet been done. May I ask through Town
14 Counsel, has the historical preservation
15 restriction been placed on that building?

16 MR. DUFFY: No.

17 MR. DUFRESNE: The answer is no, so
18 when Town Meeting voted for the acceptance of
19 this building, even I voted, as a member of the
20 Finance Committee, we all voted against - the
21 Finance Committee voted against and this Town
22 Meeting voted against the purchase of this
23 building. I think Mr. Herbst's presentation
24 makes sense for the use of the building, but I

1 still would like to see the historical
2 preservation for the character of the building to
3 remain as is, because that was the whole purpose
4 of the Town buying it in the first place. Thank
5 you.

6 THE MODERATOR: Mr. Shearer -

7 MR. HERBST: My response to that would
8 be that in the RFP there would be a restriction
9 placed on the building for historic building and
10 also the units would be deeded affordable in
11 perpetuity.

12 MR. DUFRESNE: My last comment is, when
13 Town Meeting voted it, the Board of Selectmen
14 were supposed to put a deed restriction on
15 Historical Preservation on this building. And we
16 just heard from Town Counsel this has not been
17 done. This was a vote of Town Meeting. There's
18 a few other instances where Town Meeting has
19 voted for something and it's not been followed
20 through by Town Hall. I take exception to that.
21 The number of years that those of us in this room
22 vote for things, we're the governing body of the
23 Town of Falmouth and what is voted here should be
24 accomplished by the people up on the stage and

1 that has not been done on this building.

2 THE MODERATOR: Mr. Shearer.

3 [Applause.]

4 MR. SHEARER: Dan Shearer, Precinct 6,
5 and I'm getting up because my name was mentioned
6 by this. I really believe in the financial
7 situation that we have right now in this town, we
8 should sell this building. And I think we should
9 sell this building for whatever we can get for
10 it. And having four apartments there and trying
11 to get parking, there's going to be four reserved
12 parking spaces. Well, most apartment people have
13 more than one and they have guests and whatever
14 it might be.

15 The Registry now is going to park in
16 Town Hall Square, which I think is ridiculous,
17 personally.

18 But we also can't afford more. We've
19 got to be able to get into our public buildings,
20 so I would like to see this voted down and I
21 would advise - ask the Selectmen if they would
22 please put an article up to try and sell this
23 building. And I would like a restriction on it,
24 also, before it is sold. Thank you very much.

1 THE MODERATOR: Mr. Boyer.

2 MR. BOYER: Mr. Moderator, Peter Boyer,
3 Precinct 5. I think you've done a lot of
4 effective work in developing an alternative. I
5 actually don't see anything wrong with
6 accomplishing any number of purposes, one of
7 which may be exactly as you suggest. But another
8 may be as exactly as Dan Shearer suggests. I
9 think it does need an executed historic
10 preservation restriction and it may also need an
11 affordable housing deed restriction if that were
12 the proposal that were accepted by the Town.

13 I really don't see any reason why we
14 cannot invite multiple proposals, some of which
15 might be as you suggest and that may take
16 advantage of an affordable housing option, or
17 sell to the highest bidder for whatever purpose
18 it may fit into our needs; we would then vote on
19 subsequently.

20 I think, in any event, the disposal of
21 that property would have to come to Town Meeting
22 for a vote. I don't believe that there could be
23 anything undertaken unilaterally by the Board of
24 Selectmen, and so I think it is possible to do

1 this. I too, would like to see that historical
2 preservation restriction placed on the property,
3 and clearly that will have an impact on
4 dampening, perhaps, the development alternatives.
5 And it may be that the best choice is to give it,
6 and achieve the affordable housing goal at
7 \$167,000 per unit.

8 But I would suggest that there are those
9 - the several opportunities, and that our best
10 bet is to look at them all. Thank you.

11 THE MODERATOR: Okay, further
12 discussion? Mr. Crocker.

13 MR. CROCKER: Harold Crocker, Precinct
14 3. I was one of the ones that held - that went
15 ahead on this, the Odd Fellows Hall. I was a
16 member of the Odd Fellows and we sold the
17 building to the Town of Falmouth. I would like
18 to mention that's a building, there, that stands
19 out when you drive in to the Town Hall Square.
20 It's been a landmark for years, it's been for the
21 Falmouth Grange, Rebecca's, and the Odd Fellows.

22 Everything was up to code when we sold
23 the place to the Town of Falmouth; they let it go
24 downhill. Thank you, Andy, for what you said and

1 I kept after the last Town Administrator to do
2 something about it. I knew of a Falmouth person
3 that wanted to buy it, he offered to the Town and
4 they said at that time they raised it higher,
5 raised their price higher.

6 So what I would like to mention here is
7 that I would like to see if a developer wants to
8 take it over, but I would like to see the
9 character of that building stay the way it is
10 today, because that is something that, it's a
11 landmark for the Falmouth and I hope the people
12 will support it. Thank you.

13 THE MODERATOR: Okay, further
14 discussion on Article 22? The question will come
15 on the - oh, Ms. Davis.

16 MS. DAVIS: Linda Davis, Precinct 4.
17 I'd really like to commend Ralph and his group
18 for trying to think outside of the box and trying
19 to do something which has been vacant and not a
20 plus for us. I think this is an idea that I can
21 really support. It seems to be a win-win
22 situation for the Town and affordable housing,
23 and I think we need more of this kind of
24 thinking.

1 Someone once said that there is
2 opportunity in adversity, and I think we face
3 these adverse times and people like Ralph, and
4 others, sitting in here, are trying to find that
5 opportunity so that we can move ahead, we can
6 keep money in our pocket, we can run this Town as
7 a business. And he needs to be commended, thank
8 you.

9 THE MODERATOR: Okay. Mr. Duffany.

10 MR. DUFFANY: Thank you, Mr. Moderator.
11 Michael Duffany, Precinct 6. Question for Mr.
12 Herbst. First of all, I commend you, too, Ralph.
13 Seven years, we haven't had anybody come forward
14 and offer us anything. We put it on the street,
15 it's gotten nowhere. I can't believe that we're
16 going to get any money for this building, you
17 know, that would offset the benefit that your
18 group could bring.

19 Help me understand how it would be
20 managed. Let's say you got like a management
21 company that's going to be - would be involved.
22 Are you going to come back to the body with
23 something in the future once you - in the fall or
24 next spring when you've got a really solid handle

1 on it?

2 MR. HERBST: No, I coach tennis and
3 this was - this article was - I was advised is
4 advisory only because the Selectmen have to take
5 the initiative here and decide what they want to
6 do with the property and my reference to coaching
7 tennis is that I'm ready to say to the Selectmen,
8 "The ball's in your court."

9 If the - the RFP would get a developer
10 who would come in with a management - part of the
11 RFP would require that they come in with a
12 management team. After the building is
13 renovated, then the management team takes over,
14 rents the properties, collects the money, pays
15 the bills. The Town doesn't want to be in the
16 rental business. We don't want to be in the real
17 estate business.

18 Six years we've been waiting for
19 something to happen, and it didn't. And that's
20 why I put this group of people together, to move
21 this thing forward and get it off the dime.

22 If you sell this building today - they
23 tried to sell it once, now, and nobody, nobody
24 bid on it. Try to sell that building today, no

1 matter what you get for it, the money that you'll
2 get for it is not going to go very far in this
3 town. For whatever project you want to fill
4 potholes, whatever, it might last a year and it's
5 done. But if you put the money into affordable
6 housing in perpetuity, you've got something that
7 the Selectmen and the Planning Board agreed to,
8 and that's a housing production plan in this town
9 to provide affordable housing.

10 The money will come from outside the
11 taxes. We've already paid for it. If you have
12 33,000 people in this town and you pay \$333,000
13 for it, that's ten bucks. Each one of us paid
14 ten bucks for that building. What's that?

15 It's a great opportunity, though, for
16 people who need affordable housing in this town.
17 If you read the newspapers and you see the number
18 of people in the 20 to 30 age group, the Cape is
19 way behind the state as far as that population.
20 And that's because people can't afford to live
21 here with the jobs that are available.

22 So, I don't know if I answered your
23 question, Mike?

24 THE MODERATOR: Mr. Dufresne.

1 MR. HERBST: You asked about a
2 management team, did you not? Yeah, okay. I
3 hope I answered that question for you.

4 THE MODERATOR: Mr. Dufresne.

5 MR. DUFRESNE: Just one last question
6 to the board. Has this project been properly
7 marketed in the trade magazines? I think Mr.
8 Herbst's idea is probably a good one, but if a
9 private developer had the opportunity to come in
10 and develop this piece of property, if and when
11 we ever put the historical preservation
12 restriction on it, we could have this building as
13 say four condo units for sale and be put back on
14 the tax rolls.

15 So, my question is: has it been marketed
16 in the trade magazines, the real estate trade
17 magazines, so that we could affect a full and
18 fair value for the property, whether if we sell
19 it for half the price that we paid for it, but it
20 comes back on the tax roll, it's a win-win
21 situation. Again, it should have the
22 preservation restriction on it.

23 THE MODERATOR: Okay, who wants to
24 address that? Ms. Harper?

1 MS. HARPER: Is this on? The brief
2 answer is that no, it has not been marketed
3 through trade journals. It was solicited through
4 the process we normally do through a public bid.
5 There have been many, many developers over the
6 last several years through that building. We've
7 had a variety of proposals.

8 I do also want to recognize Ralph for
9 his work, because bringing this back to Town
10 Meeting I think is exactly what needs to happen
11 to give the Board of Selectmen a sense of freedom
12 that there isn't an expectation that there is a
13 substantial reserve value that should be placed
14 on that property. And I would encourage Town
15 Meeting to support the article.

16 THE MODERATOR: Okay, the question will
17 come on Article 22. All those in favor, signify
18 by saying Aye.

19 [Aye.]

20 THE MODERATOR: All those opposed, no.

21 [No.]

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

24 MR. HERBST: Thank you very much.

1 THE MODERATOR: **Article 23.** The
2 recommendation of the Board of Selectmen is
3 indefinite postponement. This is instructing
4 Selectmen to have a solid waste manager out at
5 the dump.

6 Mr. Finneran.

7 MR. FINNERAN: Thank you, Mr.
8 Moderator. Ladies and gentlemen of the Board of
9 Selectmen, Town officials, ladies and gentlemen
10 of Town Meeting and the taxpayers. First off,
11 I'd like to ask for a slight amendment on this.

12 THE MODERATOR: Are you going to put
13 the main motion on the floor, so that - you can
14 make it the main motion, it doesn't have to be an
15 amendment.

16 MR. FINNERAN: Okay. It reads:
17 Whereas; a True accounting of the Waste
18 Management Facility (Dump) reveals that the only
19 deficit was incompetent management. Further, the
20 2010 management scheme produced a \$200,000-plus
21 revenue shortfall, rather than \$3,000 profit, as
22 advertised to the public. Pursuant to this, we
23 the undersigned - which was about 135 people -
24 petition Town Meeting to instruct Selectmen to

1 remove the Waste Management Facility and Transfer
2 Station from the purview of the DPW, and
3 immediately hire or appoint a competent solid
4 waste manager or managers to rescue these
5 valuable Town assets.

