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COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

SPRING TOWN MEETING

Memorial Auditorium
Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR: David T. Vieira

Monday, April 2, 2012

7:00 p.m.

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THE MODERATOR: Okay, would all Town Meeting Members present please come forward, take your seats and check in. Attendance is being taken this evening by the Falmouth League of Women Voters. I want to remind all Town Meeting Members that attendance will be published in the Falmouth Enterprise.

I want to thank FCTV for broadcasting our live gavel to gavel coverage of Town Meeting. We're now being broadcast on the Government Channel, Channel 15. I remind all Town Meeting Members each time you speak to identify yourself by name and precinct.

I remind all Town Meeting Members you must be sitting in front of the two signs in the aisle that say "Town Meeting Members Only" in order for the tellers to count your votes this evening.

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

Would all Town Meeting Members present

1 please rise for the establishment of a quorum and
2 the tellers will return a count.

3 [Pause.]

4 THE MODERATOR: I see many of the Town
5 Meeting Members have name tags on tonight. This
6 was an initiative that came out of Precinct 8.
7 Jude and Elizabeth Wilber made the name tags and
8 they are available if you didn't get one and
9 would like one up in the lobby of the auditorium.
10 So I want to thank Jude and Elizabeth in Precinct
11 8.

12 [Applause.]

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

15 MRS. TASHIRO: 48.

16 THE MODERATOR: 48.

17 In the second division, Mr. Dufresne?

18 MR. DUFRESNE: 85.

19 THE MODERATOR: 85.

20 And in the third division, Mr. Hampson?

21 MR. HAMPSON: 68.

22 THE MODERATOR: 68.

23 By a counted vote of 201 members, we
24 have a quorum and I call the Annual Town Meeting

1 into session.

2 All rise for the presentation of the
3 colors by Cub Scout Pack 41 East Falmouth.

4 THE MODERATOR: Please follow me in the
5 pledge of allegiance.

6 [Pledge of Allegiance taken.]

7 THE MODERATOR: At this time, we'll
8 have the National Anthem, by the Falmouth Town
9 Band Brass Choir.

10 [National Anthem played.]

11 THE MODERATOR: At this time I'd
12 recognize Andy Dufresne for our invocation.

13 MR. DUFRESNE: Heavenly Father, may our
14 meeting this evening be not only an exercise of
15 care and concern for our community and its
16 residents, but also an example of how a community
17 can agree and disagree and still be a community.
18 We ask that you watch over and protect our
19 families, our community, our nation and our
20 world. May your gift of peace become a reality
21 for all. Amen.

22 THE MODERATOR: Colors post. Cub
23 Scout Pack 41 from East Falmouth.

24 [Applause.]

1 THE MODERATOR: And the Falmouth Town
2 Band Brass Choir.

3 [Applause continuing.]

4 THE MODERATOR: A few announcements.
5 With us this evening, my colleague in the State
6 House of Representatives, Representative Tim
7 Madden is with us here tonight. And also we have
8 the Senate President Therese Murray is with us
9 tonight. Welcome.

10 [Applause.]

11 THE MODERATOR: Back when I was in Cub
12 Scout Pack 41 each spring we used to go down
13 Route 28 and participate in the annual Spring
14 Cleanup. And there was a poster out in the
15 lobby. I'm going to allow Leslie Lichtenstein to
16 make an announcement about the town-wide cleanup.
17 And I want to thank the individual who got me
18 involved with that cleanup when I was young, and
19 she's done this for I think over 30 years: Jane
20 Abbott, thank you for your tireless efforts on
21 the cleanup.

22 [Standing Applause.]

23 THE MODERATOR: Leslie, do you want to
24 make a comment about how this is going to work

1 this year?

2 MS. LICHTENSTEIN: April 21st to the
3 28th, let's get together and clean up Falmouth.
4 Because Earth Day falls during this week, we
5 decided we would be good doobies and not give you
6 each another piece of paper flyer to feed into
7 the recycling bin.

8 So, in lieu of that, please check out
9 the poster out in the front and look at the area
10 coordinators and if you don't recognize anybody
11 you're welcome to call me or Louise or of course
12 Jay at the Chamber - he sleeps there, he never
13 goes home. And, any questions? Give us a call.

14 Take a look at the nice people who have
15 volunteered to give bags for it and all of the
16 places that will be handing out the bags. And
17 yes, if you collect bags, the dump is not giving
18 us a \$2.50 fee when we take them to dump them
19 off.

20 Thank you and I hope everybody gets out
21 and helps clean up the town.

22 THE MODERATOR: Thank you, Leslie. At
23 this time, I'll recognize the Chairman of the
24 Finance Committee to make an introduction. Mr.

1 Chairman.

2 CHAIRMAN ANDERSON: Good evening, I'm
3 Gary Anderson. Seated to my right is Tony
4 Torrissi, retired Finance Director for the Town of
5 Andover, Massachusetts. Tony is currently an
6 associate from the Edward Collins Center for
7 Public Management with the University of
8 Massachusetts. Tony's been helping the Finance
9 Committee pull together information for the
10 Fiscal Year '13 budget and for this Town Meeting.
11 We appreciate his help and guidance.

12 We're also very aware of the exceptional
13 work of our former administrator, Jill Irving
14 Bishop, that she did for us over the past seven
15 years. Jill, our best wishes for your continued
16 success in your new role as Director of the
17 Counsel on Aging.

18 [Applause.]

19 THE MODERATOR: At this time, I'd like
20 to start with the dispensing of the reading of
21 the warrant. Madame Chairman.

22 CHAIRMAN FLYNN: Mr. Moderator, I move
23 to dispense with the reading of the warrant
24 except for the Officer's Return.

1 THE MODERATOR: Okay, you've all heard
2 the main motion to dispense with the reading of
3 the warrant except for the Officer's Return. All
4 those in favor, signify by saying Aye.

5 [Aye.]

6 THE MODERATOR: All those opposed, No.

7 [None opposed.]

8 THE MODERATOR: The Ayes have it
9 unanimous.

10 At this time, I'll read the Officer's
11 Return. By virtue of this warrant, I have this
12 day notified and summoned the inhabitants of the
13 Town of Falmouth qualified to vote on Town
14 affairs, as said warrant directs, by posting an
15 attested copy thereof in Town Hall and in every
16 precinct in the Town. Signed, Constable Jim
17 Crossen. And Jim is with us tonight as our
18 constable at the meeting.

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

21 At this time, the Chair would entertain
22 a motion for non-Town Meeting Members to sit up
23 front with their respective boards and
24 committees. So moved. All those in favor,

1 signify by saying Aye.

2 [Aye.]

3 THE MODERATOR: All those opposed, No.

4 [None opposed.]

5 THE MODERATOR: The Ayes have it
6 unanimous.

7 At this time, the Chair would entertain
8 a motion for Town employees who are not residents
9 of the Town the right to speak on any issue
10 before this Town Meeting. So moved. All those
11 in favor, 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.

17 At this time, I'll recognize the
18 Planning Board for a notification of public
19 hearing.

20 MS. KERFOOT: In accordance with
21 Chapter 40A, Section 5, Massachusetts General
22 Law, and Article 43 of the Falmouth Zoning Bylaw,
23 public hearings were held on January 31st, 2012 on
24 Articles 7, 8 and 9 for the Annual Spring Town

1 Meeting and all those who wished to speak were
2 heard.

3 THE MODERATOR: Okay, as we start, I
4 want to briefly go over the Rules that are on the
5 last page of the warrant booklet.

6 One of the new rules that we announced
7 from the Rules Committee at last Town Meeting is
8 that the opening presentations of any article
9 will be limited to 15 minutes. If the presenters
10 decide they'd like more than - or need more than
11 15 minutes, they will request a specific amount
12 of additional time from Town Meeting and it will
13 take a two-thirds vote to extend the time of the
14 opening presentation.

15 The Rules: Number one, Speaking and
16 Voting. Registered voters, residents and
17 taxpayers of the town may speak on any article in
18 the warrant. Persons who are not voters,
19 residents or taxpayers of the town may address
20 the meeting only with the consent of a majority
21 of those present. Only Town Meeting members may
22 vote.

23 Motion and Amendments. Motions and
24 Amendments may be made only by Town Meeting

1 Members. Two Amendments will be accepted on any
2 article. Long or complicated Motions, and other
3 Motions which he shall so request, shall be
4 presented to the Moderator in writing.

5 Reconsideration. Reconsideration will
6 be allowed at any time during the meeting if the
7 article does not involve the appropriation of
8 money. If the article involves the appropriation
9 of money, notice of reconsideration must be given
10 within 30 minutes of the vote on the article.
11 Reconsideration may then be allowed at any future
12 time. The Moderator shall determine if the vote
13 to reconsider is in order. Motions for
14 reconsideration must be based on substantially
15 new information not available to the Meeting at
16 the time of the original debate. The motion to
17 reconsider is not debatable.

18 Our hours of operation, the first night
19 are seven p.m.; subsequent nights start at 7:00.
20 We'll close at eleven o'clock unless Mr. Hampson
21 makes a motion for us to stay, and you approve it
22 by a 2/3rds vote.

23 Okay, we're going to use a blanket vote
24 tonight. And, as soon as we do that, we'll come

1 back and have our committee reports and officer
2 reports.

3 So, as we go through the warrant, I'm
4 going to go through quickly and read a brief
5 description of the article. If you would like to
6 hold it, please stand up and yell, "Hold" so we
7 can make a note of it.

8 After I go through the entire warrant
9 reading just a brief description, I'll run
10 through the warrant a second time just reading
11 the numbers. And then we will entertain a motion
12 from the Finance Committee to approve all
13 articles as recommended that were not held as the
14 official action of the Town Meeting.

15 And if you look up at the board here on
16 either side, you'll notice that there are some
17 label changes for maps in the back of the warrant
18 booklet. The map in the back of your booklet
19 labeled Article 22 should be Article 32.

20 The map that is labeled Article 24
21 should be Article 34. The map labeled Article 35
22 should be Article 26. And the map labeled
23 Article 36 should be Article 9. The articles
24 were assigned to those maps before the Selectmen

1 set the final warrant where some of the numbers
2 were changed, so that was the discrepancy.

3 Article 1 is a hold to choose necessary
4 officers. Article 2 to hear reports of
5 committees and officers is a hold.

6 Article 3 --

7 FROM THE FLOOR: Hold.

8 THE MODERATOR: Hold.

9 Article 4, to authorize the Board of
10 Selectmen to apply for and accept state and
11 federal grants.

12 FROM THE FLOOR: Hold.

13 THE MODERATOR: Hold.

14 Article 5, to fix the salaries of
15 elected officials.

16 Article 6, to authorize the continued
17 use of revolving funds.

18 Article 7, to vote a building permit
19 moratorium on windmills, deleting the word May
20 1st, 2012 and inserting May 1st, 2013.

21 FROM THE FLOOR: Hold.

22 THE MODERATOR: Who's holding this?

23 Article 8, vote to rezone 28 Nathan
24 Ellis Highway. The Planning Board recommendation

1 is indefinite postponement.

2 Article 9 --

3 FROM THE FLOOR: Hold.

4 THE MODERATOR: Article 10, the
5 International Association of Firefighters Local
6 1397, the recommendation is indefinite
7 postponement.

8 The contract for American Federation of
9 State, County and Municipal Employees Local 1636;
10 the recommendation is indefinite postponement.

11 The Laborer's International Union of
12 North America AFL-CIO Local 1249, the
13 recommendation is indefinite postponement.

14 Article 13, this is for the Falmouth
15 Public Library, Massachusetts Laborer's District
16 Counsel, the recommendation is indefinite
17 postponement.

18 Article 14, increases for Technical,
19 Administrative, Management and permanent
20 employees, the recommendation is indefinite
21 postponement.

22 Article 15, Code of Falmouth --

23 FROM THE FLOOR: Hold.

24 THE MODERATOR: - is a hold.

1 Article 16 --

2 FROM THE FLOOR: Hold.

3 M: - is a hold.

4 Article 17, vote to amend the Town's
5 Position Classification Plan in the Department of
6 Public Works.

7 Article 18 is a hold.

8 Article 19, to vote to create a Health
9 Insurance Stabilization Fund.

10 FROM THE FLOOR: Hold.

11 THE MODERATOR: Hold.

12 Article 20, to create a Capital
13 Improvement Stabilization Fund.

14 FROM THE FLOOR: Hold.

15 THE MODERATOR: Hold.

16 Article 21 is a hold by the Finance
17 Committee.

18 Article 22, is a hold. This is the
19 budget.

20 Article 23 --

21 FROM THE FLOOR: Hold.

22 THE MODERATOR: Hold.

23 Article 24, pass a resolution to support
24 the updated bottle bill. The recommendation is

1 indefinite postponement.

2 MS. LOWELL: Hold.

3 THE MODERATOR: Hold, Ms. Lowell.

4 Article 25, to vote to adopt a
5 resolution on the Citizens United and FEC
6 decision. The recommendation is indefinite
7 postponement.

8 FROM THE FLOOR: Hold.

9 THE MODERATOR: Article 26, to vote to
10 appropriate the sum of \$123,976.87 from the
11 Community Preservation Fund and the
12 recommendation is indefinite postponement.

13 Article 27, vote to support the Board of
14 Selectmen's plan of action to mitigate adverse
15 impacts and optimize the operation of the Town
16 owned wind turbines. The recommendation is
17 indefinite postponement.

18 Article 28, to request the Moderator to
19 appoint a five member committee to investigate
20 and recommend to Town Meeting remedial action at
21 the filtration plant. The recommendation is
22 indefinite postponement.

23 FROM THE FLOOR: Hold.

24 THE MODERATOR: Article 29 -

1 FROM THE FLOOR: Hold.

2 THE MODERATOR: Hold.

3 Article 30, administrative expenses.

4 This is to appropriate the sum of \$149,000 from
5 the Community Preservation Estimated Receipts.

6 Article 31 -

7 MR. ALVES: Hold.

8 THE MODERATOR: Mr. Alves.

9 Article 32, to transfer the sum of
10 \$368,500 from the Waterways Reserve Fund to
11 repair the Tides bulkhead.

12 Article 33, to vote to transfer the sum
13 of \$57,333 from Certified Free Cash as the Town's
14 share of the Federal Assistance to Firefighters's
15 Grant to purchase basic firefighter Safety
16 ensemble.

17 Article 34, to appropriate a sum of
18 money for the purpose of repair and modernizing
19 the Ellen T. Mitchell Beach Administration
20 Building. The recommendation is indefinite
21 postponement.

22 FROM THE FLOOR: Hold.

23 THE MODERATOR: Somebody hold? Okay.

24 Article 36, to vote to amend Chapter 178

1 Scenic Roads of the Code of Falmouth.

2 FROM THE FLOOR: 35.

3 THE MODERATOR: Thirty-five, sorry.

4 Thirty-five, vote to amend Chapter 178, the
5 Scenic Roads of the Code of Falmouth.

6 Article 36, vote to repeal Chapter 213,
7 Article 5, Sections 213-13 through and including
8 213-22 of the Code of Falmouth relative to Open
9 Air Parking lots.

10 FROM THE FLOOR: Hold.

11 THE MODERATOR: Article 37, to rescind
12 the acceptance of General Law Chapter 148,
13 Section 56 relative to the licensing of open air
14 Parking spaces. Hold.

15 Article 38. Article 38 is to fund all
16 the other articles; that's a hold.

17 Sometimes the blanket gets us out of
18 here earlier.

19 Article 1 is a hold. Article 2 is a
20 hold. Article 3 is a hold. Article 4 is a hold.

21 Article 5. Article 6.

22 Article 7 is a hold.

23 Article 8.

24 Article 9 is a hold.

1 Article 10. Article 11. Article 12.
2 Article 13. Article 14.
3 Article 15 is a hold. Article 16 is a
4 hold.
5 Article 17.
6 Article 18 is a hold. Article 19 is a
7 hold. Article 20 is a hold. Article 21 is a
8 hold. Article 22 is a hold. Article 23 is a
9 hold. Article 24 is a hold. Article 25 is a
10 hold.
11 THE MODERATOR: Article 26.
12 Article 27.
13 FROM THE FLOOR: Hold.
14 THE MODERATOR: Article 28 is a hold.
15 Article 29 is a hold.
16 Article 30.
17 Article 31 is a hold.
18 Article 32.
19 FROM THE FLOOR: Hold.
20 THE MODERATOR: Who's holding this one?
21 Right there, okay.
22 Article 33.
23 Article 34 is a hold.
24 Article 35.

1 Article 36 is held. Article 37 is held.
2 Article 38 is held.

3 Mr. Chairman for the main motion.

4 CHAIRMAN ANDERSON: Mr. Moderator, I
5 move that all articles that have been passed and
6 not held be and hereby are adopted as recommended
7 as the official action of this meeting, and that
8 the necessary monies for the same shall be raised
9 and appropriated, or as otherwise specified.

10 THE MODERATOR: Okay, you've all heard
11 the main motion to vote the blanket as
12 recommended. All those in favor, signify by
13 saying aye.

14 [Aye.]

15 THE MODERATOR: All those opposed, no.

16 [None opposed.]

17 THE MODERATOR: The ayes have it
18 unanimous.

19 Mr. Chairman.

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

23 THE MODERATOR: Okay, notice of
24 reconsideration has been served.

1 Article 1, to choose all necessary
2 officers in accordance with nominations. This is
3 for the Finance Committee.

4 We have five slots that are coming up
5 for the standard reappointment and the Nominating
6 Committee is nominating the incumbents: Fran
7 Connolly, Weatherly Dorris, Steve Fassett, Paul
8 Sellers, and Susan Smith. And we have two
9 positions that had temporary replacements,
10 replacing longtime members Dan Shearer and Matt
11 Murphy; we have Peter Giacomozzi and Nick Lowell.

12 And at the end of this Town Meeting a
13 longstanding member of the Finance Committee will
14 be stepping down, Andy Dufresne, and we have Tom
15 Bradley to fill Mr. Dufresne's slot. Brady, Tom
16 Brady, sorry. Tom Brady.

17 Mr. Chairman.

18 CHAIRMAN ANDERSON: Mr. Moderator, I'd
19 like to take a moment to recognize someone very
20 special. One of our longest-serving, most
21 passionate and dedicated Finance Committee
22 members has decided to retire from the committee.
23 Andy Dufresne has been a Finance Committee member
24 for the better part of 25 years. Those of you

1 who have talked with Andy and me know that we
2 share a personal characteristic, and that is:
3 we're sometimes wrong, but never in doubt.

4 Andy has a huge affection for this town,
5 unmatched debating skills, and a passion for what
6 he believes in. He has served our committee and
7 this community very faithfully and lovingly for a
8 long, long time.

9 Thank you, Andy, from all of your past
10 and current colleagues on the FinCom as well as
11 the many friends and grateful taxpayers all
12 throughout Falmouth.

13 THE MODERATOR: Thanks, Andy.

14 [Standing applause.]

15 THE MODERATOR: At this time the Chair
16 would open nominations. Are there any further
17 nominations for the Finance Committee?

18 [No audible response.]

19 THE MODERATOR: Hearing none, the Chair
20 would entertain a motion to close nominations.

21 FROM THE FLOOR: Moved.

22 THE MODERATOR: So moved. All those in
23 favor of closing nominations, signify by saying
24 aye.

1 [Aye.]

2 THE MODERATOR: All those opposed no.

3 [None opposed.]

4 THE MODERATOR: The ayes have it
5 unanimous.

6 The question will now come on the
7 nominations as presented. All those in favor
8 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 Article 2, Mr. Chairman.

15 CHAIRMAN ANDERSON: Mr. Chairman I move
16 Article 2 as printed.

17 THE MODERATOR: Article 2 as printed.
18 This is to hear reports of committees and
19 officers. At this time the Chair would recognize
20 the Senate President Therese Murray, for an
21 officer report.

22 SENATOR MURRAY: Good evening. Thank
23 you for inviting me this evening. I know that
24 you have a lot to do here tonight, so I'm going

1 to be extremely brief.

2 I want to thank my colleagues,
3 Representative Madden and Representative Vieira,
4 and Moderator Vieira, and the Board of Selectmen:
5 Pat, Melissa, Kevin, David and Brent, and Town
6 Manager and Assistant Town Manager Julian Suso
7 and Heather Harper for your leadership and hard
8 work.

9 Things have not been easy for anyone
10 these last few years at any level of state
11 government. But we must remember, as gradual as
12 our economic recovery has been, we are doing
13 better than most other states. And I know
14 there's been a lot of conflicting information
15 lately about our economic growth, but the fact
16 remains our unemployment rate has come down
17 steadily. We currently stand at 6.9%,
18 significantly below the national unemployment
19 rate. And this is our lowest unemployment rate
20 since December of '08.

21 Additionally, we have a healthy
22 stabilization fund, with a currently projected
23 end of fiscal year balance of \$1.58 billion. We
24 also received an upgrade last fall in our bond

1 rating from Standard and Poor's because we fully
2 fund our pension system, bringing our rating to
3 AA-Plus. Now, along with A Plus Minus from Fitch
4 and AA-One from Moody's, Massachusetts has the
5 highest set of ratings ever from all three
6 international agencies and we do better than most
7 Western European countries.

8 [Applause.]

9 SENATOR MURRAY: This is good news,
10 because the higher our bonding rating is the
11 lower it costs us to borrow, which means our
12 capacity for local infrastructure improvements
13 increases.

14 But good things are not just happening
15 at the state level. They are also happening in
16 our cities and towns. I have always supported,
17 along with your reps, support local aid
18 distribution early in the budget season, so
19 municipalities can establish their own budgets,
20 and our work at the legislature is working hard
21 to reach that agreement, and I can assure you
22 that the amount for Falmouth will be no less than
23 the Governor's recommendations of \$4,846,696 in
24 Chapter 70 funding and \$1,087,838 in unrestricted

1 government aid.

2 I was able to join a few of you a few
3 months ago to celebrate the success of receiving
4 a land grant for the Little Pond parcel from the
5 state's Executive Office of Energy and
6 Environmental Affairs, and while it may not feel
7 right now that we're coming out of this
8 recession, I can assure you that we are.

9 We're also number one in the country,
10 our children are number one in the country in
11 math and science. And you can thank your
12 teachers for that.

13 [Applause.]

14 SENATOR MURRAY: We need to concentrate
15 on positive developments and keep our recovery
16 going. We have frozen unemployment insurance
17 rates to avoid significant hike in premiums for
18 our businesses, saving employers more than \$400
19 million statewide next year. We've addressed our
20 finances by requiring performance reviews at all
21 of our state agencies.

22 We began debate on a bill last week in
23 the senate that many of you may have questions
24 about: our electricity cost containment

1 legislation. The primary goal of that is to
2 ensure we have clean energy policies that are
3 advanced in the most cost effective way. The
4 high cost of electricity in Massachusetts
5 continues to be a significant barrier to job
6 creation, with local businesses consistently
7 identifying the cost of energy as one of their
8 top concerns. And the bill requires the
9 Executive Office of Energy and Environmental
10 Affairs to issue a report every three years on
11 estimated or actual ratepayer costs and benefits.

12 The bill also requires gas and electric
13 companies to file rate cases at the DPU every
14 three years, while prohibiting the DPU from
15 authorizing more than one rate case settlement in
16 any six year period. And, by the way, the rate -
17 we have not had a rate hearing in the NStar
18 district for 25 years.

19 So I want to make it very clear this is
20 not a siting bill. Nothing in this bill changes
21 any siting standards or guidelines.

22 I know that all of you have some very
23 difficult decisions ahead of you tonight in the
24 next few days, so I'll end simply by saying it is

1 my great pleasure to serve as your state senator
2 and represent you on Beacon Hill and I promise my
3 continued support and assistance to all of you in
4 the years to come. Thank you and good luck with
5 your deliberations.

6 [Standing applause.]

7 THE MODERATOR: Thank you, Madame
8 President.

9 Next up we have a Charter Review
10 Committee report. Mr. Stumcke.

11 MR. STUMCKE: Good evening. Tonight,
12 I'd like to give you a brief update on the
13 Charter Review Committee consisting of the seven
14 members you see depicted on the board and plus
15 our ex-officio member Frank Duffy.

16 Our Charter is now over 20 years old and in
17 spite of two earlier reviews, it's still in the
18 eyes of some needs updating. Again, I'd like to
19 reiterate that we cannot change the form of
20 government, but we can suggest improvements to
21 the existing Charter. Article C 9 of the Charter
22 gives us that mandate.

23 At last November's Town Meeting, we
24 handed out a questionnaire to all members when

1 they checked in at - with the attendance takers.
2 We then asked you to fill out the questionnaire
3 and give us some feedback. The full report is on
4 the Town's website under Department/Charter
5 Review Committee.

6 Some of the results are tabulated on
7 this slide. As you can see, the article which
8 received the most attention was Article 3, the
9 Selectmen. And, not surprisingly, the vast
10 majority who responded found Town Meeting
11 functions well.

12 Next slide. To date, we have
13 interviewed all the Selectmen individually, the
14 Moderator and Assistant Town Manager amongst
15 others. We will be interviewing our new Town
16 Manager next week. We have developed the public
17 survey using the same format we did for the Town
18 Meeting questionnaire. So if you didn't get a
19 chance to fill out the Town Meeting
20 questionnaire, here's your opportunity to give us
21 some input.

22 We will have forms in Town Hall, the
23 town libraries, and other popular venues in town.
24 And, in addition, we intend to put it online.

1 And lastly, we have been reviewing some
2 of the previous committees' reports to see how
3 they handled various articles.

4 On Thursday, April 26th at 7:00 p.m., we
5 will be holding our first public meeting in the
6 Herman Room at the Public Library. We urge any
7 Falmouth resident to attend and hope he or she
8 will offer suggestions on how to improve the
9 operation of Town government through the Charter.
10 We don't want this to be a complaint session, but
11 one that will offer positive improvements to the
12 Charter.

13 As you can see, we've got a full plate
14 between now and September, as we have to
15 assimilate all the data we've been receiving over
16 the last few months. Then we have to develop
17 warrant articles for next fall's Town Meeting.
18 In order to meet the first part of September's
19 submission deadline, we've got to really have
20 most of our work done by September. It's a
21 challenge we've signed up for and so we've got
22 our work cut out for us.

23 The last slide puts the schedule in
24 perspective. You can always communicate with us

1 at charterreview@falmouthmass.us or can attend
2 one of our meetings. The meetings are posted in
3 Town Hall, the Enterprise and online under
4 Charter Review Committee.

5 Thank you and we look forward to your
6 valuable input.

7 THE MODERATOR: Okay. Next up I have
8 the Falmouth Committee, Chairman Moffitt.

9 CHAIRMAN MOFFITT: Hello, my name is
10 Rebecca Moffitt, and I'm Chair of the Falmouth
11 School Committee. On behalf of the Falmouth
12 School Committee, I'd like to inform Town Meeting
13 that the School Committee, at their meeting of
14 March 27th, 2012, we voted to reduce the proposed
15 FY '13 Falmouth School Department Budget to a
16 total of \$40,811,144. This total is now in line
17 with the budget that is being recommended by the
18 Finance Committee.

19 The School Committee has had ongoing
20 discussions with the Finance Committee and the
21 Town Manager, and we've been very clear in our
22 discussions that we have cut our budget to the
23 bare bones just to meet that one percent increase
24 that has been prescribed by the Town Manager.

1 And, we plan to return in the fall to Town
2 Meeting for supplemental budget.

3 The goal of the School Committee
4 continues to be to provide all of the students of
5 Falmouth the best possible education. The
6 proposed FY '13 Budget represents a one percent
7 increase over FY '12, our spending levels, and
8 this marks the first time since FY '09 that the
9 School Department has had an increase. We see
10 this as one of the positive steps in our fiscal
11 recovery.

12 Thank you for your ongoing support of
13 public education and from the Falmouth School
14 Department.

15 THE MODERATOR: Okay, next up, Board of
16 Selectmen. Chairman Flynn.

17 CHAIRMAN FLYNN: Good evening, Town
18 Meeting Members and those residents of Falmouth
19 who are here tonight and who might be listening
20 at home. I have one less page than the Senate
21 President, so it shouldn't take as long.

22 Tonight I wanted to speak to you about
23 some of the challenges that the Town has faced
24 this past year and the strengths that were

1 demonstrated by those engaged in meeting those
2 challenges.

3 When Brent Putnam spoke at last April's
4 Town Meeting, I thought it was a very good idea,
5 well done, and appreciated by Town Meeting
6 Members. Until I realized that it was now my
7 turn.

8 In talking about the hiring of the Town
9 Manager, there were two major challenges, and the
10 first was providing Heather the support she
11 needed to meet the demands of Town government and
12 for the Board to comply with the new open meeting
13 law governing the hiring of a town manager,
14 specifically with the Board as the screening
15 committee or at least two members of the
16 screening committee. Because the committee could
17 not interview in executive session, which
18 protected the privacy rights of the candidates.

19 So with the guidance of our consultant
20 and the final screening committee, the diligent
21 oversight of our Town Counsel Frank Duffy, and
22 Assistant Town Counsel Pat Harris, and the
23 commitment of the Board of Selectmen to both
24 challenges, the outcome is better than we

1 anticipated and they are all sitting right behind
2 me.

3 The new fire chief. It is not very
4 often when there are openings at the highest
5 level of the Fire Department - that it is unusual
6 that there are openings at the highest level.
7 The Town is very pleased that with the good
8 succession planning and having an individual who
9 worked very hard to acquire the education and the
10 skills needed for the position, we could promote
11 from within. In most instances, that is the
12 preferred path and the Selectmen were very happy
13 to approve the appointment of Mark Sullivan as
14 chief of the Fire Department.

15 With regard to budgeting. In years
16 past, local receipts were almost always available
17 for the Town to continue to fund the Capital Plan
18 and keep up with maintenance and improvement of
19 our infrastructure. In 2005, we began to see a
20 continuing decline in these revenues, and to this
21 day there has been no significant rebounding.
22 Falmouth never has received much in state aid,
23 but that too has decline considerably.