6 So the amendment would be just -

7 THE MODERATOR: To add "or appoint" and
8 "manager or managers".

9 MR. FINNERAN: Yes, sir.

10 THE MODERATOR: Okay. That's the main
11 motion. Mr. Finneran.

12 MR. FINNERAN: Can I have the next
13 slide, please. We were all told that the dump's
14 been losing money forever, and there are the
15 actual figures. In 2009 - in 2005, rather, we
16 had about a \$250,000 deficit. It went down to
17 78,000, as accounted in 2009, and most of that
18 was attributed to hard work by the people who
19 work at the dump. They segregated their loads,
20 they separated C&D into smaller links and put it
21 out with household rubbish, and tightened up
22 management in other ways and you can see the
23 deficit fell considerably.

24 Also, this does not account for what the

1 Town brought in to the Waste Management Facility,
2 which was actually about 25 percent of the total
3 volume. So, realistically, as written, the
4 deficit in 2009 would have been about \$58,000.

5 Next slide, please. These are the
6 sticker sales over the last four cycles. You can
7 see in 2004 and you may have seen these numbers
8 before from when Joe Netto made his presentation,
9 but you can see the number of stickers we sold in
10 2004 - is that pointer around?

11 [Pause.]

12 MR. FINNERAN: You can see in 2004 we
13 sold 14,000 beach stickers, 6,000 dump stickers,
14 and we didn't have the super sticker, and we
15 brought in revenue somewhere around \$130,000.
16 In 2006 with the super sticker, you can see a lot
17 of the dump stickers migrated over and we made
18 about - brought in about 1,340,000. In 2008, it
19 was down slightly; we brought in about 1,260,000.

20 In 2010, the bag fee came in and they
21 also decided not to sell the super stickers. And
22 you can see that the dump revenue dropped over
23 \$400,000, almost 500,000 over 2006.

24 Now, when I questioned this, it was

1 explained away that it was because we no longer
2 sold super stickers. But you can see that the
3 people who migrated over to the dump sticker were
4 obviously part of these people that were buying
5 the super stickers, and that's about 2400 people.
6 And you can see that about 200 people migrated
7 over with the dump sticker. So, it obviously
8 shows dissatisfaction and the public just isn't
9 purchasing dump stickers anymore. Or, to a much
10 lesser extent, they are.

11 Can I have the next slide, please. In
12 the year over year losses in the stickers, 2010
13 over 2008, we were down \$416,000, and over 2006
14 we were down \$495,000. And I have a worksheet
15 here from the Solid Waste Advisory. They chose
16 to break it up into a yearly deficit, but they
17 came out with \$218,000 for a one year shortage.
18 Or - whatever, disappearing money.

19 Can I have the next slide, please.
20 Okay, hold on, sorry.

21 This is the scrap metal at the dump. In
22 2007 we had 58 loads go out; we got \$75,000. In
23 2008 and 2009, we had 78 loads go out and we got
24 zero. I still don't understand that, and I hope

1 we can get an answer.

2 Can I have the next slide, please. This
3 is the actual weight and value received versus
4 what we got. The actual weight and value versus
5 what we got. I got these figures from speaking
6 with John Late [sp?] in Barnstable, through Mid-
7 City Steel, and I joined the Steel Business
8 Briefing magazine. They all told me that a
9 hundred yard dumpster weighed anywhere from 20 to
10 40 tons. So I figured it on the low side at 20
11 tons.

12 In 2007, the metal that we got paid for
13 -- and I have a chart there but I have an actual
14 graph of what metal was going for, and I got this
15 from three different sources. But the average
16 was \$200 a ton and that was picked up at the
17 site. So 58 loads at 20 tons a load is 118 tons
18 times \$200 a ton, we should have gotten \$218,000,
19 but we got \$75,000.

20 Could I have the next slide, please.
21 There were 78 loads in 2008 and 2009, so I split
22 them up. It's very close whether it's off a
23 little bit or not. That's kind of irrelevant
24 because I figure these - the rate's so low. The

1 average amount paid for - and this is picked up,
2 not carried or delivered - was \$300 a ton in 2008
3 and you can see on this graph that it spiked up
4 considerably. So that would have been \$234,000
5 worth of metal.

6 In 2009, the price went down a little
7 bit. It was back down around 200. It was
8 actually higher, but I figured it at that rate
9 and it would have been \$156,000 worth.

10 Can I have the next slide, please?

11 Okay, this is the total of uncollected scrap.
12 The difference between the 75 and the 218 is 143,
13 and there's 234 we didn't get paid for, 156 we
14 didn't get paid for. So the total loss to the
15 Town is about \$533,000. So, you can see there
16 that the dump was not losing money.

17 Excuse me, I've got to catch up here
18 with my notes.

19 All right. These figures and that loss
20 does not represent the cardboard that we have at
21 the dump. We have a compactor there that holds
22 between three and four tons when it's full. The
23 current rate for a ton of cardboard is \$165. So,
24 figuring at the low amount at three tons, that's

1 \$495 worth of cardboard that we pay someone \$108
2 to take away and sell. Now, I'd just like to
3 find the logic in that. I believe there is none.

4 Could you go past that slide for a
5 minute, to the next one. One more. Okay. This
6 is where I got my pricing. This is from the -
7 and that's actually a mistake, after I copied
8 this chart, because I just got my first email
9 address last week, I'm not that computer
10 literate. I could transfer these graphs over
11 onto the thing. That says it's a metric ton, but
12 it's actually a real ton. Metric ton being
13 slightly larger.

14 But the U.S.G.S. Survey price for scrap
15 metal number two was \$249 a ton; it was \$349 a
16 ton in 2008, and back down around \$200 in 2009 as
17 I indicated. These are the prices from the
18 Steel Business Bureau. This represents metal
19 sold at the port. We know that the person that
20 took our metal baled it, brought it to
21 Providence, shredded it, and it went on a boat.
22 That's what they were paying in 2007; that's what
23 it went up to in 2008, and then of course it's
24 back down in 2009.

1 Now, Mid-City Steel picks up the
2 majority of the steel in Barnstable. I talked
3 with John Late at length and then I spoke with
4 Mid-City Steel and Excel; they're both in
5 Westport and New Bedford. Their price average
6 over the year, Mid-City in 2007 was 220 a ton,
7 which is higher than the 200 I figured at. And
8 Excel was 200; that's the figure I used, the
9 lowest figure.

10 In 2008, Mid-City was paying three and a
11 quarter; that's the year average they gave me.
12 Excel gave me 300; so I used the 300. In 2009,
13 it was up high and you can see this is the
14 seventh month, right here, where it went back
15 down, but for the better part of the year it was
16 over \$300 and I still figured it at \$200 a ton.
17 So, obviously, we didn't get our money.

18 Can you go back to the previous slide.
19 This was an agenda from the Solid Waste Advisory
20 Committee, or actually it's from an agenda; I
21 have the agenda, here. But, again, I couldn't
22 copy it. But there's some - it has some crucial
23 unanswered questions. The question remained: in
24 2009, we weren't very far away from the bag fee

1 at the moment, they didn't know what the Town
2 brought in. And you can see here, this was their
3 agenda item: How can we reconcile the wildly
4 differing estimates of the annual deficit? I
5 don't know how. It's beyond me. I mean, we're
6 just giving our money away and it's, it's
7 foolish, I'm sorry.

8 Hold on.

9 The Solid Waste Advisory Committee has
10 long wanted a solid waste manager, and were never
11 able to have one. It was never accepted, or
12 whatever. The guy who runs or works at the dump
13 now, Ernie Santos, is more than capable of doing
14 this. John Late from Barnstable has spoken with
15 him before; he's more than happy to help him.
16 They - what they do is they get numbers faxed in
17 every Monday and they pick the highest bidder and
18 they sell their stuff. And these people come and
19 pick it up. They have a truck, but they don't
20 bother. We were supposed to buy a truck and we
21 should have a truck, because there's other things
22 we can do with it.

23 Can I have the next slide, please. Or
24 actually one after that. I don't know a lot

1 about this. This is the transfer station. This
2 is John Elliot's baby. He spends an incredible
3 amount of time there. He knows more about it
4 than anyone else. But you can see that the
5 amount of trash that's going into Otis has been
6 decreasing steadily, while the amount of trash
7 that goes into Bourne has been increasing
8 steadily. This trash that's missing here, or
9 missing from Falmouth, is going to Bourne against
10 the rules that were in place with the Board of
11 Health. The Board of Health saw fit to change
12 the rules. It's cost this town an incredible
13 amount of money and it's not proper.

14 There's a few things people need to
15 know, I think. Can I have the next slide. I
16 didn't get this done, I've got other stuff I put
17 on there. People should just look that up on
18 their own, and see what that is. I mean,
19 everyone has a computer.

20 There's also when the problems arose
21 with the dump a few years ago, they used to bring
22 fresh cans in on Saturday afternoon, when the
23 dump closed. They would come back on Tuesday
24 morning and oftentimes they were filled. They

1 were getting constant criticism, not making
2 money, not doing their job, what was happening
3 with their things. So, they asked George Morse
4 if he would watch the dump the days that it was
5 closed. George Morse stayed there - I mean, you
6 all know George Morse, or you think you know him.
7 He stayed there and took numerous pictures. And
8 it turned out that many Town employees and
9 officials were using the dump at their own
10 leisure. He took pictures of these, brought them
11 to the Town Manager's office and then his
12 problems began.

13 Let me see. Before any of our metal is
14 ever sold, it's picked over considerably by
15 people in the Town. I mean, a large amount of
16 that metal goes out the door and out the gate,
17 which should be sold by the Town and the Town
18 should get the revenue for it, but they don't. I
19 think that to say that this place has been
20 mismanaged is certainly an understatement. I
21 believe that the DPW has too much to do and they
22 don't really seem to care much about this.

23 You can see that, between the metal that
24 we weren't paid for, the cardboard that we give

1 away, the excess fees we have to pay at the
2 transfer station because we don't meet our quotas
3 -

4 THE MODERATOR: Mr. Finneran, we're at
5 15 minutes.

6 MR. FINNERAN: Okay, I'm just about
7 done. I think that it more than demonstrates
8 that the Town should - that the dump, the Waste
9 Management Facility should be properly managed.

10 THE MODERATOR: Okay -

11 MR. FINNERAN: I think that Earnest
12 Santos is more than -

13 THE MODERATOR: - the time - time has
14 expired. It's a new rule; I need to enforce it.
15 If you want to request a specific amount -

16 MR. FINNERAN: Can I have another 30
17 seconds?

18 THE MODERATOR: The question will come
19 on an additional 30 seconds. All in favor,
20 signify by saying aye.

21 [Aye.]

22 THE MODERATOR: All those opposed no.

23 [No.]

24 THE MODERATOR: It's the opinion of the

1 chair that the eyes have it; we'll give you 30
2 seconds.

3 MR. FINNERAN: Okay, I think that Ernie
4 is more than capable of being appointed to run
5 the dump and I think that John Elliott should be
6 appointed to run the transfer station and I think
7 that some of these monies that we see
8 disappearing will reappear. I mean, that's - who
9 can argue with a half a million dollars?

10 THE MODERATOR: Okay. Further
11 discussion? Discussion on Article 23. Mr.
12 Johnson.

13 MR. JOHNSON: [No mic:] Can we have the
14 article back on the -

15 THE MODERATOR: Yeah, can we put the
16 article back up? It's as printed in your warrant
17 booklet, except for he added the words "or
18 appoint" after hire, and then made it plural
19 managers. So, it's Article 23 - you got that
20 slide? Can we get that slide back up there?

21 So the main motion is as printed in your
22 warrant booklet, and then after the word
23 "immediately hire", it's "hire or appoint" and
24 then "Solid Waste Manager or Managers". That's

1 the main motion.

2 Ms. O'Connell. Microphone for Ms.
3 O'Connell, please.

4 MS. O'CONNELL: Thank you. Mr.
5 Moderator, point of clarification: the first line
6 during 2008 to 9 is also not on the amended
7 article. Thank you.

8 MR. FINNERAN: Why would it be?

9 THE MODERATOR: Oh, okay, yes, the term
10 during 2008-2009. We missed that when we were
11 transcribing the change. Thank you.

12 Ms. Murphy.

13 MS. MURPHY: Thank you, Mr. Moderator.
14 Carol Murphy, Precinct 9. And through you I
15 would just like to know if that scrap metal is
16 the collection of washing machines and
17 refrigerators and stoves, things like that that
18 we pay per item to bring to the dump.

19 THE MODERATOR: Okay.

20 MR. FINNERAN: It would be everything.
21 That and all the other metal as well.

22 MS. MURPHY: So we pay 20 or 30 dollars
23 per item to bring that into the dump and then
24 it's taken away and we get nothing for it; is

1 that basically it?

2 MR. FINNERAN: That's how it worked
3 out.

4 [Laughter.]

5 MS. MURPHY: Thank you.

6 THE MODERATOR: Mr. Peck, did you want
7 to speak, there?

8 MR. PECK: Bill Peck, Precinct 9.
9 Thank you, Mr. Finneran, for bringing these
10 things up. These things have been going on for a
11 number of years, and I think it's time for
12 everybody to sit and consider what's going on.
13 If that disposal area is too much to be under the
14 purview of the DPW, maybe Mr. Elliott would step
15 up to the plate. Certainly, if there was any
16 money that needed to be paid to those
17 individuals, if somebody's keeping an eye on the
18 cash register we could probably pay for those
19 positions through the money that's been lost.

20 I'd like you to consider Mr. Finneran's
21 article.

22 MR. FINNERAN: Can I add something to
23 that?

24 THE MODERATOR: The Board of Selectmen

1 and then we'll come back to you. Go ahead, Mr.
2 Putnam.

3 MR. PUTNAM: The Board recommended
4 indefinite postponement for this article because
5 it asks that we add additional staff to the Town
6 Plan, and there was no plan for that at the time.
7 But I will say that for me, personally,
8 regardless of how Town Meeting votes for this,
9 Mr. Finneran, thank you for bringing this to our
10 attention because clearly there is some
11 investigative work that needs to be done by the
12 Board. Thank you.

13 THE MODERATOR: Yes -

14 MR. FINNERAN: Can I -

15 THE MODERATOR: - Mr. Finneran.

16 MR. FINNERAN: - add something to -

17 THE MODERATOR: Mr. Finneran and then
18 Ms. Brazier.

19 MR. FINNERAN: As far as Mr. Peck's
20 question, in Barnstable, they make a lot of
21 money. They work plenty of overtime and they are
22 left completely alone because they are one of the
23 few things that actually makes money. And I hope
24 that I demonstrated to you that it is possible.

1 And further, there are two businesses just up the
2 street from the dump: Ted Wolf at Cataumet
3 Sawmill and Chucky Cuniff at Falmouth Sheet
4 Metal, both excellent gentlemen. But townspeople
5 are so upset that they bring their metal there
6 and they drop it off because they refuse to go to
7 the dump, and that's just more money. I mean,
8 we're here wrestling over nickels and we've got a
9 half a million dollars going out the door and
10 nobody wants to say anything about it. And I
11 just find it -

12 THE MODERATOR: Okay, Ms. Brazier and
13 then Mr. Netto.

14 MS. Brazier: Ruth Brazier, Precinct 5.
15 I would like to clarify -

16 THE MODERATOR: Can you speak into the
17 mic, please?

18 MS. Brazier: Sorry.

19 THE MODERATOR: Thank you.

20 MS. Brazier: I'd like to clarify the
21 position of the Solid Waste Advisory Committee.
22 We have indeed recommended that there be a solid
23 waste division within the Department of Public
24 Works, but we can't - I could not support this

1 article. The scope of the - of a solid waste
2 manager should be a lot larger than just the
3 waste management facility and the transfer
4 station at Otis. We need somebody who can put
5 all the different pieces together, and that
6 includes the curbside collection and thinking
7 down the road about our relationship with
8 neighboring towns, contract with SEMASS, or
9 Bourne, when our contract with SEMASS ends.

10 I of course am afraid I have problems
11 with a lot of the figures that Mr. Finneran has
12 offered us. I guess, just -- I did prepare a
13 slide showing the permit purchases. Do we have
14 that one?

15 This shows the number of permits
16 purchased in 2008 compared to the number of
17 permits purchased in 2010, and you see the purple
18 on the bottom is the dump stickers, dump permits.
19 The sort of magenta in the middle on the left are
20 the super stickers, and you can see - I guess you
21 can't read this very well, but it's about 2,000
22 for the dump stickers. I'm looking at 2008. And
23 about 4,000 for the super stickers and close to
24 7,000 for the beach stickers in the white. And

1 looking at 2010, you will see that without the
2 super sticker, both beach stickers and dump
3 stickers increased, but the big increase, of
4 course, nearly ten - just over 10,000, was the
5 beach stickers.

6 But, in fact, altogether, more stickers
7 were purchased in 2010 than the equivalent year,
8 2008. So, we haven't seen a reduction in the
9 number of permits purchased, all told.

10 However, there is a reduction in the
11 income that the Town received. Could I have the
12 next slide. And this, unfortunately I'm not very
13 good at making these charts.

14 MR. Finneran: Yeah.

15 MS. Brazier: So, on the right, the -
16 for 2010, the white column of beach stickers
17 should be lowered. I don't know how it came out
18 this way, but. Because the total receipts were
19 about \$200,000, as Mr. Finneran has pointed out,
20 less than the total receipts in 2008, which was,
21 again, the first year of the cycle like 2010.
22 And but the big difference is the super sticker.
23 It cost a lot more, \$55 more to buy a super
24 sticker than to buy a beach sticker. And that

1 accounts for the difference in revenues to the
2 Town.

3 Regarding the question of losing money
4 at the facility on not getting full value from
5 metals and from cardboard. The - I think that
6 the real question is a policy question. Perhaps
7 we could have the third slide. This - the
8 question is what do you want to use - do you want
9 to subsidize essentially the - do you want to
10 make money at the dump in order to subsidize
11 bringing in lots of trash for cheaply to the
12 citizens? This slide shows what has changed up
13 at the facility thanks to 2.50 a bag. Last year,
14 in 2009, 2,738 tons approximately of trash came
15 to the facility. In 2010, with 2.50 a bag, only
16 275 tons came to the facility. That's the
17 lavender. And the question is: where did that
18 go, the tonnage that we didn't get at the
19 facility? Well, nearly 1,000 tons, 990 tons,
20 went to the - was - went to the curbside
21 collection. And that saved the Town money
22 because we didn't have to haul it out of the
23 facility. That used to cost us about \$81,000 a
24 year to haul trash from the facility to Otis, and

1 that's over and above what it costs us to pick it
2 up at curbside. So we were paying twice for the
3 trash that was brought to the facility.

4 So, the recycling increased. We
5 recycled 165 more tons in 2010 than in 2009. And
6 that's an enormous increase for recycling. It's
7 very hard to get us - to get those numbers up on
8 the recycling.

9 And we were told that everybody was
10 taking their trash to Bourne. So I went through
11 the Bourne figures, what they had, what they
12 report where trash that comes to their facility
13 comes from. And small amounts like, you know,
14 people who were maybe cleaning out garages and so
15 on, there were 230 trips by such people from
16 Falmouth last year to Bourne. And they brought
17 in a total of 60 tons, which is nothing. 230
18 trips is less than one trip a day.

19 So that really doesn't - if we sent
20 those people back to our facility, it would make
21 no perceptible difference to the traffic. On a
22 busy day last year, I mean in 2009 -

23 MR. BIDWELL: Point of order.

24 THE MODERATOR: Yes, point of order.

1 Mr. Bidwell.

2 MR. BIDWELL: [No mic:] Todd Bidwell,
3 Precinct 4. I'm thoroughly confused by this
4 presentation.

5 THE MOD: Okay.

6 MR. BIDWELL: [No mic:] I don't know if
7 that's a point of order.

8 THE MODERATOR: It's not a point of
9 order.

10 MR. BIDWELL: [No mic:] That's too bad.

11 THE MODERATOR: Yeah.

12 [Laughter.]

13 MS. Brazier: Okay, all right. I'll
14 finish.

15 THE MODERATOR: Ms. Brazier, can you
16 wrap up? I've got six people on the list.

17 MS. BRAZIER: I'll wrap up.

18 THE MODERATOR: And we've got a break
19 waiting for us downstairs.

20 MS. BRAZIER: Okay. Okay, on the
21 extreme -

22 THE MODERATOR: Seven people.

23 MS. BRAZIER: - the 12,048 -

24 FROM THE FLOOR: Can't hear you.

1 THE MODERATOR: Speak into the mic,
2 please.

3 MS. BRAZIER: Sorry. The 12,048 tons
4 represent the trash that didn't come in that we
5 would have expected that didn't go to the
6 curbside, it didn't go to the Waste Management
7 Facility, and it didn't --

8 FROM THE FLOOR: Point of order.

9 MS. BRAZIER: - didn't go to Bourne,
10 and it wasn't recycled, and we can only guess
11 that that was out of town trash, because - that
12 was coming into our facility because it was
13 cheaper to bring it there.

14 THE MODERATOR: Okay, let's focus here,
15 we've got a question: do we want to direct the
16 Selectmen to hire a solid waste manager or not.
17 Let's narrow this down, let's get some new
18 comments, let's be reasonable in the amount of
19 time that we speak as individuals and let's make
20 a decision, okay?

21 Mr. Netto.

22 MR. NETTO: Mike Netto, Precinct 9.
23 Mr. Finneran mentioned that we're presently
24 paying to take cardboard out of the transfer

1 station. Could somebody answer the question as
2 to what would it take for the Town to haul that
3 cardboard to the recycling facility themselves?

4 MR. FINNERAN: I can answer that. It
5 would take the truck that we have the money for
6 already and we've had the money for, for two
7 years.

8 MR. NETTO: Okay, so what I'm thinking
9 is, if we have a truck, or if we have the monies
10 to procure a truck, and last night we changed a
11 position classification for a DPW worker that was
12 at the transfer station, and it seems like we
13 have the knowhow, if we're paying a hundred and
14 something dollars to take cardboard out of the
15 transfer station that's worth \$400, that's
16 roughly \$500 a load, I have no idea how many
17 loads that would be taken out of there in a week,
18 but let's say two loads a week, which I'm
19 assuming might be low, that's \$1,000 grossed,
20 which would probably pay \$20 an hour plus fringe
21 of 40 hour a week employee. And I've heard
22 mentioned here a couple times tonight and last
23 night that we should start treating the Town like
24 a business. Well, it's commonsense to me, after

1 Mr. Finneran's presentation, here, and I think we
2 all have the same sentiment, like Mr. Peck had
3 stated, that this has been going on for a long
4 time, and something needs to be corrected.

5 Myself personally, I have a boat trailer
6 that I cut up on Sunday. I cut a galvanized
7 steel trailer into four pieces. I'm going to
8 bring it to my buddy's place, dump it in a
9 trailer and he's going to truck it out and get
10 paid, you know, pennies, but still some amount of
11 money for it. And I won't buy a dump sticker for
12 the cost and I wouldn't - or, rather, if I had a
13 sticker I would just go down to the transfer
14 station and dump it.