24 In addition to using monies from our

1 reserves, we were also taking specific steps to
2 decrease spending through various means, as
3 furloughs, no COLAs, not routinely filling vacant
4 positions, and not spending on equipment and some
5 supplies. Through it all we maintained our bond
6 rating of double A plus.

7 You can be very proud of your staff for
8 the strength they demonstrated in meeting these
9 challenges. Union and non-union employees
10 together helped make this happen. For Fiscal
11 Year 2013 we are recommending new Stabilization
12 Funds with designated amounts to begin
13 maintaining reserves for the future.

14 I want to give exceptional recognition
15 to the Finance Committee under the strong and
16 capable leadership of Gary Anderson. The
17 committee has maintained the strong fiscal
18 policies of the Town, resulting in overall fiscal
19 health. I know they miss their very able and
20 competent budget assistant Jill Bishop, as she is
21 now actively engaged in bringing programs,
22 education and true joy to many of our seniors at
23 the Senior Center.

24 When it comes to working together, the

1 purchase of the Teaticket Park by the 300
2 Committee with a major grant from the state and a
3 big assist from the Town, was so important in
4 providing that outdoor space for residents of
5 East Falmouth. These collaborative efforts are a
6 hallmark of how we work together to make good
7 things happen for the town. And the same
8 recognition can be given to the CPC for the
9 acquisition of Little Pond.

10 Two other areas where collaboration is
11 continuing are the Falmouth Youth Hockey Rink,
12 where construction is ongoing, and the Falmouth
13 Service Center that is in the planning stages to
14 increase its available space to meet the
15 increased needs of our citizens affected by the
16 downturn in the economy.

17 Energy and the environment have a
18 significant place in the Selectmen's Strategic
19 Plan.

20 The Water Quality Management Committee
21 is very ably addressing water quality and
22 wastewater planning. Their commitment is no less
23 than exceptional as they take up the
24 Comprehensive Wastewater Management Plan which

1 will soon be ready for a trip to the state. They
2 are also preparing to test alternative treatment
3 options for reducing nitrogen in our bays and
4 estuaries.

5 The Energy Committee with the assistance
6 of the Energy Coordinator Paul Gentile has put
7 together programs that reduce energy used by Town
8 and School buildings. The design plan for a
9 filtration system at Long Pond is proceeding on
10 schedule. You may remember that this \$800,000
11 Capital exclusion passed on the ballot last April
12 with a wide majority.

13 Open Cape, a nonprofit corporation, is
14 completing the construction of a fiber highway on
15 Cape Cod. This will be completed by January,
16 2013, and will enable all towns, schools,
17 libraries, police and fire departments and other
18 municipal buildings to connect to each other and
19 share information. It will create jobs and will
20 forever change the way we live and work on Cape
21 Cod.

22 The Charter Review Committee you heard
23 from, and they're great.

24 After the May election, the Selectmen,

1 Town Manager and Assistant Town Manager will
2 review together the strategic plan. When that
3 review is completed, it will be shared with the
4 community, Town boards and committees, with the
5 goal of making it the living document it needs to
6 be.

7 Not all of our challenges are in this
8 report. Ahead of us are solid waste, in its many
9 forms; town beaches and harbors, energy
10 resources, community development, leadership and
11 public trusts. The Board of Selectmen is
12 committed to these community values and to work
13 with you in achieving them, and we truly
14 appreciate your willingness to be elected and to
15 be members of the Falmouth Town Meeting. Thank
16 you.

17 [Applause.]

18 THE MODERATOR: Okay. Any further
19 reports?

20 Chairman of the Finance Committee.

21 CHAIRMAN ANDERSON: Good evening.
22 That's a hard act to follow. This Town has done
23 an awful lot, a tremendous amount of good work,
24 and I congratulate you all.

1 I'm pleased to report that our Town is
2 making good progress toward financial stability.
3 I first want to look back at the problems we were
4 facing only a few short years ago and what we've
5 done to attack them. Then we'll look ahead to
6 see the opportunities we have to solve some of
7 the remaining issues. And I'll end with some
8 thoughts about the development of a new model
9 that will be crucial to help us deal with what
10 we're calling the new normal for Falmouth.

11 About a year ago the Finance Committee
12 presented a series of five articles in the
13 Enterprise which identified a number of pressing
14 financial issues. In late 2008, our nation
15 became alarmed with the bursting of the housing
16 bubble, the dramatic decline in the stock market,
17 the rising unemployment rate and banking and
18 manufacturing crises that were disrupting the
19 financial markets. With those fiscal troubles in
20 the national and state economies, the Finance
21 Committee raised the red flag of warning for our
22 own local economy. We urged caution and
23 restraint for upcoming budgets, but the fiscal
24 damage inflicted on our town was even worse than

1 anticipated.

2 By the end of Fiscal Year '09, we knew
3 we had significant problems. The state cut our
4 local aid and local receipts revenue dropped
5 precipitously, creating a deficit the likes of
6 which this Town hasn't seen for decades, if ever.

7 Salary and benefit costs were spiraling
8 upward. Our reserves were spent down to
9 dangerously low levels. Our debt load was
10 increasing. Moody's lowered our bond rating a
11 notch and S&P put us on warning. We realized we
12 had unfunded liabilities in the pension and
13 health care plans which exceeded \$160 million.
14 Wow. There were a lot of problems to deal with.
15 But we did it, one by one.

16 The Finance Committee, Town leaders,
17 department heads and Town Meeting Members sought
18 and implemented changes that are beginning to
19 have a positive impact on our Town's financial
20 situation. Budgets were cut and held virtually
21 level for three years. The state legislature
22 boldly changed laws to reduce the rate of
23 increase in the cost of health care and pension
24 benefits.

1 At the same time, the Town instituted
2 furloughs and held off the cost of living
3 increases. We began to rebuild our Stabilization
4 Fund. We defined and established a strategy to
5 address our Capital Budget. Those courageous
6 actions by everyone haven't solved all of our
7 problems, but as a Town, we've come a long way,
8 Baby. Great job.

9 That's the good news. Of course, there
10 are still more challenges, but at this Town
11 Meeting and for the next several years, we have
12 the opportunity to make decisions which will help
13 secure Falmouth's financial future.

14 We have a new town Manager in place, and
15 now is the time to redefine our financial
16 objectives and determine how to achieve them.

17 You might ask: What more is there to do?
18 A lot. The most important thing we must
19 understand is that whatever we thought was
20 fiscally normal for the last decade, isn't going
21 to return.

22 Here is the new normal. As a town, we
23 must adapt to living within our means. We must
24 find ways to increase efficiency and improve

1 services. We must hold down and even decrease
2 operating costs. We must grasp the concept that
3 more debt and higher taxes will be difficult for
4 taxpayers to accept. We must find ways to
5 better communicate and justify to taxpayers the
6 spending of their tax dollars. And, perhaps the
7 most important of all, we must innovate and
8 reinvent our services.

9 To start us in this direction, we are
10 recommending that Town Meeting take additional
11 steps to make Falmouth even stronger fiscally.
12 We're proposing significant increases in our
13 Stabilization Funds to protect against future
14 unanticipated financial downturns. We're
15 recommending setting aside substantial dollars
16 for Capital Budget which will be presented this
17 next fall. We've proposed limited increases in
18 Operating Budgets. We're suggesting changes to
19 the Town's management structure to provide better
20 financial guidance. And we're taking steps to
21 acknowledged and deal with our huge health care
22 unfunded liability.

23 All of these actions will benefit
24 Falmouth in many ways. This isn't something

1 we'll do only once at this town Meeting. This is
2 all part of the new normal.

3 We need to manage our Town's finances
4 like we manage our personal budgets. We can't
5 have everything we want. We must plan ahead,
6 make difficult decisions and live within our
7 means.

8 One of the very clear elements of the
9 new normal is constant change. It's very
10 apparent that things around us are changing
11 rapidly. As a Town, we must also change and
12 adapt. Some of us, like me, don't like change
13 very much. But if we don't embrace change, plan
14 for it, and make it happen, inevitably it will be
15 imposed on us, and very possibly in ways we won't
16 like. We can't let ourselves become the
17 dinosaurs or the buggy whip of the future.

18 So how do we deal with this rapid pace
19 of change and make it work in our favor? We are
20 sitting in the middle of an outstanding example
21 of what I'm talking about. This is Lawrence
22 School, one of 18 schools in the entire
23 Commonwealth that is earning the distinction of
24 an Innovation School and it's well into its

1 charter of redefining its purposes and reforming
2 its practices.

3 Let's look at what they did and their
4 process might apply to other areas of the Town.
5 Principal Nancy Taylor and her staff determined
6 that the old education model at the school wasn't
7 getting the desired results, and there was
8 dissatisfaction with the status quo. Armed with
9 information, clear objectives and measurement
10 tools, they receive approval from the
11 Superintendent and the School Committee to move
12 forward.

13 I have to admit, here's one of the best
14 parts for me. Now, I had conjured up and
15 imagined a conversation between the
16 Superintendent Mark Dupuis and Principal Nancy
17 Taylor. As Nancy was leaving Mark Dupuis' office
18 with the go-ahead, the Superintendent said, "Oh,
19 Nancy, one more thing: you get to do this with no
20 budget increase." Isn't that guy great?

21 She and her staff took on the challenge
22 of how can we do more without asking for more
23 money. A five year plan was created and the
24 school was given more autonomy from the state and

1 flexibility in terms of staffing and scheduling.
2 The emphasis was on visualizing something new and
3 taking a risk to try something different. She
4 encouraged staff to say, "I see this need. How
5 can we do this better?" In her own words, Nancy
6 pointed out, "Innovation grows on itself. It's
7 infectious. Creativity and ideas are being
8 unleashed."

9 What a fabulous concept. Instead of
10 doing the same thing over and over the same way
11 and expecting a different result, the Lawrence
12 School is identifying problems and changing its
13 service model.

14 Then I asked the key question: do you
15 think this innovation concept can be replicated
16 elsewhere in Town departments? Nancy's answer
17 was an emphatic: Yes. All it takes is
18 leadership, problem identification, and a
19 willingness to take a risk and try something
20 different.

21 Innovation is one of the key principals
22 of the new normal. Some of the current service
23 models, the way we deliver Town services, are
24 outdated or broken. They result in our taxpayers

1 receiving a lower level of customer service and
2 satisfaction. Many services are too labor
3 intensive or require too much overtime. Some
4 simply have too little value relative to the
5 cost.

6 Each department needs to find those
7 things which are not working well and change
8 their service model.

9 Here's some questions that should be
10 asked by all departments in our town: are
11 taxpayers satisfied with the services they are
12 receiving? Can personnel be used more
13 effectively? Can redundancy be eliminated? How
14 can we better use new technology? Can
15 regionalizing or outsourcing improved service
16 save money?

17 Not all of these thoughts will lead to a
18 plan to make our future better, and there will be
19 some voices resisting these changes, but we must
20 always ask ourselves: is this the best way to
21 deliver our services or are we just doing this
22 this way because it's the way we've always done
23 it?

24 We can unlock the creativity of our

1 department heads and employees, but we have to be
2 willing to try, and keep trying. This town and
3 its employees have such great potential and a
4 huge opportunity. It's not just about saving
5 money; it's about excellence. It's about risk-
6 taking and Principal Nancy Taylor is the one to
7 ask.

8 We can all learn from the Lawrence
9 School experiment in innovation. We need to ask
10 more of ourselves. We should have high
11 expectations of our employees, department heads,
12 the Town Manager and Board of Selectmen. Now is
13 the time to ask the best of our leaders. By
14 embracing the new normal, Falmouth will continue
15 its success well into the future. We have the
16 potential to be a leader in innovation on the
17 Cape and, with it, bring financial stability to
18 our great town. Thank you.

19 [Applause.]

20 THE MODERATOR: Okay. The question
21 will come on the main motion to accept hearing
22 all the reports. All those in favor, signify by
23 saying aye.

24 [Aye.]

1 THE MODERATOR: All those opposed no.

2 [None opposed.]

3 THE MODERATOR: The ayes have it
4 unanimous.

5 Article 3. This is to authorize the
6 Board of Selectmen to settle claims and suits.
7 Mr. Chairman.

8 CHAIRMAN ANDERSON: Mr. Moderator, I
9 move Article 3 as printed.

10 THE MODERATOR: Okay, as printed. Ms.
11 Davis held this.

12 MS. DAVIS: I like the innovation
13 speech, by the way. And a little aside: I think
14 there's tremendous opportunity here and in the
15 town to move forward and I agree there's some
16 great signs surfacing, so, as we move along here.

17 This question, Mr. Moderator, through
18 you to Mr. Duffy. I'd like to just preface my
19 specific question by a few comments. Taxpayers
20 are concerned about the costs of litigation and
21 settlements that involve the Town as a defendant.
22 They're also concerned about the nature of those
23 cases that are brought to court.

24 Questions about are these cases related

1 to decisions made by our regulatory boards, such
2 as the Board of Appeals or the Conservation
3 Commission. Are some of these cases related to
4 an individual who feels that he or she's personal
5 rights, civil liberties and Constitutional rights
6 have been denied? Do some of these cases
7 involve actual failure to comply with the law as
8 we saw in the boiled water issue? And do other
9 cases involve elected officials, appointed
10 officials and town employees that often bring
11 issues of failure to perform, incompetence
12 perhaps, and negligence?

13 These are real concerns for the taxpayer
14 because they involve money on several levels.

15 I would suggest wholeheartedly, and I
16 will follow-up, on a review of the last five
17 years of these cases and the amount of money
18 spent. I think only when we get a perspective,
19 we get the information, can we get a perspective
20 on how to improve and move forward with less
21 legal problems and financial headaches.

22 Specifically my question is to you, Mr.
23 Duffy: knowing that the amount of money in the
24 legal budget for claims and settlement for Fiscal

1 Year 2012 is \$6,750 and also knowing that for the
2 projected budget in Fiscal Year 2013 it is \$750,
3 if these pending cases find the Town responsible,
4 where will the money come from? That's my
5 question. Thank you.

6 THE MODERATOR: Mr. Duffy.

7 MR. DUFFY: Well, the vast majority of
8 lawsuits that are brought against the Town of
9 Falmouth do not involve money. They result
10 because of either a denial or a grant of a permit
11 by the Conservation Commission or the Board of
12 Appeals or the Board of Health or Planning Board
13 or a decision of the board of Selectmen for
14 example on a liquor license, so on and so forth.
15 These are resolved and they're litigated and we
16 get a decision of the court which usually does
17 not require the payment of money.

18 We do have cases that occasionally
19 result the payment of money. Most of those go
20 through the Town insurance company. They're
21 settled by the insurance company with the
22 approval of the Board of Selectmen and the claim
23 is paid by the insurance company. There is a
24 deductible under our policy which we have to pick

1 up, but that's relatively small.

2 As far as any judgment goes, if we have
3 a judgment, a monetary judgment against the Town
4 of Falmouth that is not covered by a budgetary
5 item, we would report it to the Board of
6 Selectmen and under Massachusetts General Laws
7 they have the right to put that revenue on the
8 tax rate for the following year.