15 So, I think this really needs to be
16 looked at and it's an important issue and it's a
17 way that we can generate some revenue.

18 THE MODERATOR: Okay, Mr. Putnam, or
19 Ms. Putnam.

20 MS. PUTNAM: Rebecca Putnam, Precinct
21 9. I think everyone here should be really
22 appalled over the fact that this Town has lost
23 hundreds of thousands of dollars in the
24 mismanagement. What I would like to know is who

1 is in charge of watching who is selling this
2 metal and carting it out of here. Who is it,
3 though you, Mr. Moderator, if I could get that
4 answer, is supposed to be watching our dollars
5 when it comes to this? And I think Mr. Finneran
6 has made a great point and has brought forward an
7 issue that it seriously, seriously needs to be
8 addressed, especially in this financial, you
9 know, situation that we're - we're getting into.

10 THE MODERATOR: Okay, who's going to
11 answer that one? Mr. Jack, since you're the DPW
12 Director, would you like to address this?

13 MR. JACK: Thank you, Raymond Jack,
14 Precinct 9. There are a number of entities, if
15 you will, and individuals that historically have
16 been involved in it, and that's one of the
17 reasons why there have been numerous requests
18 over the year to consolidate things under a solid
19 waste manager.

20 You do have the Solid Waste Advisory
21 Committee as an advisory body to the Board of
22 Selectmen who recommend policy decisions. I can
23 recommend policy decisions. The Board of
24 Selectmen ultimately have the control and the

1 authority of the facility.

2 When it comes to the transfer station,
3 this is managed by a board of managers which is
4 regional. It is not the Town of Falmouth. We
5 only have representatives on that board, and I
6 know this article is dealing with both.

7 I have the responsibility for the Waste
8 Management Facility, the Highway Department has a
9 share of responsibility, the Engineering
10 Department has a share of responsibility, and if
11 you would wonder, well, why would the Engineering
12 Department be that way? Primarily it was because
13 Mr. George Calise, our former Town Engineer, was
14 very much into solid waste and recycling. So,
15 all of the discrepancies that Mr. Finneran is
16 attributing to the town, a lot of those were
17 programs that the Town developed with Mr.
18 Calise's assistance over the years. That
19 facility itself was designed by Mr. Calise and
20 all the products and protocols that are followed
21 out there came out of that office at that time.

22 We made a number of different
23 improvements and that's the goal, now. We
24 completely restructured how the facility is

1 working. The Town instituted a 2.50 a bag fee;
2 we know that that has to be revisited.

3 From an accounting perspective the Town
4 instituted a whole new software program so that
5 we know who comes into the facility, how many
6 vehicles are coming into the facility, what the
7 value of the Town's contribution to the facility
8 is, and I do not necessarily agree with Mr.
9 Finneran's figures this evening. And I would
10 caution this body to be careful of something like
11 that, because the Board of Selectmen, as well as
12 the Finance Committee and the Solid Waste
13 Advisory Committee, are going to be convening
14 work groups very soon, within the next month or
15 so, to visit all of these big ticket solid waste
16 issues and make a decision as to what you want
17 the future of that facility to be.

18 Once those decisions are made, you can
19 move forward. You can buy a truck if that's your
20 choice. You can have additional people, if
21 that's your choice. I think that this evening,
22 however, you've really heard one side of the
23 presentation and that is Mr. Finneran's view. I
24 don't think that I would necessarily vote based

1 on that tonight, because, as you can see, these
2 are complex issues and they are not as simple as
3 buying a truck and just having a person start
4 driving a truck. There are costs and
5 consequences involved; they have to be thought
6 out very carefully. Thank you.

7 THE MODERATOR: Mr. Anderson, then Ms.
8 Driscoll.

9 MR. FINNERAN: Can I answer that first?

10 THE MODERATOR: No, let's go through
11 the list, here. Mr. Anderson.

12 MR. ANDERSON: In January, I received a
13 call from Mr. Finneran and he asked the Finance
14 Committee to look into the issue as he related in
15 his presentation. There were two concerns that
16 he expressed to me: number one was a concern the
17 Town was not paid for recycled scrap metal, which
18 was apparently removed from the Waste Management
19 Facility during part of the years 2007, 2008, and
20 2009.

21 The second issue he requested or
22 expressed concern over was regarding the
23 significant drop in Waste Management Facility
24 revenue in Fiscal Year 2010 as compared to Fiscal

1 Year 2008. During the ensuing period, two to
2 three weeks after his phone call, I met with
3 several people within the town; in addition to
4 myself, Judy Magnani on the Finance Committee.
5 We met with Mr. Jack, John Lyons, who as the
6 Highway Department has responsibility for the
7 Waste Management Facility, and Kathy Marks of the
8 DPW to review their concerns.

9 On issue number one regarding the Town
10 not being paid for the scrap metal, Mr. Jack
11 related to us that it appears that there was a
12 control problem during a period of 2007 and 2008
13 with respect to a vendor who was charged in
14 contracting for removal of the metals. He
15 acknowledged that there was a period of time
16 where we apparently did not get paid when metal
17 was removed. Mr. Jack has informed us and the
18 Town Counsel that we are seeking reimbursement;
19 that town counsel has written a letter to that
20 vendor. Additional controls have been put in
21 place and we understand and we acknowledge that
22 it's unfortunate that there was that period of
23 time where there was perhaps a control problem.

24 With respect to issue number two

1 regarding the decline in revenues in the Waste
2 Management Facility in 2010 as compared to 2008:
3 there was a drop in revenues. However, the
4 numbers that I was able to discover in talking
5 with the Town Accountant, with talking with the
6 Town Collector, with working with the IT
7 Department to research the numbers, my numbers
8 correlate very closely with Ms. Braziers. I
9 cannot reconcile to Mr. Finneran's numbers.

10 There are indeed - there is a decline in
11 the revenue, but I think that it is - what I
12 found, it is explainable in terms of the
13 implementation and the imposition of the \$2.50
14 bag fee that had a substantial impact on revenues
15 and the volume of trash going to the dump. Also,
16 the changeover, the super sticker was no longer
17 available as of January, 2010; what we found is
18 that people did have an alternative to taking
19 their trash to the dump, and that is curbside
20 recycling and curbside trash pickup. They made
21 an economic decision, in our opinion. They
22 didn't buy dump stickers and they didn't bring
23 their trash to the dump.

24 I wrote a memo of my conclusions, our

1 conclusions to Mr. Putnam as Chair of the Board
2 of Selectmen, Heather Harper as the Acting Town
3 Manager, Mr. Jack, Director of DPW, Mary Alwardt
4 the Town Counsel, and Frank Duffy - excuse me.
5 Mary Alwardt the Town Accountant and Frank Duffy
6 the Town Counsel, and I sent the memo to Mr.
7 Finneran.

8 Mr. Finneran informed me that he did not
9 agree with my conclusions, but my conclusion is
10 that although the two issues appear to be
11 somewhat concerning on the surface, there has
12 been an adequate management response to the issue
13 of the scrap metal during 2008, and logical
14 explanations regarding the reduced revenue in
15 2010. I found no unaddressed problems nor did I
16 find any unexplained or untoward issue with the
17 Waste Management Facility financials for Fiscal
18 Year 2010, and I closed with saying I considered
19 the matter closed from the Financial Committee's
20 perspective. Thank you.

21 THE MODERATOR: Okay, Ms. Driscoll.

22 MS. DRISCOLL: Thank you. Kathy
23 Driscoll, Precinct 7. I am an environmental
24 consultant manager and this is an area that I do

1 work in. I'm also a former member of the solid
2 waste committee. First I want to say that the
3 solid waste committee advisory committee has put
4 in countless volunteer hours collecting this
5 data. Some of the numbers that Mr. Finneran has
6 given you is based on what the Solid Waste
7 Advisory Committee has. It is what the
8 information that the Solid Waste Management
9 Facility is, and also through the DPW.

10 They have recommended having a solid
11 waste manager, a solid waste division here in
12 town. It is something that is needed. It is a
13 large impact for this town. But to just take
14 numbers from phone calls to some local vendors,
15 quality is an issue. When you're talking about
16 scrap metal, it does not apply to white goods,
17 such as dryers and washers and refrigerators.
18 That is a very different category that costs the
19 Town money to get rid of.

20 Scrap metal quality is an issue. What
21 is brought into the Town is a mixture of
22 aluminums and ferros and everything else. You
23 don't get a premium dollar value for that metal
24 when it comes into the facility; it's mixed up.

1 You're not going to get the highest value.

2 The same thing happens with your
3 cardboard. If it gets mixed up with other
4 materials and if you've seen the collection
5 containers at the Solid Waste Facility, people
6 have a tendency to drop whatever they want into
7 those containers and contaminate them. You're
8 not going to get the highest dollar value. In
9 this day, you're going to pay for transportation
10 on anything that you move. The fuel costs a lot
11 of money, whether it's diesel, gasoline, or
12 something else, you're going to pay for
13 transportation.

14 What I ask you is to vote no on this
15 article and allow the Solid Waste Advisory
16 Committee, the Board of Selectmen and the
17 Department of Public Works to work on this issue
18 and really come up with a solid solution.

19 [Applause.]

20 THE MODERATOR: Mr. Dufresne.

21 MR. DUFRESNE: Mr. Moderator, I'd like
22 to call the question.

23 THE MODERATOR: Okay, we have a motion
24 to call the question. This is to close

1 discussion. It requires a two-thirds vote. All
2 those in favor of closing discussion, signify by
3 saying aye.

4 [Aye.]

5 THE MODERATOR: All those opposed, no.

6 [NO.]

7 THE MODERATOR: It is the opinion of
8 the Chair that the ayes have it by a two-thirds
9 majority and the question is called.

10 The question will come on the main
11 motion, Article 23 as presented by Mr. Finneran.
12 All those in favor signify by saying aye.

13 [Aye.]

14 THE MODERATOR: All those opposed, no.

15 [No.]

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

18 We'll stand in recess for 15 minutes.

19 [Whereupon, a recess was taken.]

20 THE MODERATOR: Okay, everyone come
21 forward, we're going to resume with Article 24.

22 Okay, let's go. I don't want to be here
23 Thursday, let's go.

24 Okay, here we go. Where's my tellers?

1 First Division Mrs. Tashiro's here. Third
2 Division Mr. Hampson. Where's Andy? He's still
3 downstairs? Okay, we've got to re-establish
4 this quorum.

5 [Pause.]

6 THE MODERATOR: Okay, we've got all our
7 tellers back. All Town meeting Members present
8 please rise for the re-establishment of the
9 quorum and the tellers will return the count.

10 [Pause.]

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

13 MRS. TASHIRO: 50.

14 THE MODERATOR: 50.

15 In the third division, Mr. Hampson.

16 MR. HAMPSON: 54.

17 THE MODERATOR: 54.

18 In the second division, Mr. Dufresne.

19 MR. DUFRESNE: 84.

20 THE MODERATOR: 84.

21 By a counted vote of 188, we have a
22 quorum and I call the Town Meeting back into
23 session.

24 Mr. Peck?

1 MR. PECK: Mr. MODERATOR -

2 THE MODERATOR: I think the switch is
3 on the bottom. Kind of hold down the bottom.
4 You push it in and just hold it, and then the
5 light -

6 MR. PECK: Thank you. Mr. Moderator,
7 not to extend Town Meeting much longer, but I -
8 you had said that that last vote on the last
9 article that we took, from where you're sitting
10 it sounded like the no's had it. If I could ask
11 for a head count for that article, please.

12 THE MODERATOR: Okay - [Inaudible]

13 MR. PECK: Yeah, by standing, please.

14 THE MODERATOR: Okay, so he's
15 requesting a standing count. Please stand. We
16 need seven folks to request a standing count.
17 One, two, three, four, five, six - a sufficient
18 number having arisen, the question will come on
19 Article 23. This was the article that we just
20 voted on before the break about the Waste
21 Management Facility. All those in favor of
22 Article 23, signify by standing and the tellers
23 will return a count.

24 MS. SIEGEL: [No microphone:] Will

1 you clarify what we're voting on? Because -
2 [Inaudible.]

3 THE MODERATOR: No, no, it's exactly
4 what you just voted on before the break. So it's
5 Article 23, which was presented by Mr. Finneran,
6 and it was dealing with the Waste Management
7 Facility and requesting that the Selectmen hire
8 or appoint managers out there at the facility.

9 So, all those in favor of Article 23,
10 main motion, signify by standing and the teller
11 will return a count.

12 [Pause.]

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

15 MRS. TASHIRO: 23.

16 THE MODERATOR: In the second division,
17 Mr. Dufresne.

18 MR. DUFRESNE: 23.

19 THE MODERATOR: 23.

20 In the third division, Mr. Hampson.

21 MR. HAMPSON: 14.

22 THE MODERATOR: 14.

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

1 [Pause.]

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

4 MS. TASHIRO: 28.

5 THE MODERATOR: 28.

6 In the third division, Mr. Hampson.

7 MR. HAMPSON: 43.

8 THE MODERATOR: 43.

9 In the second division, Mr. Dufresne.

10 MR. DUFRESNE: 60.

11 THE MODERATOR: 60.

12 By a counted voted of 60 in favor and
13 131 opposed, the opinion of the Chair stands; the
14 article fails.

15 **Article 24.** Ms. Schneider.

16 CHAIRMAN SCHNEIDER: Mr. Moderator, the
17 Community Preservation Committee recommends that
18 the Town vote to transfer \$800,000 from the
19 Affordable Housing Development Program Funds into
20 the Falmouth Affordable Housing Fund to be
21 expended in accordance with the guidelines for
22 the Falmouth Affordable Housing Fund, subject to
23 the approval of special legislation creating the
24 Falmouth Affordable Housing Fund, as voted by

1 Article 31 of the November, 2010 Annual Town
2 Meeting.

3 THE MODERATOR: Okay, the main motion
4 on Article 24. Madame Chairman.

5 CHAIRMAN SCHNEIDER: We are simply
6 adding the language "subject to the approval of
7 special legislation" because we have made a great
8 step coming out of committee with a unanimous
9 vote, and we have every hope of having this
10 resolved at the state level sooner than November
11 Town Meeting. So we would like to be able to use
12 this fund, if necessary, before then.

13 THE MODERATOR: Okay, any discussion on
14 Article 24?

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

18 [Aye.]

19 THE MODERATOR: All those opposed, no.
20 The ayes have it unanimous.

21 **Article 25**, Madame Chairman.

22 CHAIRMAN SCHNEIDER: The Community
23 Preservation Committee recommends that the Town
24 vote to transfer \$233,617 appropriated under

1 Article 27 of the 2006 Annual Town Meeting,
2 Article 37 from the April, 2007 Annual Town
3 Meeting, and Article 36 from the April, 2008
4 Annual Town Meeting, for the purpose of the
5 Affordable Housing Retention Program into the
6 Falmouth Affordable Housing Fund, to be expended
7 in accordance with the guidelines for the
8 Falmouth Affordable Housing Fund, subject to the
9 approval of special legislation creating the
10 Falmouth Affordable Housing Fund, as voted by
11 Article 31 of the November, 2010 Annual Town
12 Meeting.

13 THE MODERATOR: Okay, Madame Chairman.

14 CHAIRMAN SCHNEIDER: This time, you're
15 seeing several corrections. One is as of today
16 an accurate amount of money that is currently in
17 the Retention Fund that will, when this is moved,
18 will zero this fund out. And, in order to help
19 the accountant have a paper trail of where that
20 retention money came from, we have listed all
21 three of the Town Meetings where the Retention
22 money was appropriated.

23 So, this is doing some important
24 bookkeeping and being much more accurate today

1 with the dollars that we have.

2 THE MODERATOR: Okay, and further
3 discussion on Article 25?

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

7 [Aye.]

8 THE MODERATOR: All those opposed no.
9 [None opposed.]

10 THE MODERATOR: The ayes have it
11 unanimous.

12 **Article 30.** Chairman of the Board of
13 Selectmen for the main motion.

14 CHAIRMAN PUTNAM: Mr. Moderator, the
15 Board of Selectmen recommend that the Town vote
16 Article 30 as printed.

17 THE MODERATOR: Okay, Article 30 as
18 printed. This was held by Mr. Duffany.

19 MR. DUFFANY: Mr. Moderator, ladies and
20 gentlemen of Town Meeting, Michael Duffany,
21 Precinct 6. Actually I had a PowerPoint that
22 Todd put together that I'm going to forego, it's
23 getting late. I'm just going to try to make my
24 points on this real quick and hope that you'll

1 understand.

2 It's difficult to get before you and
3 speak against green - even though I'm wearing
4 green - it's difficult to talk about being green.

5 The Town of Falmouth I think really is a
6 green community. It's maybe not designated as a
7 green community but it's a very - it's certainly
8 a fairly green community. We all think about
9 energy on a pretty regular basis.

10 What the Stretch Code does is it really
11 - it makes it mandatory that people will abide by
12 certain guidelines in what they call Hertz
13 ratings in the house, which amount to the amounts
14 of the numbers of energy - excuse me, air changes
15 that you have in a house. Most of the homes that
16 we're doing today, we put in air exchanges in
17 them because they are so tight. And it adds
18 anywhere from \$2500 to \$4000 to the cost of a
19 home. It costs about \$900 to have your Hertz
20 rater, you know, involved in the process and then
21 the paper trail and the time that it takes for
22 your builder to deal with that is really, at this
23 point it's immeasurable.

24 And so, for several reasons, I'm going

1 to oppose this.

2 The first thing that I want to touch
3 real quickly on is that the uniformity of the
4 code as it exists today is starting to be eroded
5 again as it was back in the '70's and '80's.
6 When I started in this business in the '70's,
7 there were 300-plus building codes in the state
8 of Massachusetts. You know, today we have one
9 and Stretch, if you will, whether it's Stretch
10 for energy, Stretch for sprinklers, what have
11 you, takes you out of that and becomes less of a
12 uniform code.

13 So, if I go to the Town of Mashpee, I
14 work under a different set of regulations than I
15 do in Falmouth. And it adds costs to the home
16 that a lot of the young folks in this town are
17 not going to be able to afford. We talk about,
18 you know, trying to keep people here. This is
19 not one way to do that.

20 I believe you saw, again, an article in
21 the paper tonight, you know, the Building
22 Department is going to be shortening its hours on
23 us so that we have even less time because they're
24 burdened with additional paperwork and this is

1 going to add another layer of paperwork to them,
2 as well.

3 I certainly agree with the energy
4 improvements that we do in our homes and so
5 forth, but I really feel, and so do many in the
6 building trades, that it ought to be voluntary,
7 it shouldn't be something that is forced upon
8 you. It should be something that you do
9 incentive-wise. You should be able to get money
10 out of the fund, in my opinion, to do it, you
11 know, on your own. As opposed to, You know,
12 having to do it and then the Town getting the
13 money to do what it wants to do with that.

14 I just want to run you through what's
15 happened to the building industry in the last
16 year, and everybody knows that the last three
17 years have been horrible. For most of us, we've
18 been going sideways if not backwards and, you
19 know, we've lost a lot of - a lot of small
20 contractors have gone by the wayside just by the
21 economic situations that we're in.

22 But last year, in January, 2010, we
23 adopted the seventh edition of the building code,
24 and that's, again, it's a uniform code across the

1 state of Massachusetts and that replaced the
2 sixth edition which I knew inside and out. And I
3 don't have a problem with having to learn the
4 seventh edition, but in July we then - the state
5 then adopted the International Energy Code of
6 2009 that it made part of the Massachusetts
7 Building Code. Then in about August they called
8 us all in that we now all have to be registered
9 and certified as remodeling lead removers if you
10 will, remodeling experts that, when you go into
11 your house that's pre-1978, we have to use
12 certain types of techniques in order to renovate
13 and so forth, and of course that comes at
14 additional cost not just to the homeowner but to
15 the builders. You know, it costs us a couple of
16 hundred dollars to do it, a lay person, that sort
17 of thing, to become registered to be able to do
18 that for you.

19 Then in 2011, in January, 2011, we
20 adopted the 8th edition. You know, one year into
21 the seventh, now we adopted the eighth edition,
22 okay? And that's what we're running concurrently
23 now with the seventh edition until I think it's
24 July, and then or even maybe sooner and then

1 we're in the eighth edition and which again
2 brings a whole bunch more restrictions if you
3 will, special tie-down features in homes and a
4 lot of things that just continuously get if you
5 want to call it upgraded, they get upgraded. But
6 that just get imposed upon your local
7 contractors.

8 And then they just instituted another
9 one that you're supposed to have a licensed
10 construction supervisor on all your jobs and that
11 construction supervisor's going to have to now
12 have, if they have an unrestricted license like I
13 do, I'm going to have to have 12 credits in the
14 next three years of continuing education in order
15 to keep my license. So a lot of you folks who
16 had a license who just got one because you were
17 able to sign up under the grandfather clause, get
18 ready, you're going to lose your license unless
19 you want to go back to school.

20 And so you can understand my reason for
21 pushing back on the Stretch, because it takes the
22 2009 IEC, which we adopted last July, and it
23 brings it to a higher standard. And there's no
24 guarantee that this is not going to happen every

1 three years because the International Energy Code
2 gets re-written every three years so that in 2012
3 it'll get re-written again so in '13 we'll
4 expect, as builders we'll expect another increase
5 of 15 or 16 percent in the energy requirements of
6 a new home if we adopt the Stretch.

7 So, it's just - the building industry is
8 just - I say it's under siege. I mean, you know,
9 every time we turn around it's something that you
10 gotta - you have to be licensed for, you have to
11 learn about, you have to impose on homeowners, or
12 you go underground and you don't get a permit and
13 you just do the stuff, on the - you know, sort of
14 on the side. Although, you know, you still have
15 to pay taxes and so forth.

16 So, you know, I'm not telling you
17 anything you don't know. You have to work the
18 system, and it's wrong that we are forced into
19 this situation. And I equate it, real quickly,
20 to the Beach House that we voted down last night.
21 Probably most of us would like to do it, but we
22 can't. It's just not the right time
23 economically, and in the face value there's
24 nothing wrong with the Stretch code, except I

1 don't believe that this is the time for it to be
2 forced down people's throats. I think if you
3 want to do things, you know, energy-wise on your
4 own, incentives should be enough for you.