9 Now, we have not suffered very many
10 monetary judgments. I'm not going to say we
11 have not suffered any; that's not true. But we
12 have suffered very few over the years. And, as
13 far as the defense costs go, most of the suits
14 that we're involved in are defense suits. We are
15 defending Town boards and we are defending Town
16 employees. We do that within the budget for our
17 office, and it doesn't involve the expenditure of
18 any extra money.

19 Now, I submit to the Town every year a
20 report of all the suits and claims and I report
21 all of the suits and claims that are settled
22 within the past reporting period which is the
23 fiscal year. It's in the Town Report. And I am
24 open to discuss that with anybody who would like

1 to review any of these cases, and if that's what
2 the Town and the Board of Selectmen would like me
3 to do, you'll find we're very cooperative. Thank
4 you.

5 THE MODERATOR: Okay. Further
6 discussion on Article 3? Hearing none, then the
7 question will come on the main motion as printed.
8 All 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 Article 4, Mr. Chairman.

15 CHAIRMAN ANDERSON: Mr. Moderator, I
16 move Article 4 as printed.

17 THE MODERATOR: Okay, as printed. This
18 is to authorize the Board of Selectmen to apply
19 for and accept state or federal grants. Who held
20 this one? Oh, Mr. Chairman.

21 CHAIRMAN ANDERSON: Town Meeting
22 Members, the Finance Committee asked that this
23 article be held, not because we are opposed to
24 grants, but because we think a more rigorous

1 attention to this article and the process
2 required of it is important.

3 Precinct 8 and 9 had a discussion about
4 this article and they likened some of the grants
5 to the receiving of a free puppy. There's
6 sometimes a long commitment and future expense
7 that's involved. We believe Town Meeting Members
8 and taxpayers deserve an understanding of future
9 costs and that the Finance Committee be informed
10 before the acceptance of these grants if there
11 are future costs that are likely to be incurred.

12 To our knowledge, at least in the last
13 six to seven years, we have not been informed of
14 any grants that are going to be received as it
15 relates to any future costs that might be
16 involved. We only wish to bring this to the
17 attention to Town Meeting and we would like the
18 Board of Selectmen to comply with what is
19 required in this article. Thank you.

20 THE MODERATOR: Okay, further
21 discussion on Article 4? Mr. Shearer.

22 MR. SHEARER: Dan Shearer, Precinct 6,
23 and I agree with Mr. - our Chairman of the
24 Finance Committee, a very hard working man.

1 I would like to know what a public
2 hearing is. I went to the Selectmen's meeting, I
3 think it was two weeks ago, when this was brought
4 up and discussed and it was sort of told that,
5 yes, we have - we do this at a Selectmen's
6 meeting. I tried to obtain the floor and I was
7 refused, to say that - to ask this question: what
8 is a public hearing? Thank you.

9 THE MODERATOR: Anybody want to define
10 what a public hearing would be under Article 4?

11 Mr. Duffy?

12 MR. DUFFY: The Article reads that
13 there shall be a public hearing. The question
14 was asked not too long ago by others what that
15 meant, and I suggested that to comply with this
16 article the Selectmen should make an agenda item
17 of the particular matter; that if there is a
18 grant that they're applying for, then it should
19 be identified and it should be on the agenda and
20 discussed.

21 It's not a hearing like a liquor license
22 hearing, for example, where you have to identify
23 abutters and send notices and publish notices in
24 the newspaper. That's also a hearing, but

1 that's not the same type of hearing. It's been
2 my opinion that so long as the Selectmen hold a
3 hearing and identify the subject on the agenda,
4 then you've complied with this article.

5 THE MODERATOR: Mr. Shearer.

6 MR. SHEARER: Well, under the Open
7 Meeting Law, you don't have to hear from the
8 audience. I would think that a public hearing
9 should be, in our town government, that if you're
10 discussing something that's going to cost the
11 taxpayers money all around, and as important as
12 that, it should be that there can be discussion
13 from the floor. And our Selectmen don't believe
14 that is true. Thank you.

15 THE MODERATOR: Any further discussion
16 on Article 4? Yes.

17 FROM THE FLOOR: A question. It says
18 that the hearing should be held before acceptance
19 of such grant. So am I right in concluding that
20 this is not necessary before the application for
21 a grant, but only acceptance, thus if a grant is
22 made before the Selectmen would sign the
23 contract? Because some grants are very
24 competitive, with short time windows, and it may

1 not be clear whether or not the Town is even
2 going to get the grant or know the precise
3 amount. So it may make sense before the grant is
4 accepted, that is before the Town would sign the
5 contract, but not before, necessarily, the grant
6 would be applied for.

7 MR. NIDOSITKO: Mr. Moderator, could
8 the speaker be identified?

9 MR. MCCAFFREY: Oh, I'm sorry. Charlie
10 McCaffrey, Precinct 5.

11 THE MODERATOR: Okay. The way this is
12 worded, it says "acceptance", so.

13 MR. MCCAFFREY: Thank you.

14 THE MODERATOR: Madame Chairman.

15 CHAIRMAN FLYNN: Mr. Moderator, in my
16 years on the Board of Selectmen, I recall many
17 instances where either department heads or
18 chairmen of various committees would come before
19 the Board to notify the Board that they were
20 interested in applying for certain grants. And
21 one grant that really sticks out in my mind was
22 the Substance Abuse Commission, who applied for a
23 \$675 or 70,000 grant, and came before us to
24 explain the grant, its purpose, how it would

1 affect the Town and how it would be helpful to
2 the Town, and we did vote to support them in that
3 application. And when they received the grant,
4 they came back and also told us of the reception
5 of the grant, how they were going to apply those
6 funds, and over a particular period of time
7 because it was a multi-year, it was a multi-year
8 grant.

9 There have been, and I don't recall all
10 of them, I didn't go back through the minutes to
11 look, but I know there were many times when
12 individuals who were applying for grants came to
13 the Board. I can't say that it happened in every
14 single instance, but the Board is aware of the
15 concern of the Finance Committee and the concern
16 of others in the town, and we want to make sure,
17 through a policy, that any grants that are
18 applied for that the - and accepted, that there
19 are two steps to it: to come before the Board to
20 discuss the grant and to come back before the
21 Board if they have - if in fact they have
22 received the grant.

23 And then, in each and every instance,
24 communicate to the Finance Committee any grants

1 that are being considered. And I think it's a
2 way to improve the communication, which is really
3 what people want, they want to - you want to be
4 informed and the Finance Committee wants to be
5 informed; we all do, really. And so we just want
6 to make sure that any town department heads or
7 those on boards and committees make sure that the
8 Board of Selectmen is part of the process.

9 THE MODERATOR: Okay. Ms. Hayward.

10 MS. HAYWARD: Nancy Hayward, Precinct
11 5. I'm a member of the Falmouth Historical
12 Commission. As far as committees and commissions
13 are concerned, it was my understanding if we were
14 to have a hearing, this meant that we had to
15 advertise in a local-type publication of general
16 reading and that we had to advertise twice, and I
17 don't know what the time frame is on that.

18 So when I see "hearing", I presume it
19 has some legal implication. I believe when dock
20 hearings are held by the Board of Selectmen, I
21 think some of those have advertisement. So,
22 "hearing" is being used here, so I don't know
23 whether we need a different word, or whether we
24 need a firmer definition of the term. Thank you.

1 THE MODERATOR: Mr. Wilber.

2 MR. WILBER: Jude Wilber, Precinct 8.

3 As a sort of categorical guy, I see a number of
4 things bouncing around up there.

5 First is their clear request by the
6 Finance Committee that there be greater
7 communication between the Board of Selectmen and
8 the Finance Committee concerning these financial
9 matters. I think the gift puppy analogy is a
10 pertinent one. So that would be one issue that I
11 think needs to be addressed and I think it could
12 be addressed very easily.

13 The second is this matter of a public
14 hearing, and I'm not sure if that's the right
15 word, but my understanding was, was at least when
16 I was chairing public hearings on the Planning
17 Board, you spoke and we didn't. That is, we took
18 input and the only job that the chairman had was
19 to say, "Is there anything new?" And that was a
20 chance for the public to express their concerns
21 about gift puppies and other things like that.
22 It was then incumbent on the board to take this
23 information and discuss it and consider it and
24 come back with a response or a plan of what they

1 were to do.

2 It seems to me that public hearing has a
3 fairly standard definition and if the word is
4 going to be used in that fashion, it has to be
5 followed in that fashion. Thank you.

6 THE MODERATOR: Okay, further
7 discussion on Article 4? Yes, Ms. O'Connell.
8 Microphone here to my left or you could just
9 stand.

10 MS. O'CONNELL: Mr. Moderator, Maureen
11 O'Connell, Precinct 4. I'm just kind of a little
12 - I need a little more clarification, maybe. Mr.
13 Duffy said that it was his suggestion that this
14 whole hearing thing be a part of a regular
15 Selectmen's Meeting as an agenda item, which
16 would give them, the public, an opportunity to
17 comment and so on, as in regular Town board
18 meetings, is that correct?

19 THE MODERATOR: Well, if the chair of
20 the Board of Selectmen allows public comment. I
21 don't know if that's - Madame Chairman?

22 CHAIRMAN FLYNN: Well, that was the
23 opinion of Town counsel. That's the way the
24 Selectmen have handled it over the years. It has

1 always been an agenda item. And I think I can
2 say for the Board as long as I've been on the
3 Board that the financial considerations of any
4 expectation that the town would be responsible
5 for any continuance of the parts of the grant
6 that would require Town funds, the Selectmen are
7 always very cognizant of that.

8 The one grant that I always remember
9 that required a significant financial impact on
10 the town was the COPS grant, where the federal
11 government said, "We will give you 8, 10, 15, 5,
12 or 6 cops for three years and we'll pay for them,
13 but after the three years, you own them." And
14 most towns never did take that because of the
15 huge financial impact when the three years ended.
16 The Town - this town did not do that.

17 So we're very cognizant of the fact that
18 when we listen to departments or whomever, or
19 applicants for grants, that there will be no
20 responsibility on the part of the Town to
21 continue any activities beyond the expiration of
22 the grant.

23 MS. O'CONNELL: Thank you, Mary Pat.
24 I'm clear on that, Mr. Moderator. I'm just

1 wondering so this - I can assume, then, that when
2 I'm looking at Selectmen agenda items that the
3 discussion about grants would be a regular agenda
4 item from here on based on this warrant article?

5 CHAIRMAN FLYNN: They are, is that
6 correct?

7 THE MODERATOR: As they come. I mean,
8 I wouldn't - I mean, they're not applying for
9 grants every week or every two weeks.

10 MS. O'CONNELL: Well, yes.

11 THE MODERATOR: But when they come up,
12 yes.

13 MS. O'CONNELL: So I'll see them as an
14 agenda item. Thank you.

15 THE MODERATOR: Okay, any further
16 discussion on Article 4? Yes, Mr. Johnson.

17 MR. JOHNSON: Leonard Johnson, Precinct
18 5. We have still not received a yes or no answer
19 to the issues raised by Mr. Shearer and by Mr.
20 Wilber: will public comment be permitted at a
21 hearing under this Article? Thank you.

22 THE MODERATOR: Madame Chairman.

23 CHAIRMAN FLYNN: Well, I believe that
24 on most every agenda item we allow public

1 comment. If the Board is discussing its own
2 policy, there are times when there are policy
3 discussions by the Board where either public
4 comment had taken place prior to that final
5 night, but in most instances, I don't think - I
6 don't recall a time when we have not permitted
7 anyone from the public to speak on any issue
8 before the Board.

9 FROM THE FLOOR: [Whistles. Laughter.]

10 THE MODERATOR: So, so, on a - I guess
11 --

12 MS. FLYNN: Unless --

13 THE MODERATOR: - we want a yes or no
14 answer so that we're not here all night. Next
15 time you have a grant application and you have a
16 hearing, are you going to allow the public to
17 talk, yes or no? Because this question's been
18 asked three times. Madame Chairman, yes or no?

19 CHAIRMAN FLYNN: Say that again.

20 THE MODERATOR: Next time you have a
21 hearing under this article for - in a grant, will
22 the public be allowed to comment at the meeting,
23 yes -

24 CHAIRMAN FLYNN: Yes.

1 THE MODERATOR: Thank you. Mr. Braga.

2 MR. BRAGA: Thank you, Mr. Moderator.

3 To Mr. Shearer, I want you to know that I

4 understand what you're saying. And to everyone

5 in this room, I actually have spoken to Gary

6 Anderson about this issue.

7 This article is here every year.

8 There's been a grant came in once recently; I

9 heard about it. Not one of us knew about it --

10 we're supposed to know about it - called pay as

11 you throw. I've asked twice where the grant came

12 from, who signed off on it, and I still haven't

13 gotten an answer. And I'm a selectman.

14 Now, when it comes to grants, I've asked

15 Julian to go back three years; I want a complete

16 inventory of all grants, which ones are active,

17 which ones are going to cost us money, like the

18 free puppy, at the end.

19 And I think we need to have better

20 communication with the Finance Committee, and if

21 I am ever - happen to be chairman of the Board of

22 Selectmen, I'm not going to be shoving grants

23 under summary of actions. They're going to be as

24 an agenda item and I will allow the public to

1 speak. That's the right way to do it. Thank
2 you, Mr. Moderator.

3 [Applause.]

4 THE MODERATOR: Okay. Any further
5 discussion on Article 4? Okay, Mr. Latimer.

6 MR. LATIMER: I'm Richard Latimer. I'm
7 in Precinct 2. I'll be in Precinct 1 next year.
8 I don't know if I'll be here.

9 But I do have strong opinions on this.
10 I know on the Planning Board we have hearings and
11 then we have discussions. When we have
12 discussions, we ask for referrals to other
13 boards. I see this as being a totally
14 unnecessary impingement on the Selectmen's
15 authority.

16 You give notice to the Finance
17 Committee. Well, what rights does that give the
18 Finance Committee? Does that give them a veto?
19 Do they have a right to appeal if they don't like
20 what the Selectmen decide? It's creating issues
21 that shouldn't be there.

22 Mr. Braga's concerned. Fine. The
23 Selectman can do what he wants to do without the
24 Finance Committee having any particular standing

1 to get notice of a hearing and then appear before
2 a hearing.

3 It's a simple matter: the Selectmen take
4 up an issue, they send a referral to the Finance
5 committee, they defer any action until they hear
6 what the Finance Committee has to say about it,
7 and then they act according to their own
8 concerns, their own conscience as to what the
9 borrowing will require and what it will involve,
10 which is in their prerogative. It's not in the
11 Finance Committee's prerogative. If the Finance
12 Committee doesn't like it, they can make that
13 known and that can be an issue to replace the
14 Selectmen at the next election.

15 This is just a totally unnecessary,
16 pointless article when the objectives that they
17 say that they want to achieve can be achieved
18 simply by the simple matter of having a
19 discussion based on a referral to the Finance
20 Committee. Thank you.

21 THE MODERATOR: Okay, the question will
22 come on Article 4, the main motion as printed.
23 All those in favor, signify by saying aye.

24 [Aye.]

1 THE MODERATOR: All those opposed, no.

2 [No.]

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

5 Article 7, the Chairman of the Planning
6 Board for the main motion on Article 7.

7 FROM THE FLOOR: [No mic:] Mr. Moderator.

8 THE MODERATOR: Do you have a point of
9 order?

10 FROM THE FLOOR: [Inaudible.]

11 THE MODERATOR: I don't have Article 5
12 held. My next article held was Article 7. The
13 Clerk doesn't have Article 5 held, either.

14 Mr. Chairman, main motion for Article 7.

15 CHAIRMAN HERBST: Thank you, Mr.
16 Moderator. Ralph Herbst, Precinct 8, Chairman of
17 the Planning Board. Article 7, the Planning
18 Board recommends Article 7 as printed.

19 THE MODERATOR: Okay, as printed. This
20 is the moratorium on windmills. This was held by
21 Mr. Zweig. Microphone over here, if you could
22 stand, Mr. Zweig.

23 MR. ZWEIG: Thank you, Mr. Moderator.
24 I just have some questions, really, about this

1 article. One is - but first of all I'd just like
2 to say that I believe that the current windmill
3 bylaw does need some revision. And I realize the
4 Planning Board is working on it in a concerted
5 way. However, this has now been nearly one year
6 since the moratorium was put in place, and the -
7 and what I would like to know, basically, is one
8 question is: what's been accomplished to this
9 time? And secondly, what is the plan in moving
10 forward and when do you expect this process to be
11 completed?

12 With this delay, I think we're affecting
13 jobs and renewable energy generation in the Town
14 and I think that this needs to be done, of
15 course, carefully, but it would be good to advise
16 the meeting of what's been done so far and what
17 the plan is to complete the process. Thank you.

18 THE MODERATOR: Mr. Chairman.

19 CHAIRMAN HERBST: Well, I - I feel as
20 though the explanation is quite specific and
21 addresses those issues. The Planning Board is
22 currently studying the - a lot of data that's
23 being printed and gathered actually world-wide,
24 and we have a library that's been established in

1 our office by our staff that challenges all seven
2 members of the Planning Board to read large
3 volumes of information about wind turbines. We
4 are currently doing that.

5 This coming Tuesday, a week from
6 tomorrow night, we will be again entertaining
7 issues about this bylaw and you're welcome to
8 come.

9 We, to this point, I would say that we
10 have spent a considerable amount of time
11 discussing it already.

12 As you can read in the explanation, we
13 were waiting for the state report, the Wind
14 Turbine Health Study from the state. We've held
15 a joint meeting with the - our Health Department,
16 so that they can deal with the health issues and
17 we can deal with the remaining issues, such as
18 ice throw and flicker, those types of things. We
19 decided that we're going to deal with certain
20 issues that do not affect the health of people
21 because the health of the people is in their
22 purview.

23 We will be holding public hearings in
24 the future as we go ahead and develop a draft

1 bylaw, and we hope to have this bylaw for your
2 consideration this November.

3 THE MODERATOR: Okay, further
4 discussion on the article? Mr. Wilber.

5 MR. WILBER: Town Meeting members,
6 there are important things missing in the wind
7 turbine discussion, and these have to do with
8 basic physics. I will speak not to confuse but
9 to clarify.

10 When air moves smoothly from one
11 direction, it is known as laminar or flat flow.
12 When it squeezes past an object, it is altered
13 remarkably. Rather than reforming a smooth wind,
14 a leeward pattern emerges known as a Von Karman
15 vortex street.

16 Now, that's a mouthful, so I'm going to
17 take it apart for you. Von Karman was the guy
18 who discovered it. A vortex is but an eddy, a
19 small, rotating packet of air, a whirligig, if
20 you will. A series of linked whirligigs form a
21 linear pattern or a street directly downwind of
22 the object.

23 What are all the physical effects of
24 these eddies? Most significantly is rapid

1 changes in air pressure due to the counter-
2 rotation of the whirligigs. How important is
3 this? In one famous case, the eddies set up a
4 suspension bridge in undulating motion such that
5 it eventually shook itself to pieces. There are
6 other variables related to the street, but for
7 this discussion it is only important to
8 understand its basic operations.

9 Three questions. First, do the wind
10 turbines create a vortex street downwind?
11 Second, are the eddies strong enough to disturb
12 physical structures? Third, are the eddies
13 strong enough to produce physical effects on
14 human beings? The answer to all these questions
15 is: yes - to some extent.

16 That's where all the other factors come
17 in. The vortex street is rarely constant and the
18 individual response to fluctuating air pressure
19 may vary greatly, as we have heard from the
20 testimony of people that have been living near
21 the turbines.

22 Finally there is this: we have but two
23 important directions from which smooth wind comes
24 to Falmouth. In the winter, it is from the north

1 quadrant. In the summer, it is from the south
2 quadrant. The zones affected by the whirligigs
3 are thus seasonal, and I don't know if we've even
4 looked at this. Things and people south of the
5 turbines are more susceptible to disturbance
6 during the winter, and vice versa during the
7 summer.

8 Based on this, I offer a simple
9 suggestion and this is in support of the
10 moratorium, that air pressure fluctuations along
11 North Street and South Street be monitored and
12 then correlated with structural vibrations and
13 human symptomology. In this fashion we will have
14 no question as to what we are up against. The
15 data will do that for us.

16 I counsel a middle ground and patience
17 until these data are available.

18 Policy that can be based - policy can
19 then be based on solid information, directing us
20 toward firm solutions, thank you.

21 THE MODERATOR: Further discussion on
22 the moratorium. Mr. Latimer.

23 MR. LATIMER: Richard Latimer, Precinct
24 2, also a member of the Planning Board. Mr.

1 Wilber has put out something that I've been
2 trying to get across in our discussions and
3 something that I hope and trust the Planning
4 Board will take seriously when we continue with
5 our deliberations on this. It's not simply a
6 question, like other zoning issues, of creating
7 setbacks which can be arbitrary and say, "Oh,
8 well this has to be 1300 feet away." The issue
9 there would be you can create setbacks that
10 guarantee you're never going to have any wind
11 turbines in this town, which is a setback for us
12 as a society as a whole and Falmouth in
13 particular.

14 But what Mr. Wilber's talking about is
15 something that is determinable as a performance
16 standard, that you can determine, Well, okay, you
17 will not have greater than whatever level we
18 might decide be - is the effective level in terms
19 of the vortex street coming from any particularly
20 positioned wind turbine. And that would be a
21 very reasonable way to regulate these. And so I
22 want to thank Mr. Wilber for pointing that out
23 and I think that's something that we should be
24 focusing on and I do agree that we have to look

1 at this and that's why we should be coming back
2 in November. But let's look at performance, not
3 simply, you know, setbacks. Thank you.

4 THE MODERATOR: Okay, any further
5 discussion on Article 7? This is a zoning so it
6 requires two-thirds. All those in favor of the
7 continuation of the moratorium, signify by saying
8 aye.

9 [Aye.]

10 THE MODERATOR: All those opposed no.

11 [No.]

12 THE MODERATOR: It's the opinion of
13 the chair that the ayes have it by a two-thirds
14 majority and I so declare.

15 Article 9, Chairman of the Planning
16 Board for the main motion.

17 CHAIRMAN HERBST: Mr. Moderator, the
18 Planning Board recommends Article 9 as printed.

19 THE MODERATOR: Article 9 as printed.
20 This is to amend the zoning map so as to change
21 existing Agricultural AA Zone by rezoning from
22 Agricultural AA to Light Industrial C 740 Thomas
23 Landers Road.

24 Mr. Hampson, you held this article?

1 MR. HAMPSON: Yes, thank you. Mr.
2 Moderator, I held this article for a Falmouth
3 resident who wishes to speak in opposition to
4 this article.

5 THE MODERATOR: Okay, anybody in the
6 back want to speak on this one? I need a
7 microphone back there.

8 MR. HANLEY: Good evening, Ladies and
9 Gentlemen, my name is Matthew Hanley. I reside
10 at 710 Thomas B. Landers Road, the property
11 directly behind the parcel in question. If you
12 look at that map, you'll see some small brown
13 dots. Those brown dots are actually houses.
14 This is a residential/agricultural neighborhood,
15 for everyone's clarification.

16 Also, this map that's being presented is
17 not actually clear because the Falmouth ice
18 skating rink, the grey area here of the Light
19 Industry A, that will be actually moved back in
20 the next couple of years because the Falmouth ice
21 skating rink is taking up one of those parcels,
22 and one of those parcels will be converted into
23 the Steamship Authority lot.

24 This piece of property is inappropriate

1 and is spot zoning, and I'll keep my presentation
2 brief and to the point.

3 This is our neighborhood. Most of our
4 residents have lived there for 20 to 30 years. I
5 grew up in this property; we had an agricultural
6 farm and I'm planning on re-establishing it as an
7 organic farm for grass-fed beef and cattle and
8 also for an outdoor art gallery. That's my own
9 parcel of 710 Thomas B. Landers Road.

10 The local Town's Comprehensive Plan
11 talks about placement of light industry -
12 industrial properties and how it should not be
13 placed next to a farm, an agricultural property.
14 Most of the town's bylaws dictate placement of
15 industrial property; it should not be detrimental
16 to surrounding parcels of land, which this parcel
17 has already been detrimental and has negatively
18 impacted my property with the development that's
19 - the way it's being developed and the manner
20 it's being developed.

21 You know, I hope that the town will vote
22 this down because this is truly spot zoning.
23 This individual purchased this piece of property
24 in the regards of - so he bought it as a single

1 family residence and now is converting into
2 industrial property. This is to his benefit. He
3 has a property currently that his business is
4 working out of. There's no need for him to
5 develop this into a property for his own company.
6 He has a piece of property that he currently
7 uses, now.

8 The nearest piece of light industry
9 property is over a quarter mile, almost a half
10 mile away, as you can see on the map, here. You
11 will hear arguments that Thomas Landers Road is
12 an industrial road. Well, if you live in
13 Hatchville or Thomas Landers Road, you know that
14 Thomas Landers Road is a residential,
15 agricultural road with an industrial property in
16 the center of it. And to leapfrog this
17 Industrial Zone down the street, past all our
18 homes when our neighbors have all spoken against
19 this is against everything that this town stands
20 for.

21 This - if they can do this - if the
22 Planning Board and this petitioner can spot zone
23 his property, then it can be done anywhere in
24 town. And if they can make arguments to say that

1 there's heavy truck traffic on this one
2 particular road and that's why this is
3 appropriate, then also maybe they'll be talking
4 about 151 or Woods Hole Road or any road that has
5 heavy traffic.

6 We need this - I'm not against the
7 contractors in this town having a place to store
8 their equipment. I'm a contractor. I've worked
9 in this town since I was a young boy and I want
10 to see the working man still continue to be able
11 to live in the Town of Falmouth, but it needs to
12 be appropriately placed and this is not an
13 appropriate place. Thank you very much.

14 THE MODERATOR: Okay, Mr. Herbst, did
15 you -

16 CHAIRMAN HERBST: I believe the
17 explanation speaks directly for the way the
18 Planning Board feels. I believe that the
19 petitioner, the Haddad brothers, have sent a
20 letter, a diagram and an explanation of what is
21 allowed in a Light Industrial C to every Town
22 Meeting Member, and I would hope that you would
23 have read that.

24 I would at this time suggest, through

1 you, Mr. Moderator, that if the petitioner would
2 choose to speak to the comments that were just
3 made, that they be allowed to do so.

4 THE MODERATOR: Yes, Mr. Haddad was
5 next on my list and then Mr. Hampson.

6 MR. HADDAD: Good evening. My name's
7 David Haddad, Precinct 9, and my brother John and
8 I are the petitioners on this article. I just
9 wanted to -

10 CHAIRMAN HERBST: Would you each like a
11 microphone? I'll give this one up.

12 MR. HADDAD: Nope, we're all set.

13 MR. HADDAD: Thanks, Ralph.

14 MR. HADDAD: I just wanted to give you
15 a brief history of what's going on here. For
16 years in harmony with the Local Comprehensive
17 Plan, the Strategic - the Selectmen's Strategic
18 Plan, the Planning Board, the Town Planner, the
19 EDIC, community leaders and residents have worked
20 very hard to develop this Light Industrial C
21 District. We passed this last Town Meeting.

22 With regards to the proper location,
23 since Town Meeting, the Planning Board through
24 many public hearings gave us a positive

1 endorsement for our article. Bear in mind, this
2 property was granted a business permit. In the
3 past, it was granted a dog kennel dog care
4 facility.

5 Could you give me a slide? Currently,
6 there are over 90 construction-related businesses
7 on Thomas Landers Road, within a mile of our
8 property. Also, the Steamship Authority lots and
9 the new ice arena under development, wastewater
10 treatment facility and even the town dump, where
11 you can see there, all within a mile.

12 This is a commercial road with a 50 foot
13 road layout.

14 Next slide, Bob. My brother John and I
15 went door to door down Thomas Landers Road
16 speaking to property owners, over 30 actual
17 property owners that we could get in touch with.
18 Granted, there's a lot of vacant lots and cell
19 towers, NStar, that sort of thing. But the ones
20 we spoke with are in full support and signed a
21 letter saying that they're in full support for
22 our zoning change.

23 During these hearings that we held with
24 the Planning Board, we did listen to our

1 neighbors, our abutters, and we feel that we have
2 a big enough parcel that's adequate for buffers;
3 they were looking for some buffering, some
4 screening, that sort of thing, and the type of
5 buildings we'd be putting up. Somebody mentioned
6 they didn't want to see big, ugly metal
7 buildings. That's not what my brother John and I
8 are all about. We want to - you saw in the
9 letter we want to build barn-like structures,
10 three of them, to support local tradesmen. You
11 know, the little guy: the carpenter, the plumber,
12 the electrician, the landscaper, that sort of
13 thing. We're not talking nuclear power plants
14 here. That's why we did this Light Industrial
15 C; it's for the small guy.

16 And we feel our parcel is a good spot
17 for this zoning. We're just off the off-ramp
18 when we go to service areas in town, North
19 Falmouth, West Falmouth, Woods Hole. In town, we
20 wouldn't even be going down Thomas Landers Road,
21 we'd be going just right off, right off onto the
22 highway, for those areas. The only time we'd
23 really be using the Thomas Landers way is East
24 Falmouth or if we were going to pick up gravel at

1 Sammy Lorusso's place, using the landfill, the
2 stump dump, the concrete plants that are on
3 there, those other commercial businesses that I
4 mentioned, over 90 of them. That's the only time
5 we'd be using them.

6 And lastly, I just wanted to speak about
7 the public process. The Planning Board, through
8 the Planning Board and the Design Review
9 Committee, if this parcel is rezoned, that's when
10 people can stand up, discuss the structures,
11 setbacks, buffering, drainage, whatever they
12 wanted to speak of. I feel we should let the
13 process work, you know, work through it.

14 Please rezone this. This is not spot
15 zoning, as Mr. Herbst said. The Planning Board
16 feels comfortable with this, so I just want to
17 say tonight: please give us your vote. Let's
18 give this zone a try; keep the local tradesmen in
19 town. Thank you very much.