5 And again, look around the Town of
6 Falmouth, I mean, at the High School we spent
7 \$500,000 through an MTC grant to bring energy
8 upgrades to the school while it was being
9 renovated, okay, within, you know, within the
10 scope of the work. We changed all the light
11 fixtures before they were put in, we bought all
12 upgraded stuff with a half million dollar grant.
13 You know, low flush toilets, energy saving
14 devices, water saver devices, PV panels on the
15 roof, you know, we got about a 30 KW system out
16 of that, which is not all outdoors, but you know,
17 it was a \$500,000 grant that we got through the
18 state; it didn't have to be Stretch in order to
19 get it.

20 So I think the monies are there. I
21 think the people are doing what they need to do
22 and I would just ask you to - I just - this is
23 not the time, and again it's tough to ask you to
24 vote against it but I'm going to ask you please

1 to consider voting against it because it's going
2 to impose as much on yourselves as it is on the
3 builders and I'll stand here before you and tell
4 you that it's not going to adversely impact me as
5 much as it's going to impact a lot because I have
6 people on staff that I've had to bring on in the
7 last few years in order to deal with all this
8 paperwork.

9 A lot of other fellows aren't as
10 fortunate. If you're running a two or three man
11 operation, you're doing it all yourself. And so,
12 when your wife's watching Desperate Housewives on
13 Sunday night, that's what you're doing: paperwork
14 for, you know, to try to make a living.

15 You know? So. Well - and - the point
16 is you're spending all your free time trying to
17 keep up with your business and I just think that
18 this is unfair. So, and I'm sorry if I offended
19 anyone with that comment, so.

20 THE MODERATOR: Mr. Anderson.

21 CHAIRMAN ANDERSON: I'm Gary Anderson
22 speaking for the Finance Committee. Although
23 Articles 22 and 27 in the Annual Warrant and
24 Article 30 in the Special Warrant are not money

1 articles, the Finance Committee has discussed
2 them and wishes to express an opinion to Town
3 Meeting.

4 We're concerned about Article 30 and
5 other articles which are proposing new bylaws or
6 regulations. Many times such articles have very
7 good social intent or environmental intent as the
8 principal motivation. However, what the Finance
9 Committee is concerned about is the seeming lack
10 of analysis regarding the unintended
11 consequences, particularly financial
12 consequences.

13 What financial impact might such
14 regulations or bylaws have on the Town and the
15 taxpayers? We should not get so caught up in the
16 euphoria of what appears logical or emotionally
17 satisfying that we forget the real financial
18 effect on the Town departments, businesses,
19 homeowners and ultimately the taxpayers. Just
20 like the state and federal government, which
21 often requires an environmental impact statement
22 when a group or a homeowner wishes to make
23 changes to the land, we should demand a financial
24 impact statement from anyone proposing new bylaws

1 or regulations. More regulations almost always
2 means more costs due to training, certification,
3 data gathering, data processing, analysis,
4 inspections, enforcement, and a whole host of
5 other activities required to comply with new
6 regulations.

7 Our Building Commissioner, Mr. Gore, has
8 vividly demonstrated the increased workload of
9 his department by showing us the several volumes
10 of regulations which have been added to his
11 department's oversight in just the past few
12 years. We should be cautious and question not
13 the motives or the intent but the financial
14 impact of any new proposed regulation or bylaw on
15 all parties. The Finance Committee asks you to
16 vote no on Article 30 until we have convincing
17 evidence of the financial impact on Town
18 departments, homeowners, businesses and
19 taxpayers. Thank you.

20 THE MODERATOR: Mr. Wilber.

21 MR. WILBER: Hello, Jude Wilber from
22 Precinct 8. And I do agree with Mr. Duffany on
23 this and I do agree with Mr. Anderson on this.
24 This brings me again to one of my pet peeves that

1 has been going on for years, and that is unfunded
2 mandates coming down from people who really don't
3 live here versus our right to home rule and to
4 actually, you know, if we're going to be a green
5 town then we're going to be a green town; it's up
6 to us to be a green community, to bring the
7 bylaws to the town, to initiate these efforts.

8 I'm particularly irked that they would
9 tag this receiving funding to reward early
10 adopter policy. What does that mean, you know?
11 Do they have money there, is that - how much
12 money? Who gets it? You know, I just - I agree
13 thoroughly with Mr. Duffany who's thought this
14 through carefully. Mr. Anderson as always has
15 thought through this carefully. I just can't
16 vote for this and I urge everyone else to not do
17 so, either.

18 THE MODERATOR: Okay, Mr. Gentile and
19 then Mr. Zavalla. Mr. Gentile in the back.

20 MR. GENTILE: Yes, I'm Paul Gentile,
21 the Energy Coordinator in Falmouth. I'd like to
22 talk about the Stretch Code from a different
23 perspective.

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

1 MR. GENTILE: Pardon me?

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

3 MR. DUFRESNE: As a department head, can
4 he come down here, please?

5 THE MODERATOR: Yeah, he's coming down.

6 MR. DUFRESNE: Identify himself.

7 THE MODERATOR: Yeah, he's coming down.

8 MR. GENTILE: A few comments on the
9 Stretch Code. You've probably read my letters
10 over the last couple of weeks in the paper. Mr.
11 Duffany raises some interesting points and some
12 good points; I'd like to address some of those.

13 First of all, I am an energy
14 coordinator, but what really is that? By
15 definition, I coordinate projects that deal with
16 energy. But my main mission is to save each one
17 of you, the taxpayers in Falmouth, money.
18 Because as Mr. Finneran said a few days - a few
19 hours or minutes ago, I'm one of the few places
20 that are actually bringing money into Falmouth
21 through energy projects, which are different from
22 other municipal projects. They have a tangible
23 payback and in most cases they have an incentive.

24 Over the past eight years, Mr. Jack,

1 Heather Harper, Bob Whritenour, Shardell Newton
2 have implemented over 78 energy projects in this
3 town. Eighty percent of those project costs,
4 over \$460,000, were rebated by National Grid or
5 Cape Light Compact. That's real money. Real
6 money.

7 We would like to continue that momentum.
8 We talked in innuendos as far as what does the
9 Stretch Code mean to Falmouth. We need money to
10 implement more energy projects. You see, with an
11 energy project, there's a good chance that we can
12 get state or utility rebates. We can save money,
13 save energy, and that money and that energy
14 that's saved progresses over the life of the
15 project, unlike building a road or playground.
16 So we are, in essence, a little group of people,
17 myself, that is a business operation in Falmouth.
18 We're actually running like a business. And we
19 want to continue that.

20 Implementing the Stretch Code is one of
21 the criteria for achieving Green Community
22 status. A nice term, a nomenclature, but it
23 means more than that. We become one of the 53
24 towns in Massachusetts that's named as a Green

1 Community. Sixty-six towns in Massachusetts,
2 one-fifth of all towns, have implemented the
3 Stretch Code. They're living with the Stretch
4 Code. The Stretch Code is going to change, like
5 Mike said, and the word on the street is it's
6 probably going to get tighter.

7 But why is it going to get tighter? Why
8 did the state come up with the Stretch Code?
9 Because more taxpayers, more homeowners wanted
10 performance-based measures in a code. They
11 wanted accountability, they wanted standards.
12 People wanted tighter homes, they wanted better
13 homes. And where you have better homes, you have
14 an asset for the Town, you have reduced CO2
15 emissions and reduced energy costs.

16 A month ago, I coordinated a forum with
17 state people. It was a positive and negative
18 forum. So we had a chance to listen to both
19 sides. Publicized it in the paper, etcetera.
20 Thirty-five people showed up. Four months ago I
21 developed a survey, a Stretch Code survey. I
22 sent it to all the builders on Eladio Gore's
23 list. I spent hours developing that survey and
24 the meaning of that survey was, or the intent of

1 that survey was, "What do you know about the
2 Stretch Code? What do you want to know? What
3 don't you know?" That's all. Nothing
4 technical, only informational. 168 surveys I
5 sent out. Twelve were returned. Twelve. So
6 there's an interest? Where is the interest? I
7 don't see the interest. I see an occasional
8 whimper here and there. But listen to those
9 numbers.

10 Let's talk about some of the areas of
11 concern. Maybe you've read my letter in the
12 paper. The implementation of the Stretch Code
13 will result in more paperwork. There will be
14 more paperwork. But most of it will be in the
15 hands of the Hertz rater. And remember, that's a
16 performance-based, non-biased person that's going
17 to be evaluating the construction, the energy
18 savings, and really make the homeowner feel like
19 he's a winner.

20 We deserve tight houses. We deserve
21 better-built houses. We deserve houses that are
22 going to affect our economic and energy future.
23 We can guarantee it with the Stretch Code.

24 The Stretch Code is going to be

1 implemented anyway in January of 2013. If this
2 is passed, it will be effective January, 2012.
3 It will give us a one year window. Why do we
4 need that one year window? Well, if we achieve
5 Green Community status, the state will give us
6 right up front in June, 150 to 175 thousand
7 dollars that we can use for energy projects.
8 Right now we have zero. I have to fight for
9 every dollar for every project.

10 We need that money for energy projects
11 because what does the implementation of energy
12 projects do for you? It stabilizes your costs.
13 I can work with the School system, I can work
14 with the Town to stabilize energy costs and you
15 as a taxpayer find one more way to reduce costs
16 and save on taxes.

17 Falmouth spends about between two and a
18 half and three percent of its budget on energy.
19 Significant. We're finally starting to attack
20 that because last year energy dropped four
21 percent in Falmouth, and it's mainly through the
22 work of Ray Jack, Heather Harper, Shardell
23 Newton. Those are the people that wear 55 hats
24 every day that gets something done.

1 Let's talk about other points in the
2 Stretch Code. The changes in the Code will
3 require more education on the part of the
4 contractor. This is good for both the contractor
5 and the homeowner. You, your children, your
6 grandchildren, people moving to Falmouth, are
7 going to get better homes. It enhances builders'
8 competitiveness.

9 A lot of builders are fighting this or
10 on the fence because they think it's going to
11 result in undue work. We're all under pressure
12 of more workload. I've been working for nine
13 months trying to get \$8,000 rebate from Cape
14 Light Compact. I probably spent 30 man hours on
15 paperwork. It's a litigious society. There's
16 more paperwork required from everybody, not just
17 contractors. A smart contractor will say, "I can
18 become more green. My product can be a green
19 house."

20 Results in a more professional builder.
21 Well, with more education, with more incentives,
22 they do result in a more professional builder.
23 We have to remember that this really isn't very
24 much of a stretch anyway, because it's going to

1 be passed in January of 2013 anyway, and the
2 majority of houses in Massachusetts are being
3 built very close to this standard now.

4 Stretch Code compliance creates local
5 jobs. Jobs for Hertz raters, jobs for more
6 marketable contractors, other types of jobs.

7 Minor home renovation such as kitchen
8 and baths are, for the most part, exempt from the
9 Stretch Code.

10 Now, somebody said we don't have real
11 figures. Well, if someone went to that meeting a
12 month or a week ago, in this auditorium, they
13 would have found out from state people, from
14 builders, that there are hard figures on savings.
15 The average homeowner can save 27 to 54 thousand
16 dollars over ten years. Most of the costs of the
17 Stretch Code, \$3-4 a foot, will be easily
18 absorbed within three years by energy savings.
19 Those are the real numbers. Those are real
20 numbers from 66 towns.

21 Let's talk about the homeowner, everyone
22 probably in this room. Increased comfort and
23 health. Consumer protection, how about this one?
24 Third party performance verification of a home.

1 Provides evidence of construction quality,
2 efficiency, and the cost of operation. How many
3 times have we purchased a home or looked at a
4 home, had no idea what the energy costs were
5 going to be? Got in the home and were
6 overwhelmed. Now we develop a system or
7 implement a system that's performance-based.