20 THE MODERATOR: Mr. Hampson, I have you
21 next on my list.

22 MR. HAMPSON: George Hampson, Precinct
23 5. I find it difficult to come up here because
24 I'm an ex-Planning Board member, but when I see

1 something that bothers my heart, I have to say
2 something.

3 I visited this property and it's -
4 there's a lot of kettle holes in this area. And
5 the damage that was inflicted on the adjacent
6 property owner was boulders that were deposited
7 on his property. Whether they're gone now or
8 not, I don't know. But it wasn't done
9 intentionally, obviously. But it tells about the
10 condition of those parcels.

11 The thing that bothers me about this
12 article, and the reason why I'm suggesting you
13 vote it down until a further date - and I know
14 Mr. Haddad doesn't want to hear this, but we've
15 got to act as a family, here. We have to do
16 what's right. If you do what's right for one
17 article for the town, you've got to also do right
18 for another person.

19 What we're going to do in the future if
20 this is voted, we're going to explore the rest of
21 the parcels and also offer the same amendments.
22 That is to say, have it zoned as Light Industrial
23 C. But don't you think it would be a better idea
24 to handle this in one set, to offer every owner

1 in that area, should they decide, for the same
2 change in zoning? How do you feel about this
3 person when he goes home and finds out that now
4 he has a parcel in front of him that's completely
5 different than his Agricultural zone? What is
6 he supposed to do? What happens to the value of
7 his property?

8 I do not want to say to Mr. Haddad that
9 I don't believe he's going to do a good job. But
10 the planners know that for him to say that at
11 this meeting tonight, you rezone the property.
12 You don't pass in review on what he's going to
13 build there. It's meaningless; you're not
14 supposed to do that.

15 So, anyway, I ask you to vote this down
16 out of respect of the people who live near that
17 don't agree with this change at the present
18 moment. Thank you very much.

19 THE MODERATOR: Mr. Haddad, do you want
20 to comment or?

21 MR. HADDAD: I just want to say one
22 quick thing in response to Mr. Hampson's with the
23 boulders and whatnot. I've had the Department
24 of Natural Resources out there, the Town Planner,

1 the Building Department all through every step of
2 my process just keeping them up to date on what I
3 was doing.

4 We have a wildlife corridor, as I think
5 people do realize, that runs along the highway
6 there. We will maintain that wildlife corridor,
7 there will be no structures, parking, anything
8 that sort of thing, and I also filed with the
9 Natural Heritage Endangered Species and got their
10 approval on my project, also. So we do take that
11 into regard, you know, anything to do with that
12 sort of thing.

13 If you've been by it recently, my
14 brother John and I built the farmer's wall, and
15 he wanted to continue with planting, having it
16 look good, and I said, well, let's - you know,
17 we've got plenty of time for that, but I promise
18 you it will look good. We've lived in this town
19 all our lives, we've raised our families in this
20 town. We love this town. The footprint on
21 there, we want it to last forever, have our name
22 on it. Thank you.

23 THE MODERATOR: Okay. Ms. Johnson and
24 then Ms. Moynihan.

1 MS. JOHNSON: Patricia Johnson,
2 Precinct 5. I have another question. I'm
3 concerned about this also, but from a different
4 point of view. One, that is that the Light
5 Industrial C Zone has been only voted and appears
6 in a complete text in the warrant for last
7 November's Town Meeting. It does not appear, if
8 I was a neighbor and I wanted to find out what
9 Light Industrial C was, it is not on the Town
10 website, it is not in the zoning book, or at
11 least the Zoning Bylaw book that I have, which is
12 published and is a code book.

13 I have a very serious concern about the
14 basic facts and knowledge that the general public
15 can have on Light Industrial C, what it is and
16 what it allows. I feel that probably most of the
17 Town Meeting members here don't remember much of
18 the specifics of the Light Industrial C.

19 I appreciate what the Haddads mailed to
20 the Town Meeting, but that doesn't mean the
21 general public of the town has had an easy way to
22 acquire this information. Thank you.

23 THE MODERATOR: Chairman Herbst.

24 CHAIRMAN HERBST: Well, the Town

1 Planner would like to respond to that, also. But
2 I would say first of all that this was discussed
3 thoroughly before it was voted last fall. The -
4 every Town Meeting Member who still has a copy of
5 last fall's warrant articles has a detailed
6 description of what is involved. I saved mine.
7 I've saved mine ever since I've been a Planning
8 Board Member.

9 I cannot say that - I cannot tell you if
10 it's on the website or not. It is not in the
11 current zoning book because the current zoning
12 book is updated after several years; it's not
13 updated every year.

14 For the public to be ignorant about this
15 particular thing, I find that hard to believe.
16 We hold public hearings on these things. They're
17 televised. People - they're conducted under the
18 Open Meeting Law and anyone is invited to come.
19 So, if people don't have the information that
20 they need, then I find that hard to believe.

21 But, before we go any farther, Mr.
22 Hanley alluded to the fact that this was spot
23 zoning, and I would like Mr. Curry, our Town
24 Planner, to speak to that issue.

1 THE MODERATOR: Mr. Curry.

2 MR. CURRY: The question I guess Ralph
3 wants me to address is whether the article or the
4 result of the article would rise to the level of
5 a spot zone. There's a general exception to the
6 rule that if the result of the article results in
7 the parcel being rezoned Light Industrial C, the
8 fact that that rezoning furthers a public
9 objective or a public purpose that has been
10 identified - and this has been identified in the
11 Selectmen's Strategic Plan and indirectly in the
12 Local Comprehensive Plan voted by the Planning
13 and this Town Meeting - that I think it would be
14 a very difficult - very difficult to sustain a
15 challenge of a spot zone.

16 The only one person who can make such a
17 determination is a justice of the Superior Court
18 or Land Court, but I think that the Town has an
19 extremely strong argument that it's a published
20 public purpose and a spot zone challenge would be
21 very difficult to sustain. In my opinion.

22 THE MODERATOR: Okay. Ms. Moynihan was
23 next on the list. Mrs. Botelho, I'll add you to
24 the list.

1 MR. MOYNIHAN: Thank you. For the
2 record, I'm Laura Moynihan. I'm actually an
3 attorney and I represent Mr. Dave Haddad and Mr.
4 John Haddad. And I just wanted to supplement a
5 couple of comments that were made by David Haddad
6 and in specifically in response to Mr. Hansen's
7 [sic] comments.

8 This is a petitioner's article.
9 Anybody, as you know, has the right to bring a
10 petitioner's article and ask for Town Meeting to
11 consider a rezoning of their land. So the fact
12 that we don't have other property owners here
13 that have chosen that option I don't think is
14 something that should go against this particular
15 property owner. Particularly since they were
16 here last fall.

17 You may remember we had had discussions
18 about this rezoning. This has been going on for
19 quite some time through many public hearings at
20 the Planning Board process. So there's been
21 plenty of notice, plenty of information out there
22 for this particular area of Thomas Landers Road
23 if other people wanted to join in and bring their
24 own petitioners' articles.

1 Secondly, this land is agricultural
2 zoned land. It's not residential zoned land.
3 Which is important because we actually do have
4 many industrial zoned districts in the town that
5 are actually directly adjacent to residential
6 zoned land. And they coexist. Carlson Lane,
7 Palmer Avenue, Edgerton Drive. If you look at
8 our zoning map, and this was discussed at the
9 Planning Board hearings, we have that situation.

10 Here it's different. We have an area
11 that has been specifically identified in our
12 Local Comprehensive Plan for Thomas Landers Road
13 as the industrial center for the town. We have
14 agricultural zoned property already that allows
15 contractors yards on five acres or more in the
16 AGAA. You also have, and I counted 32 commercial
17 or industrial type uses that are allowed under
18 our zoning bylaw in the Agricultural District,
19 some of which are by right. Such as nurseries,
20 farms, dairies. So this is different than a
21 residentially zoned land that may be nearby. We
22 have an agricultural area; it does allow for many
23 different types of commercial and industrial
24 uses.

1 So I'd ask you to keep that in mind.

2 Mr. John Haddad and Mr. David Haddad
3 have been working at this for two or three years,
4 now, with the Planning Board trying to work with
5 the Town to rezone this property for this
6 particular use. It is important to the
7 contractors and the small contractors in the
8 town, so we'd ask for your support.

9 Thank you.

10 THE MODERATOR: Okay, Mr. Netto and
11 then Mr. Latimer. Mr. Dick, you want to be on
12 the list? Okay. I've got a long list, here, so.

13 MR. NETTO: Joe Netto, Precinct 9. I'd
14 like to remind Town Meeting that "last
15 November"'s been said now twice and Ms. Moynihan
16 just mentioned it, that the petitioners withdrew
17 an article to rezone this property. The Planning
18 Board asked us that they hadn't quite finalized
19 what they wanted to do, and the petitioners
20 withdrew their article and told us that they were
21 going to come back to us in the spring, and here
22 they are.

23 So, they were told the rules of the game
24 and I think they've played the rules of the game.

1 And they did what they were told.

2 It is always difficult when you're in
3 your home and you look out your window and you
4 see activity that you might not, you know, quite
5 agree with, and the idea of a residence is where
6 a man and woman have their home.

7 Well, I have to give you some anecdotal
8 history of Town Meeting and zoning on this road.
9 Approximately 20 years ago a large piece of
10 property to the west, not too far away where the
11 Furcillo [sp?] Cement operation - I don't know
12 the exact zoning, I don't get that involved with
13 Planning Board issues - but approximately 20
14 years ago that parcel came up for discussion at
15 Town Meeting. And obviously we granted Mr.
16 Furcillo his zoning because he had a business
17 there, and I think if you look at the businesses
18 that are on Thomas B. Landers Road, that the
19 majority of the commercial property has done a
20 good job to maintain the looks and respectability
21 of the neighborhood.

22 But this Town Meeting 20 years ago felt
23 we made a decision that this is where we want to
24 see the people that we ask to pump our cesspools,

1 to build our cement works, to deliver cement to
2 us - where we dump our garbage in the dump, where
3 the Steamship Authority has a large warehouse,
4 where we just put the Falmouth Ice Rink. And we
5 said, "Let's move it from downtown and put it out
6 on Thomas Landers Road."

7 So, therefore, this political body has
8 given its okay, I think, to this type of
9 activity, and this is a good piece of property
10 that the Town should let be developed so that the
11 tradesmen of this town can earn a living and keep
12 their tax base within the town.

13 You know, sometimes it does come down,
14 somewhat, to dollars and cents. That's what we
15 ask Mr. Anderson, we always ask him to find us
16 the dollars so that we can have a fire
17 department, a police department and some of the
18 best schools in the state. And that comes from a
19 tax base that I'm sure that if this property
20 which would be developed if you just look at what
21 these gentlemen have already done to the property
22 if you drive by there, you see it's a vast
23 improvement. And, if I'm not mistaken, before
24 they do anything - and correct me, Mr. Herbst, if

1 I'm wrong - that if they do anything there, there
2 has to be a public hearing and they have to get a
3 permit. This is not a carte blanche approval for
4 them to build what you see; it's just a
5 conceptual plan.

6 Okay, therefore I would hope that this
7 Town Meeting does what we did approximately 20
8 years ago and reiterate that this is where we
9 want our industrial business in the Town of
10 Falmouth. Thank you very much, I hope you
11 support the article.

12 THE MODERATOR: Okay, Mr. Latimer.

13 MR. LATIMER: Thank you, Mr. Moderator.
14 Richard Latimer, Precinct 2, also Planning Board
15 member.

16 Can we have that visual again, that map?

17 The map.

18 [Pause.]

19 THE MODERATOR: Okay -

20 MR. LATIMER: Can we have it?

21 THE MODERATOR: Well, let's start
22 talking. They can look at the map in the back of
23 the book.

24 MR. LATIMER: Okay, that's good enough.

1 The statement "Planning Board approved" was only
2 slightly misleading. It was approved by five
3 members. There were two of us who were very
4 strongly against this. For much the same reasons
5 as Mr. Hampson has pointed out.

6 We both also agreed, Mr. Medeiros and I,
7 that were this a different proposal where that
8 parcel, Mr. Hanlon's parcel and the other
9 intervening parcels, were all included in this,
10 then that would be a valid planning initiative
11 and one that the Planning Board could well take
12 and perhaps should take. But as this proposal
13 looks now, that is spot zoning. Never mind what
14 Mr. Curry might believe about how legally it can
15 - it would pass muster. You know, that's one of
16 the frankly slimiest terms in the English
17 language: oh, it's all perfectly legal. But, as
18 Mr. Hampson has pointed out, yes, is it moral?
19 Is it moral for purposes of us doing fairness and
20 justice to our neighbors, here? And I would
21 suggest that it is not.

22 Spot zoning under the law? No, that's
23 not spot zoning under the law, but look, there's
24 almost a half a mile between those two, but

1 that's not a spot zone? Common sense tells you
2 differently than that. Of course it's a spot
3 zone. And it doesn't comport with the purposes
4 of the rule against spot zoning, the basic
5 purpose which is that you don't unfairly treat
6 people to have things built in their
7 neighborhoods that aren't appropriate.

8 It may well be that Mr. Curry is correct
9 that this comports with our purpose for the
10 zoning type that we have here, but then you could
11 say that putting that parcel anywhere in town.
12 You know, sure, it advances the purpose of the
13 zoning no matter where you put it.

14 So, I would strongly suggest that we
15 turn this one down and if the Planning Board
16 wants to work with creating a strip there that
17 includes all those parcels, and if Mr. Hanlon
18 doesn't like that, well, at least he'll get some
19 value in his property out of it and he won't be,
20 you know, being burdened by having an unfair
21 project put right next to his doorstep.

22 So I would urge that we turn this one
23 down and go back to the drawing board with it.
24 Thank you.

1 THE MODERATOR: Okay, Mr. Duffany.

2 CHAIRMAN HERBST: Can I respond to
3 that, please?

4 THE MODERATOR: Sure. Mr. Chairman and
5 then Mr. Duffany.

6 CHAIRMAN HERBST: May I remind Town
7 Meeting Members and Mr. Latimer that five out of
8 seven is more than two-thirds.

9 [Sparse laughter.]

10 THE MODERATOR: Okay, Mr. Duffany.
11 Mr. Duffany. Come on, folks, I've got a list
12 that's growing here. Let's --

13 MR. DUFFANY: Thank you, Mr. Moderator,
14 Michael Duffany, Precinct 6. I've spoken at
15 length to the Haddads about this and about the
16 process that they went through and as Mr. Netto
17 said that they have gone through the process,
18 they've come to us. It's very clear to myself
19 and I'm sure to most people here what the Light
20 Industrial C, which is the least - the most
21 restrictive, if you will, of all the industrial
22 zones. I think it does belong here on Thomas
23 Landers. I think it's a long time coming.

24 I also think that, having lived here all

1 my life, that I've seen, as most of you, that
2 this has become the industrial center, so to
3 speak, of Falmouth and that I think that the
4 resistance to development of some sort of
5 industry along that way is not in good planning
6 for the Town.

7 And I do think that it's a shame every
8 time I come to Falmouth, coming over the bridge,
9 that I continue to see names that I recognize on
10 MacArthur Boulevard that really should be here in
11 Falmouth.