8 You know, once we introduced the words
9 performance and accountability, a lot of people
10 get a little nervous. But for a lot of people in
11 this room, performance and accountability are
12 part of your lives, and if you can introduce that
13 into the structures we live in, it's going to go
14 a long way in improving the quality of that home.

15 A home with a Hertz rating is going to
16 be easier to sell. If somebody wants to buy your
17 house and they notice the energy efficiency
18 rating, probably it's going to be easier to sell.
19 It's also going to add more awareness for a
20 buyer.

21 Improves Falmouth. Ray Jack talked
22 about the quality of water in a Town. Well, the
23 quality of homes in a Town is important, too.
24 You know, Falmouth built last year, and I'm

1 guessing, here, around 50 new homes. So we're
2 not talking about a real big impact, here, of
3 thousands of homes. We're talking roughly 50
4 homes.

5 Enhances Falmouth's desirability.
6 Because we have good homes, good quality,
7 professional builders.

8 Remember the reason for the Stretch
9 Code: accountability in performance. Sure, a
10 couple years ago we developed the LEED program
11 and we developed the Energy Performance Standards
12 Program; those are awareness programs. But the
13 state wanted to put some teeth, now, into a
14 program, into a set of codes, and this is what
15 we're doing.

16 So it means a lot. It means 150 or
17 175,000 dollars to my department, me, to do
18 energy projects. It also enables us to research
19 and gain money from the state, which we don't
20 have access to now for energy projects. And
21 remember, energy projects: those are the ones
22 that actually stabilize cost in municipal
23 buildings, protect the environment, and for the
24 most part impact you in your wallet.

1 Remember energy and remember the
2 volatility of energy. We want to try to
3 stabilize part of that over the long-term. Thank
4 you.

5 THE MODERATOR: Mr. Zavala. Mr. Clark,
6 I'll put you on the list.

7 MR. ZAVALA: Thank you, Mr. Moderator.
8 Jay Zavala, Precinct 8. The Falmouth Chamber of
9 Commerce recommends indefinite postponement on
10 Article 30. This code, as Mr. Gentile stated,
11 will become law across the state in 2013. We
12 should not place a greater regulatory burden on
13 builders large or small, or greater costs on our
14 homeowners earlier than necessary in this
15 economy.

16 And speaking for a young professional in
17 Precinct 8, a constituent, who said and I quote
18 him, "I'm raising five boys. I want to remodel
19 my home now to accommodate their needs and I want
20 to stay in Falmouth. I can't afford the
21 additional costs imposed by this regulation if it
22 is imposed now." I recommend indefinite
23 postponement to Article 30, thank you.

24 THE MODERATOR: Okay, Ms. Putnam. Then

1 Dr. Clark.

2 MS. PUTNAM: Rebecca Putnam, precinct
3 9. Through you, Mr. Moderator, to the Town
4 Building Inspector, I have several questions.
5 The first question is what is the difference
6 between the new code book seven's efficiency
7 rating and the Stretch Codes? What is the
8 difference between the current code book seven
9 and the Stretch Code's insulation? And what is
10 the difference between the framing of a structure
11 between code book seven and the new Stretch Code
12 that's being proposed?

13 And then, to Mr. Gentile I have a
14 question of what -

15 THE MODERATOR: Let's do these in
16 batches.

17 MS. PUTNAM: Okay, sorry.

18 THE MODERATOR: Do we have somebody
19 from the Building Department on those?

20 FROM THE FLOOR: Not here.

21 THE MODERATOR: Okay. Let's go on to
22 the second set of questions for the Energy -

23 MS. PUTNAM: I think that, since the
24 Building Inspector is not here, these are some

1 major questions that need to be answered, because
2 efficiency ratings were greatly increased by the
3 new code book seven between framing, insulation
4 and the way the homes are rated prior to building
5 through the plans and the windows and the
6 structures, themselves.

7 So, to Mr. Gentile, what are your
8 shovel-ready projects that are slated for this
9 150 to 175 thousand dollars that you're going to
10 receive from the state?

11 MR. GENTILE: That's an excellent
12 question. Because we run like a business, we
13 have to identify projects up front and prioritize
14 those and act on those accordingly. Part of
15 those five criteria I talked about in attaining a
16 Green Community status is through utilizing a new
17 state free system that captures all the energy
18 used in a town. We prioritize our facilities by
19 their energy intensity. We have 12 -

20 THE MODERATOR: With all due respect,
21 Mr. Gentile, the question was what are the
22 shovel-ready projects.

23 MR. GENTILE: Yeah, I'm getting to that
24 the next sentence.

1 THE MODERATOR: Just give us the list,
2 please.

3 MR. GENTILE: We have 12 projects
4 identified. Twelve buildings identified at this
5 point. Twelve - six schools and six municipal
6 buildings that will be addressed using the money
7 from the Stretch Code, or from the Green
8 Communities Act.

9 Let me try to address that first
10 question you had since no one's here from the
11 Building Department. Remember, I'm not a
12 contractor or a builder. I can only say that the
13 Stretch Code is going to tighten up the existing
14 code by 18 to 20 percent.

15 MS. PUTNAM: Do you know what the code
16 book seven's current efficiency rating for each
17 house has to be?

18 MR. GENTILE: No, I don't have that
19 text with me.

20 MS. PUTNAM: It's currently 94 percent
21 efficiency.

22 MR. GENTILE: Uh-huh.

23 MS. PUTNAM: So you're going to
24 increase it by 18 to 20 percent -

1 MR. GENTILE: That's the figure that
2 we've been quoted, 18 to 20 percent. Overall in
3 the code. Overall in the code.

4 THE MODERATOR: Okay, Dr. Clark.

5 DR. CLARK: Peter Clark, Precinct 1.
6 The saying is you have to think globally and act
7 locally. And we look at Libya and we look at the
8 countries in the Persian Gulf and we look at our
9 oil supplies and we look at oil prices going up,
10 and what I know is that the clearest, cleanest,
11 most efficient way to help ourselves with oil
12 need is conservation. So we have an opportunity
13 to act locally in a way that brings money to the
14 Town to help it with projects that will continue
15 to save money over time by making its buildings
16 more energy efficient.

17 Now, I respect Mike and I respect the
18 issues of people have to keep up with paperwork.
19 I learned - and I have to keep up with paperwork
20 in the education department, and it's a pain in
21 the neck. But I think we have an opportunity
22 here to act locally to take a step toward
23 conservation, which is the most ongoing way to
24 tackle our reliance on oil and energy.

1 THE MODERATOR: Okay, Mr. Leaf.

2 MR. LEAF: Steven Leaf, precinct 7. I
3 agree with Mike, Gary, not necessarily Paul.

4 It's, first of all, I don't think I'm
5 going to believe there's any guarantee of money
6 coming from the state; let's be serious.

7 Second of all, it's pretty easy to dump
8 on builders. But there's a lot more to this
9 Stretch Code, my understanding, they're just
10 making builders build a tighter house, and there
11 isn't no builder has an issue with that.
12 Whatever any homeowner would want, we'd be more
13 than happy to do.

14 I do believe there's a big onus on the
15 Town to get more energy efficient vehicles, work
16 on their own buildings and a lot of work the Town
17 has to do before they even get close to this
18 Green designation. If somebody could answer that
19 in a short form, I'd appreciate it.

20 THE MODERATOR: Mr. Gentile, what else
21 does the Town have to do to get the Green
22 designation besides this?

23 MR. GENTILE: We have to install or
24 implement an efficient vehicle policy which we're

1 in the process of doing through the Selectmen and
2 the School Committee. We had to have in place to
3 as of right siting, policies that have already
4 been implemented over the past two years and are
5 on the books.

6 We had to implement this energy
7 information system from the state that I've been
8 working on for seven or eight months in order to
9 provide data to do some of this analysis to
10 identify what energy candidates are out there.

11 And the Stretch Code.

12 THE MODERATOR: Okay, Mr. Moriarty.

13 MR. MORIARTY: Good evening, everyone,
14 my name's Dave Moriarty, precinct 6, and I like -
15 - along with all the other builders in this room,
16 oppose the Stretch Code at this particular time.
17 It's going to be mandated, it's going to be
18 implemented. You've got to give us the chance to
19 get up to speed.

20 We're all hurting. You know, my
21 customers are saying, "What can I leave out?"
22 They're not asking me what can I put in. I wish
23 they were, but they're not. But anyone in this
24 room, if they have some energy efficiency they'd

1 like performed at their home, they can call my
2 company and we'll be right over and we will
3 deliver anything that you would like. We'll
4 spend your money any way you want, because that's
5 the way it should be: it's your money, it's your
6 decision. It's not the state's money; it's not
7 their decision. You make up your own minds.
8 Thank you.

9 [Applause.]

10 THE MODERATOR: Ms. O'Connell. Ms.
11 O'Connell.

12 MS. O'CONNELL: Yes, Maureen O'Connell,
13 precinct 4. I just want to respond to a few
14 things along the lines of what Mr. Moriarty just
15 said. When I hear that we've received as a Town
16 rebates from NStar and National Grid, that's from
17 the people who pay those bills; that's us.

18 When I hear why did the state come up
19 with a Stretch Code? Well, I know why, because
20 that put them in line for federal energy grants;
21 that's our money. So, that's my federal energy
22 pocket. There's my NStar pocket over here.

23 Right now what I'm getting out of green
24 are squiggly light bulbs that don't work well,

1 that don't give me light, that I can't use a
2 dimmer with and I need a Hazmat team when one of
3 them breaks on the floor.

4 This - the Green estimate, you know,
5 what it might add to the person's home in terms
6 of cost, the optimistic end of it is 3,000; the
7 more realistic end from a lot of what I've read
8 from the homebuilders and heard is more like
9 \$10,000. That's a lot of money.

10 I also would like to note I read this
11 morning that those federal energy grant or that
12 federal - my federal energy dollars that have -
13 that we're supposed to be getting back, the
14 federal government has not authorized those
15 grants for this year? That was as of January 1st.
16 Does someone know if those are actually
17 available? Because I'm thinking along the lines
18 of Steve Leaf that I don't think that there's
19 anything there. Our money has been spent
20 somewhere else.

21 And, is Mashpee the only town on the
22 Cape that's actually adopted this Stretch Code so
23 far? Can anyone answer that?

24 FROM THE FLOOR: Yes. Yes.

1 MS. O'CONNELL: It's only Mashpee.

2 FROM THE FLOOR: Yes.

3 MS. O'CONNELL: What are there, three -

4 THE MODERATOR: You're on my list in
5 the center, there, it's a big list. So you don't
6 need to jump.

7 MS. O'CONNELL: And I would like to
8 know, as I asked, through you, Mr. Moderator,
9 does anyone know whether or not the federal grant
10 program has been funded to distribute these
11 funds, our Green Stretch Code funds to the
12 states?

13 MR. PATRICK: We don't have a federal
14 budget yet.

15 THE MODERATOR: Mr. Patrick.

16 MS. O'CONNELL: I'm sorry?

17 FROM THE FLOOR: We don't have a
18 federal budget yet.

19 THE MODERATOR: Mr. Patrick.

20 MR. PATRICK: I'm Matthew Patrick,
21 precinct 7, and I was a state representative when
22 the Green Communities Act passed. That money is
23 a different revenue stream. It doesn't come from
24 federal grants, it comes from utilities that are

1 required to sell so much of their energy in terms
2 of renewable energy. If they don't make that
3 percentage, then they pay a penalty, which gets
4 transferred to the Green Communities Act office
5 at the Division of Energy Resources. They
6 distribute that money to the towns if they
7 qualify.

8 MS. O'CONNELL: So that's from my
9 utility bill that I paid?

10 MR. MATTHEW: Correct, correct.

11 MS. O'CONNELL: Okay, thank you.

12 THE MODERATOR: Okay, Ms. Driscoll,
13 then Mr. Brown.

14 MS. DRISCOLL: Kathy Driscoll, precinct
15 7. Just a clarification on the Green
16 Communities Act. It was, as Matt stated, the
17 actual funds that this is coming from are coming
18 from electrical suppliers, not us. And it's
19 electrical suppliers that don't have -

20 THE MODERATOR: Who's paying the
21 electrical suppliers?

22 MS. DRISCOLL: No, it's electrical
23 suppliers that are deciding that they don't want
24 to get involved in with the renewal energies and

1 the alternative energies. It's a fine that they
2 pay. This is going into the Green Communities
3 Program. It's upwards of ten million dollars
4 that is available to Massachusetts communities
5 only and it's those communities that adopt these
6 standards are eligible for even more monies
7 within this program. It's more than 50 percent
8 of the money, so more than the \$5 million is
9 allotted right now to 53 communities. That's a
10 lot of money for 53 communities. The other 300
11 have to split the last five million.

12 So, for Falmouth to adopt this Stretch
13 Code now, to be adopted January 1 of 2012, okay,
14 almost a year, not quite a year, nine months, and
15 work over the next eight to nine months to put
16 these systems in place so that our builders can
17 work with homeowners, this is for new and major
18 renovations. A major renovation is anything more
19 than 50 percent of a change on your home. It's
20 not a kitchen renovation. It could be a second
21 floor if it's more than 50 percent of your home.
22 Those are the standards that apply with the
23 Stretch Code.

24 So, I think that we can adopt this

1 tonight, we can move forward, act locally, take
2 advantage of \$5 million that is meant for the
3 communities that have adopted this standard.

4 THE MODERATOR: Okay, I'm in the
5 anything new mode, Mr. Brown. Something new?

6 MR. BROWN: Yes. Douglas Brown,
7 precinct 3. And I don't know if people are
8 aware, but there's an Energy Star program out
9 there right now, and if you want an energy
10 efficient home, that's all you got to do, is sign
11 up for that. \$750 fee, you get back three or four
12 thousand dollars towards the work you do on your
13 house. I'm afraid if we start - everyone that
14 starts adopting this, the Energy Star program
15 might fade away, and they also have a program for
16 additions. So, I don't think we really need
17 this.

18 And I saw on the news the other day the
19 towns that have already adopted it, they had a
20 list of what they were getting back, and it was
21 more like thirty or forty thousand. So, I don't
22 know.

23 THE MODERATOR: Mr. Netto, something
24 new?

1 MR. NETTO: There's an important point
2 that I don't think anyone's discussed or brought
3 up here, and that's the life cycle cost of a
4 facility. And yes, 100 percent true that it's
5 going to cost more money to build an efficient
6 facility, whether it be a home, residential or
7 commercial. But that money that you spend up
8 front comes back tenfold over the life of that
9 facility.

10 Now, most people own a home for ten, 20,
11 sometimes even more years. So if you spend 15
12 percent more to construct new now, over the 20,
13 30 year period, you're going to get that back
14 tenfold in better energy efficiencies. And the
15 Stretch Code isn't just about putting in, you
16 know, R-45 insul - an R-45 cavity wall as opposed
17 to an R-19 cavity wall. It goes far beyond
18 insulation. There's many other facets to it.
19 And I think a lot of homeowners know as much
20 about designing and building a home as I know
21 about baking a quiche, and I've never baked a
22 quiche before. So, the Stretch Code is here to
23 benefit the homeowners and pay back over the long
24 run.

1 And I think that the sentiment of this
2 body here tonight, you know, it displeases me in
3 a way because it's almost like telling the auto
4 makers in this country, you know, "You have five
5 more years to increase the mileage on your
6 vehicles," you know, and so they can go continue
7 making their high dollar profits, but yet we as a
8 consumer drive these, you know, 18, 20 mile an
9 hour - 20 mile per gallon vehicles, rather than
10 mandating that they give us better energy
11 efficiency.

12 So, it's a no-brainer in my mind; I hope
13 you think the same way.

14 THE MODERATOR: Okay, Ms.
15 Kanellopoulos.

16 MS. KANELLOPOULOS: I happened to
17 attend a meeting - Barbara Kanellopoulos,
18 precinct 2. I attended a meeting last week and
19 at that meeting was the Mashpee Town Planner and
20 a couple of other local officials. They're
21 delighted with the fact that Mashpee has adopted
22 the Stretch Code, not by Town Meeting but by -
23 adopted by the Selectmen. And one, the Town
24 Planner, did say that they received a large

1 grant, and not only that but it was pointed out
2 to me that jobs are going to be added with this.
3 They'll be the sort of testing that was mentioned
4 can be carried on by other people. So there's
5 the potential for increasing jobs. So I would
6 support this article.

7 THE MODERATOR: Okay, Mr. Alves.

8 MR. ALVES: John Alves, precinct 3. I
9 think we're all being regulated, and you know
10 how, all the way from the national government,
11 the state government and the town. We're just
12 being over-regulated in whatever we do.

13 I'd like to call the question.

14 THE MODERATOR: Let's take a vote on
15 this. We've been a little over an hour; I think
16 all the issues are out. So let's express our
17 desire on this article. Article 30 to adopt the
18 Stretch Energy Code. All those in favor of the
19 adoption, signify by saying aye.

20 [Aye.]

21 THE MODERATOR: All those opposed, no.

22 [No.]

23 THE MODERATOR: All those in favor,
24 signify by standing and the tellers will return a

1 count.

2 [Pause.]

3 THE MODERATOR: In the first division.

4 MS. Tashiro: Eight.

5 THE MODERATOR: In the third division?

6 MR. HAMPSON: 16.

7 THE MODERATOR: 16?

8 MR. HAMPSON: 16, 1-6.

9 THE MODERATOR: 1-6.

10 Second division?

11 MR. DUFRESNE: 38.

12 THE MODERATOR: 38.

13 All those opposed?

14 [Pause.]

15 THE MODERATOR: Third division.

16 MR. HAMPSON: 39.

17 THE MODERATOR: First division.

18 MS. TASHIRO: 45.

19 THE MODERATOR: 45.

20 Second division?

21 MR. DUFRESNE: 49.

22 THE MODERATOR: 49.

23 By a counted vote of 62 in favor and 133

24 opposed, the article does not pass.

1 **Article 32**, Mr. Chairman.

2 CHAIRMAN ANDERSON: Mr. Moderator, I
3 move that all articles approved at this Town
4 Meeting be funded as voted for a total of
5 \$2,722,316.47, and that the Board of Selectmen be
6 requested to place a question on the May, 2011
7 Town Election ballot as voted in Article 6.

8 THE MODERATOR: Okay, you've all heard
9 the main motion: \$2,722,316.47. All those in
10 favor, signify by saying aye.

11 [Aye.]

12 THE MODERATOR: All those opposed, no.

13 [None opposed.]

14 THE MODERATOR: The Ayes have it
15 unanimous. Mr. Chairman.

16 CHAIRMAN ANDERSON: Mr. Moderator, I
17 move the April, 2011 Special Town Meeting be
18 closed.

19 THE MODERATOR: Okay, you've all heard
20 the main motion to close the Special Town
21 Meeting. All those in favor, signify by saying
22 aye.

23 [Aye.]

24 THE MODERATOR: All those opposed, no.

1 [None opposed.]

2 THE MODERATOR: The Ayes have it
3 unanimous and the meeting is adjourned.

4 Okay, we're going to go back and re-
5 establish a quorum. We're going to go back into
6 the Annual and we actually have some language
7 changes that we're going to need.

8 MS. O'CONNELL: Mr. Moderator, I'm
9 going to make that motion that I made last night
10 one more time.

11 THE MODERATOR: There is no meeting in
12 session right now, therefore motions are out of
13 order. We have to establish a quorum and convene
14 a meeting and I will be convening the Annual Town
15 Meeting.

16 All Town Meeting Members present please
17 rise for the establishment of a quorum.

18 And if you'll bear with me, I'd like to
19 get some language changes done before we take a
20 motion to adjourn. Try to clean up a couple of
21 language issues we had in some articles that went
22 through on the blanket vote last night. So, if
23 we can clean those up tonight.

24 In the third division, Mr. Hampson.

1 MR. HAMPSON: 56.

2 THE MODERATOR: 56.

3 In the first division.

4 MS. TASHIRO: 50.

5 THE MODERATOR: 50.

6 In the second division?

7 MR. DUFRESNE: 84.

8 THE MODERATOR: 84. By a counted vote
9 of 190, we have a quorum and the Annual Town
10 Meeting is back in session.

11 The Chair would recognize the Chairman
12 of the Finance Committee for a reconsideration an
13 Article 18.

14 CHAIRMAN ANDERSON: Mr. Moderator, I
15 move reconsideration of Article 18.

16 THE MODERATOR: Okay, Article 18, this
17 was the engineering and design and construction
18 repair and modifications to the sewer system. In
19 the main motion, there was the wrong section of
20 state law quoted for the Proposition 2 ½
21 exclusion. So what we'd like to do is reconsider
22 and just make a one letter change and then
23 dispense with that article.

24 MR. HAMPSON: Motion to reconsider.

1 THE MODERATOR: So, the motion to
2 reconsider has been made. All those in favor of
3 reconsidering, please say aye.

4 [Aye.]

5 THE MODERATOR: All those opposed, no.

6 [None opposed.]

7 THE MODERATOR: The ayes have it. Mr.
8 Chairman for the main motion.

9 CHAIRMAN ANDERSON: Mr. Moderator, I
10 recommend - I move Article 18 as recommended,
11 with the following change. If you go to the
12 third line from the bottom of the recommendation,
13 it starts with, "this appropriation from the
14 provisions of Proposition 2 ½, under the
15 provisions of M.G.L. Ch. 59, sec. 21C"; please
16 change the letter in parenthesis to "k" rather
17 than "j".

18 THE MODERATOR: Okay, any discussion on
19 the main motion? Hearing none, the question will
20 come on the main motion. All those in favor,
21 signify by saying aye.

22 [Aye.]

23 THE MODERATOR: All those opposed no.

24 [None opposed.]

1 THE MODERATOR: Unanimous.

2 Okay, Article 17 -

3 MS. O'CONNELL: [No mic:] Mr. Moderator.

4 THE MODERATOR: She got the cue.

5 MS. O'CONNELL: I got such wonderful
6 feedback from last night, I'm going to do it one
7 more time.

8 Mr. Moderator, I'd like to move
9 adjournment until tomorrow.

10 THE MODERATOR: Okay, we have a motion
11 to adjourn. All those in favor, say aye.

12 [Aye.]

13 THE MODERATOR: Opposed, no.

14 [No.]

15 THE MODERATOR: The ayes have it by a
16 majority and we'll be adjourned until 7:00
17 tomorrow.

18 [Whereupon, this night ended.]

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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 Town Meeting, taken by me on April 5, 2011. To the best of my ability the within transcript is a complete, true and accurate record of said Town Meeting.

In witness whereof, I have hereunto set my hand and Notary Seal this 2nd day of June, 2011.

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

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