12 And I would urge you to support this.
13 Again, I think it's a very restrictive zone for
14 what they want to do, and you need to have some
15 place for your contractors to be. Thank you very
16 much.

17 THE MODERATOR: Okay, Mrs. Botelho.

18 MS. BOTELHO: I agree with George
19 Hampson. This should not be zoned - I'm sorry, I
20 - everybody here realizes that I grew up in an
21 industrial family, but I think this is wrong. If
22 I could have the other map put out, the one that
23 showed the dump and the - I would appreciate it.

24 The one other than this.

1 CHAIRMAN HERBST: I believe that's the
2 one that Haddad party -

3 MS. BOTELHO: It was up there earlier.
4 Are they able to do that?

5 THE MODERATOR: It was on a different
6 presentation so they've got to -

7 MS. BOTELHO: Well, if you can't, I'll
8 still try to give you my reasons.

9 I really do think that that is spot
10 zoning, no doubt about it. And if you look at
11 the Hatchville, West Falmouth, right on the
12 border of North Falmouth area, yes, we made our
13 industrial park out there because it was sand
14 pits and everything was a logical place to put
15 it. But there were also people living out there
16 and they went out there because they liked peace
17 and quiet. They have accepted everything we've
18 put out there, but you know sometimes it's got to
19 be give and take. And this is not a give and
20 take.

21 It's not abutting the industrial area,
22 so I don't know how that makes it legal and
23 doesn't make it not spot zoning, but then you
24 look, you see the wastewater treatment plant, you

1 see the town dump in that area, as well as all
2 the industrial things.

3 Have we used up the industrial land that
4 we zoned there? If I'm not mistaken, isn't that
5 the way the town is supposed to operate? Use up
6 what we have already zoned, then go to these
7 neighbors.

8 The gentleman, Mr. Haddad, had a
9 petition. I question how many of them were the
10 residents in that area and not the industrial
11 park people, or the industrial owners. I think
12 that should really be looked into. And where
13 we're having trouble now where the wastewater
14 treatment plant is with the wind turbines.

15 How much - and then, somebody said here
16 tonight that this is fine because this is where
17 all the big, heavy traffic is. How much traffic
18 are those residential people there that have been
19 there for a long time, too? You know, they went
20 out there for peace and quiet. And they're not
21 going to get it if we continue to do what we're
22 doing.

23 We zoned; they never said anything when
24 we made the industrial park, when all these

1 people have their industrial things out there.
2 I've never heard these people get up at Town
3 Meeting and complain. But I think that the
4 residents there have a right to be considered
5 too. They also are taxpayers.

6 I imagine that they have a tough time
7 getting out of their driveways, getting on Thomas
8 Landers Road with all the stuff that's going on
9 there. And now we want to add to it when we're
10 not even sure that it's not spot zoning because
11 it is not abutting what it wants - what they're
12 asking for?

13 And I find it very strange that the
14 Planning Board is going along with this. Did they
15 check the petitioners on that list and see if it
16 wasn't just other industrial people? I'm urging
17 everyone here tonight: please vote no on this.

18 THE MODERATOR: Okay, Mr. Wilber. And
19 then Mr. Dick.

20 MR. Wilber: I have been involved in
21 this in a special way. I've known Mr. Hanley and
22 I've known the Haddads for a long time. And I've
23 been approached by both of them to speak on their
24 behalf.

1 And so what I've done is quite a bit of
2 homework. I've been out to the site, I've walked
3 the lines. I've seen the various boulders, the
4 grading, some of the grading issues that have
5 been brought up. Some of this is mysterious to
6 me, some of it is obvious.

7 However, I also went around and sought
8 the most positive ideas or proponents of this
9 article as well as the most cynical person I
10 could find in town on this article. So I may
11 have done more homework on this than anybody here
12 tonight.

13 I also remember that, with regard to
14 Thomas Landers Road, this was a major issue about
15 20 years ago, and the issue was contractors
16 yards. When the Town was booming out, bursting
17 out, and contractors with fairly heavy equipment
18 were running their businesses out of their
19 residences and there was a hue and cry from the
20 residents to get these trucks out of the street.
21 And in that process, if you remember, amongst
22 other people Carl Cavossa was involved in it and
23 he - there was a sort of a good faith process
24 that went on between the Town Planning Board and

1 the proponents for these contractors' yards, and
2 it had to start somewhere and Carl said, "I'm
3 going to build this," and he built it. And so,
4 there is in my opinion an analogy here and sort
5 of a good faith process in developing something
6 that the Town had no problem approving.

7 Remember, there's three steps here. You
8 create a zone and someone that actually has
9 property applies to use that zone. It doesn't
10 mean that all the other zoning that's industrial
11 is in play, here. Okay. It's the people that
12 own the property that have the - that have a plan
13 to use it that is in play, here.

14 And the third thing is that whatever the
15 Haddads plan out there has to go through the
16 entire scrutiny of the Planning Board. And they,
17 the Haddads, have consistently presented a plan,
18 and they have shopped this around a lot and
19 frankly the most cynical thing that I can think
20 of is that they would not follow through with
21 this on that. And I consider that to be an out
22 of order argument.

23 So, because I'm personally involved with
24 these two folks, my inclination is that the Town

1 should support this. It has to start somewhere.
2 I don't see it as spot zoning based on my
3 experience on the Town Planning Board. And I
4 think that the two parties can work out something
5 that's mutually satisfactory to both of them with
6 regard to this. Thank you.

7 THE MODERATOR: Okay, Mr. Dick.

8 MR. DICK: I pass.

9 THE MODERATOR: Pass.

10 Okay, Ms. Hayward. Ms. Hayward.

11 MS. HAYWARD: I thought Mr. Dick was
12 going to speak.

13 THE MODERATOR: No, he's going to pass.

14 MS. HAYWARD: Nancy Hayward, Precinct
15 5. I live on Chase Road in West Falmouth. I've
16 lived here for 40 years. I've used this road
17 frequently. Mr. Wilber's article - speech was
18 rather compelling, but one thing I'm sorry that
19 the Planning Board map is not still up there.

20 One thing that's not obvious by looking
21 at this flat map is that there are some changes
22 in topography which argue against putting this
23 isolated lot at this particular corner into Light
24 Industrial zoning. Because of the elevation and

1 curve in the road, you don't see the industrial
2 end of Thomas Landers Road and there have been
3 people living here -- I hear the comment of going
4 back 20 years to when some of this was done. I
5 don't know how long the oldest house in these
6 houses that are spots that you can't really see
7 on that map, but there are at least half a dozen
8 residences here and it's interesting that they
9 didn't get put into this Light Industrial A zone,
10 which is what that grey is, when that was zoned.
11 They didn't bring it all the way out to the - to
12 28. And in this space is agricultural land and
13 there is a wildlife corridor in there somewhere.
14 And I will be voting against this article. Thank
15 you very much.

16 THE MODERATOR: Mr. Murphy.

17 MR. MURPHY: Yes, Mr. Moderator, I'd
18 like to speak in regard to this article about two
19 issues. One is commitment, and choice.

20 The first one of the part of commitment.
21 This body about ten years ago when we bought the
22 Augusta property, which was a large parcel
23 adjacent to Falmouth Lumber, was Light Industrial
24 zoned. This body made a commitment to look at

1 developing additional Light Industrial zoning in
2 this town. That was ten years ago, folks. We
3 have not done that.

4 And specifically the choice. The choice
5 is going to be each and every one of yours. Do
6 we want to continue to have small contractors
7 yards in each and every one of your
8 neighborhoods? This Light Industrial C zoning is
9 not the same type of zoning that occurred at the
10 Industrial Park. It was very hard to be able to
11 put small businessmen, the ones that cater to
12 each and every one of us, our electricians, our
13 home repair people, our landscapers. What
14 happened when we took that off the roles, the
15 Augusta property, was we've made a commitment.

16 It's taken ten years for the Light
17 Industrial C zoning to come forward. This is the
18 first step of getting your workmen, the people
19 who are the salt of the earth in our community,
20 the hard workers who actually work day in and day
21 out and to try to service each and every one of
22 us.

23 Mr. Duffany was right: we've exiled most
24 of those folks up to 28A in Cataumet and Bourne.

1 We've exiled them up onto MacArthur Boulevard and
2 you know what, now they're kind of disheartened.
3 Give them an opportunity. I think this is a
4 great buffer zone to the high density Light
5 Industrial area. I think this deserves your
6 support, folks, because it's a commitment that
7 this community made, Town Meeting made ten years
8 ago, and it's your choice to be able to move
9 those folks out of your neighborhoods, give them
10 an opportunity to run their businesses in the
11 appropriate location. Thank you.

12 FROM THE FLOOR: Question, question.

13 THE MODERATOR: Okay, Ms. Lichtenstein,
14 anything new? I've got a few more here.

15 Anything new? Ms. Lichtenstein?

16 Yes, Ms. Lowell, you're on the list.

17 MS. LICHTENSTEIN: Leslie Lichtenstein,
18 Precinct 8. I am uncomfortable with something
19 that our Town Planner said. He said that it
20 isn't spot zoning if it's for the good of the
21 Town.

22 THE MODERATOR: An identified public
23 purpose.

24 MS. LICHTENSTEIN: Okay, an identified

1 public purpose.

2 THE MODERATOR: Or priority.

3 MS. LICHTENSTEIN: Later on, we're
4 going to be talking about a good for the Town: we
5 built some windmills. We built them next to
6 people's houses. I have a real problem with
7 this.

8 My husband was a contractor, guys, I
9 know about this. But I am very uncomfortable if
10 we're doing this to a neighbor. How can we say
11 one neighbor's peace of mind is worth our support
12 and another's isn't because of the public good?
13 Thank you.

14 THE MODERATOR: Okay, Ms. Lowell. And
15 then Mr. Zavala.

16 MR. LOWELL: Vicky Lowell, Precinct 1.
17 Planning is more than just zoning, and I just
18 wanted to use this opportunity when we're looking
19 at this Thomas Landers Road to look at, in
20 reference to the grants we talked about giving a
21 puppy to someone. Well, we have a litter of
22 puppies out there where we've created industrial
23 uses and industrial zoning without the thought of
24 what it means to Thomas Landers Road, itself.

1 And Falmouth has a paucity of not very
2 many east-west corridors, and this is one of
3 them. There's Brick Kiln Road and there's Route
4 151. And I just think as we allowed all this use
5 out there, which I think it's not inappropriate
6 to have that use there, but we haven't really
7 thought about how - what it means for Thomas
8 Landers Road.

9 If you want to ride a bicycle from
10 Bourne Farm to the east part of town, which is a
11 beautiful - there's some beautiful sights to get
12 to on a bicycle, you have to go on Thomas Landers
13 Road, often. And I just think it's very
14 shortsighted to allow all this development there
15 without planning for the road.

16 And so I'm not - I'm not holding - I
17 don't think we should hold the Haddads hostage to
18 that concept, but I think we should hold the
19 Planning Board and the rest of the town hostage
20 to the idea that we've got to do something to
21 make sure that Thomas Landers Road is a safe
22 corridor as we've allowed all this development to
23 occur along it.

24 THE MODERATOR: Okay, Mr. Zavala.

1 MR. ZAVALA: Mr. Moderator, Jay Zavala,
2 precinct 8. Speaking on behalf of the Chamber of
3 Commerce, we find that Article 9 is in harmony
4 with the Local Comprehensive Plan, in harmony
5 with the Town's Strategic Plan, in harmony with
6 the Planning Department's vision, in harmony with
7 the EDIC economic development objectives, and in
8 harmony with a broader business planning of our
9 community and we ask for the town members'
10 support.

11 THE MODERATOR: Okay, Mr. Dufresne,
12 anything new?

13 MR. DUFRESNE: Mr. Moderator, I'd like
14 to call the question.

15 THE MODERATOR: Okay, the question will
16 come on closing discussion. All those in favor,
17 signify by saying aye.

18 [Aye.]

19 THE MODERATOR: All those opposed no.

20 [No.]

21 THE MODERATOR: The ayes have it by the
22 two-thirds and the question has been called.

23 The question will now come on the main
24 motion, the main motion Article 9 as printed.

1 This requires a two-thirds. All those in favor,
2 signify by standing and the tellers will return a
3 count.

4 All those in favor.

5 [Pause.]

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

8 MR. HAMPSON: 38.

9 THE MODERATOR: 38.

10 In the second division, Mr. Dufresne.

11 MR. DUFRESNE: 57.

12 THE MODERATOR: 57.

13 And in the first division, Mrs. Tashiro.

14 MRS. TASHIRO: 46.

15 THE MODERATOR: 46.

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

18 [Pause.]

19 THE MODERATOR: In the first division.

20 MRS. TASHIRO: Nine.

21 THE MODERATOR: Nine.

22 In the third division.

23 MR. HAMPSON: 26.

24 THE MODERATOR: 26.

1 Second division.

2 MR. DUFRESNE: 30.

3 THE MODERATOR: 30.

4 With a requirement of 138, we have 141
5 in favor and 65 opposed, the necessary 2/3rds
6 passes.

7 By a call of the Chair, Articles 15 and
8 16 will be passed. We'll take a 15 minute recess
9 and return on Article 18.

10 [Whereupon recess was taken.]

11 THE MODERATOR: We're going to re-
12 establish a quorum.

13 We're obviously going to be here again
14 tomorrow night for the Special Town Meeting. So
15 I want to remind folks that we'll take donations
16 in lobby for the Falmouth Service Center. Some
17 of the things being recommended by Ms. Swain from
18 the Service Center are healthy, low sodium soups,
19 crackers and healthy children's snack items that
20 they can bring to school. So, tomorrow night in
21 the lobby we will be taking donations for the
22 Falmouth Service Center.

23 At this time we'll reestablish a quorum.
24 All Town Meeting Members present please rise and

1 the tellers will return a count.

2 Okay, there was some question during the
3 break - folks. [Raps gavel.] There was some
4 question during the break about Articles 15 and
5 16. What I said was by a call of the Chair we're
6 going to pass those two. Not pass them like make
7 them law, but pass them that we're not going to
8 deal with them tonight because there's some
9 information that the Town administration is still
10 waiting to hear back from the Attorney General's
11 Office in relation to those articles.

12 So, we are going to pass over them and
13 then we will come back to them tomorrow night
14 after the Special, when we have an answer to the
15 questions that have been posed.

16 So, re-establishing the quorum in the
17 first division?

18 MRS. TASHIRO: 55.

19 THE MODERATOR: 55.

20 In the second division?

21 MR. DUFRESNE: 87.

22 THE MODERATOR: 87.

23 And in the third division.

24 MR. HAMPSON: 62.

1 THE MODERATOR: 62.

2 We have more than we started with. By a
3 counted vote of 204, we have a quorum and we're
4 back in session.

5 Okay, we are on Article 18. This is to
6 see if the Town will vote a sum of money for the
7 debt service and maintenance and operation costs
8 for the Town turbines.

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

11 CHAIRMAN ANDERSON: Mr. Moderator, I
12 move Article 18 as recommended, with one change
13 to the dollar amount. Where it reads 37,133,
14 please insert 60,366.

15 Also, may I also make one other change
16 here that this amount is to be expended under the
17 jurisdiction of the Town Treasurer.

18 THE MODERATOR: Okay, so we have
19 \$60,366 to be expended under the jurisdiction of
20 the Town Treasurer as recommended. Any further
21 discussion on Article 18? The Treasurer and
22 Town Manager.

23 Okay. So, the main motion is to be
24 expended under the jurisdiction of the Treasurer

1 and Town Manager, \$60,366 as recommended.

2 Discussion on Article 18? Yes, Ms.
3 O'Connell.

4 MS. O'CONNELL: Thank you, Mr.
5 Moderator. Maureen O'Connell, Precinct 4.

6 Is there any breakdown available with
7 respect to what is - how this 60,000 breaks down?
8 What's maintenance? What are the operational
9 costs? And what are the costs to replace the
10 electric power not produced?

11 THE MODERATOR: Okay. Ms. Harper.

12 MS. HARPER: I'm not sure if the
13 Chairman wants to address the specific motion?
14 I'm happy to follow-up.

15 THE MODERATOR: I think he told me that
16 you had the -

17 MS. HARPER: Well, it's the vote of the
18 Finance Committee included \$12,366 for debt
19 service, and that's under this article. And that
20 is a portion of the debt that will be due.

21 In addition to that, there is \$48,000
22 associated with ongoing support of a review
23 process. So that would be technical assistance
24 funding for operational planning.

1 MS. O'CONNELL: Um, technical
2 assistance, okay, those would be the operation
3 costs?

4 MS. HARPER: That, as under the
5 jurisdiction of this article.

6 MS. O'CONNELL: Well, what is the -
7 what are the costs associated with the purchase
8 of electric power to replace the electric power
9 not produced?

10 MS. HARPER: That is not related to
11 this article. That would be related to other
12 articles on the warrant, I believe, Mr.
13 Moderator.

14 MS. O'CONNELL: It's in the article.

15 THE MODERATOR: Well, it's in the
16 article, but is that what the 60,366 is going
17 for?

18 MS. HARPER: No.

19 THE MODERATOR: Okay. So the article
20 says we can do a bunch of things and the
21 appropriation of the 60,366 is for whatever she
22 just outlined.

23 MS. O'CONNELL: Excuse me, Mr.
24 Moderator, it quite clearly states, or the

1 article states "to appropriate a sum of money to
2 pay debt service and maintenance and operation
3 costs, and further to pay costs associated with
4 the purchase of electric power to replace" - so,
5 if it's - right now, it looks like we're paying
6 that. Could we strike that out, then, if that
7 isn't a part of this article?

8 THE MODERATOR: If you don't
9 appropriate that amount of money, it's
10 irrelevant. But do we have a -

11 MS. HARPER: The operational budget for
12 Fiscal 2013, which is governed by the Annual
13 Budget, is projected that the wind turbines would
14 operate to generate enough energy to offset
15 \$146,000's worth of energy. So that's - it's
16 anticipated that the operations will support
17 that. If there are alternate votes, we'd have to
18 come back and appropriate additional funds.

19 MS. O'CONNELL: But this article is to
20 appropriate a sum -

21 THE MODERATOR: Okay, I'm going to say
22 this again. The article says that you can do all
23 four of these things. And they had a meeting -

24 MS. O'CONNELL: It doesn't say -

1 THE MODERATOR: - where the - where the
2 -

3 MS. O'CONNELL: - or, Mr. Moderator, it
4 says "and".

5 THE MODERATOR: Yes. So that means
6 they can do any of those four, okay? So it's
7 inclusive they can do that. They had a Finance
8 Committee meeting and the administration came and
9 asked them for \$60,366 to do the first portion of
10 what the article mentions. And not to use the
11 authorization to further purchase electricity.
12 So the itemized breakdown of the \$60,000 does not
13 include the further purchase of electricity. It
14 could have, and that's why they made the article
15 broad, in case they needed to do that, and they
16 chose not to do that in this article.

17 MS. O'CONNELL: Well, then, I guess I'm
18 still confused as to why the article states that.
19 Thank you.

20 THE MODERATOR: So that they could do
21 it, and that's why the number's different,
22 because they weren't sure exactly where they were
23 going to go. But I would ask the administration
24 in the future when you have something like this,

1 if you could have the breakdown for us.

2 MS. HARPER: Sure.

3 THE MODERATOR: So that when a question
4 arises like that, it's very clear the line items,
5 and they add up to \$60,366.

6 Okay.

7 MS. HARPER: Okay.

8 THE MODERATOR: Further discussion on
9 Article 18?

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

13 [Aye.]

14 THE MODERATOR: All those opposed no.

15 [No.]

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

18 Article 19, Mr. Chairman.

19 CHAIRMAN ANDERSON: I move Article 19
20 as printed.

21 THE MODERATOR: Okay, Article 19.

22 This is to create a Health Insurance
23 Stabilization Fund. Mr. Lowell. Did Mr.
24 Lowell hold this?

1 Oh, Mr. Shearer held this one. Okay,
2 Mr. Shearer told me that he was releasing his
3 hold during the break.

4 Any further discussion on Article 19?
5 Hearing none, then the question will come on the
6 main motion. All those in favor, signify by
7 saying aye.

8 [Aye.]

9 THE MODERATOR: All those opposed, no.

10 [None opposed.]

11 THE MODERATOR: The ayes have it
12 unanimous.

13 Article 20, to see if the town will vote
14 to create a Capital Improvement Stabilization
15 Fund. Mr. Chairman for the main motion.

16 CHAIRMAN ANDERSON: Mr. Moderator, I
17 move Article 20 as printed.

18 THE MODERATOR: Article 20 as printed.
19 Mr. Smolowitz I think held this.

20 MR. SMOLOWITZ: Thank you, Mr
21 Moderator, Ron Smolowitz, Precinct 8. I would
22 like to see an amendment to this article, by
23 eliminating the word "utilities". And I'll
24 just be short and sweet.

1 Utilities, primarily water and sewer,
2 but let's just specifically talk about water.
3 Water should be an enterprise system. It should
4 be a fee for use type system. Water is going to
5 be our biggest issue in this town over the
6 forthcoming decades. We need to set up a system
7 that conserves water. Which means we need to
8 pay the true cost of water, and I've mentioned
9 this before at Town Meeting several times.

10 We need to identify our capital cost to
11 maintain our water systems, that's the pipes, the
12 pumps, the trucks, the manpower. And our fee for
13 water should pay for that cost. And that would
14 bring on a conservation ethic which in the long
15 term will reduce our water costs and help
16 conserve our water supply.

17 By grouping it up in the general
18 capitalization program, we're putting an 800
19 pound gorilla - and when you look at Article 21,
20 you can get an idea of the magnitude of water
21 system and sewer wastewater system costs.

22 We need to treat it separately. We
23 should not group it in with all the other Capital
24 needs that we have in this community. We need to

1 deal with water and sewer and the utilities as a
2 separate issue. So that's why I'm primarily
3 suggesting that we take it out and ask the Town
4 administration to work up an enterprise system
5 for dealing with our utility costs. Thank you.

6 THE MODERATOR: Okay, so there's a
7 motion to amend the main motion by removing the
8 word "utilities". Discussion on the amendment.
9 Mr. Chairman.

10 CHAIRMAN ANDERSON: Town Meeting
11 Members, I would recommend against the amendment.
12 The inclusion of the word "utilities" simply
13 allows I think a little bit more flexibility. To
14 establish an enterprise fund is not an
15 insubstantial task, and it would take a while to
16 do that, number one.

17 Number two is that any monies that go
18 into a Stabilization Fund and any monies that
19 come out of a Stabilization Fund require a two-
20 thirds vote.

21 Third is that this is a Stabilization
22 Fund to provide for capital improvements. The
23 Town will get a very thorough Capital Budget
24 presented to them, and if anybody objects to any

1 of the items that are included in there, whether
2 it is utilities or a building, the Finance
3 Committee will have vetted it very thoroughly and
4 the Town Meeting can at that point in time
5 isolate that undesirable appropriation and
6 exclude it at a Capital budget meeting.

7 THE MODERATOR: Further discussion on
8 the amendment to remove the word utilities?
9 Hearing none, then the question will come on the
10 - Mr. Smolowitz?

11 MR. SMOLOWITZ: Thank you, Mr.
12 Moderator, just to address the one issue. The
13 reason I'm recommending taking it out, and I'm
14 recommending "enterprise", is that it's pay as
15 you go, to give people that conserve water an
16 economic break, and those that don't conserve
17 water, to pay for their use.

18 By grouping it in here and paying for it
19 as capital improvement, we all pay the same
20 whether we conserve water or don't conserve
21 water. It's like if we all paid the same
22 electric bill, regardless of how much electricity
23 we use. The fee that we're paying for water now
24 does not cover anywhere near the costs, the

1 capital improvement costs, of our water system.

2 THE MODERATOR: Okay, any further
3 discussion? Mr. Wilber. Ms. Davis.

4 MR. WILBER: I have tremendous respect
5 for Gary as Chairman of the Finance Committee,
6 and I listened carefully to his presentation
7 earlier tonight. And he spoke of innovation,
8 experiments and living within our means,
9 increasing efficiency and etcetera, etcetera, and
10 this seems to me to be an initiative on Ron's
11 part to implement that stuff, to take a chance,
12 to see - to see what we're doing here, that this
13 is in fact a - water is a problem and I think
14 that the enterprise initiative, if it takes some
15 time, it takes some time. In the long run, I
16 think it'll prove to be effective and so I will
17 support this amendment.

18 THE MODERATOR: Ms. Davis.

19 MS. DAVIS: Yes, Linda Davis, Precinct
20 4. My question to I guess the Chairman of the
21 Finance Committee through you, Mr. Moderator,
22 would be this: if we were to include utilities as
23 we see printed, would that preclude, down the
24 line, an innovative measure, as suggested by Mr.

1 Smolowitz?

2 THE MODERATOR: Mr. Chairman.

3 CHAIRMAN ANDERSON: No it would not
4 preclude that. As I mentioned earlier, any
5 monies that would come out of this Capital
6 Improvement Stabilization Fund would have to be
7 voted by town Meeting and it would be voted as in
8 companion with a specific Capital Budget. And if
9 Town Meeting, if you recall in the past, we in
10 our Capital Budgets go line item by line item and
11 if there is an objectionable line item, Town
12 Meeting can and has in the past excluded that.

13 The amendment, in my opinion, would take
14 away some flexibility here. I think very
15 seriously the Town ought to and very likely will
16 look at enterprise funds, but I think at this
17 particular point in time I would recommend voting
18 against the amendment. Thank you.

19 THE MODERATOR: Mr. Latimer.

20 MR. LATIMER: Richard Latimer, Precinct
21 2, with just a question for Mr. Anderson through
22 you, Mr. Moderator. What else is included under
23 the rubric "utilities" other than the water
24 services that Mr. Smolowitz was concerned about?

1 THE MODERATOR: Mr. Chairman.

2 CHAIRMAN ANDERSON: I would suggest it
3 would be water; wastewater, conceivably. I
4 guess those are the two utilities that are
5 provided in terms of service to the Town. I'm at
6 a loss to think of another one, but certainly
7 those two.

8 THE MODERATOR: Okay, so the question
9 will come on the amendment to remove the word
10 "utilities". All those in favor of removing the
11 word "utilities" signify by saying aye.

12 [Aye.]

13 THE MODERATOR: All those opposed no.

14 [No.]

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

17 Article 20, the question on the main
18 motion, to see if Town will vote to create a
19 Capital Improvement Stabilization Fund. All
20 those in favor, signify by saying aye.

21 [Aye.]

22 THE MODERATOR: All those opposed, no.

23 [None opposed.]

24 THE MODERATOR: The ayes have it

1 unanimous.

2 Article 21. This is to appropriate a
3 sum of money to the Capital Improvement
4 Stabilization Fund. Mr. Chairman.

5 CHAIRMAN ANDERSON: Mr. Moderator, I
6 move that the Town vote to appropriate the sum of
7 \$800,000 to the Capital Improvement Stabilization
8 Fund established under Article 20 for the
9 purposes of Article 21. Provided, however, that
10 no money shall be expended hereunder unless the
11 Town shall have voted to exclude this
12 appropriation from the provisions of Proposition
13 2 ½, so called, as a Capital Expenditure
14 Exclusion under General Laws Chapter 59, Section
15 21C (I½), by passing a question on the ballot at
16 the May, 2012 annual town election. Said sums to
17 be expended under the jurisdiction of the Board
18 of Selectmen.

19 THE MODERATOR: Okay, that's the main
20 motion, \$800,000 on a Capital exclusion to go
21 into the new Stabilization Fund. Any discussion
22 on Article 21?

23 Yes, Mr. Netto.

24 MR. NETTO: Joe Netto, Precinct 9. My

1 question is to the Board of Selectmen and how is
2 this going to appear on the ballot? This article
3 at the Precinct meeting 8 and 9 generated a great
4 deal of discussion and a great deal of confusion.
5 Obviously because we didn't have a recommendation
6 in front of us.

7 My concern is when the voters go to the
8 polls in May and we ask them to exclude \$800,000
9 from the tax base to pay this bill, what - how is
10 the ballot question going to appear? Can
11 someone answer that question for me, please.

12 THE MODERATOR: Mr. Duffy.

13 MR. DUFFY: All ballot questions
14 relating to Proposition 2 ½ overrides, exclusions
15 and so on and so forth are set forth in the
16 General Laws and we have to frame the question
17 exactly as specified in the laws. So it would
18 read something like: Do you approve of a Capital
19 Exclusion of \$800,000 for the purpose of funding
20 a Capital Exclusion - or, excuse me, a Capital
21 Program Stabilization Fund? You're not allowed
22 to put much more information than that and it's
23 all controlled by the General Laws, and it's been
24 that way for quite some time.

1 THE MODERATOR: Anything else on
2 Article 21? Mr. Hampson and then Mr. Johnson.

3 MR. HAMPSON: George Hampson, Precinct
4 5. Mr. Moderator, I would like the answer to if
5 the voters don't vote this, what do we lose?
6 Bottom line, what are we going to not get if the
7 voters vote this down?

8 THE MODERATOR: Mr. Chairman?

9 CHAIRMAN ANDERSON: I would suggest to
10 you that there would be a substantial reduction
11 in the opportunity to set aside some dollars for
12 much needed capital improvements. The ones that,
13 you know, the projects or the purchases that may
14 not be able to be made, I'm not sure that we can
15 tell yet, because a Capital Budget will be
16 devised over the course of this summer and fall
17 and presented at Fall Town Meeting. It will
18 depend on the dollars that are available. If
19 these dollars are not available, obviously it
20 will be a more skinny capital budget.

21 THE MODERATOR: Mr. Johnson.

22 MR. JOHNSON: Leonard Johnson, Precinct
23 5. I'm concerned - I just want to make sure I've
24 got this straight. I'm thinking about, in the

1 future, decisions that have been made by members
2 - by town wide, at an election about certain
3 specific Capital items, they will no longer be
4 able to make that choice. Town Meeting will have
5 the decision on how that money gets spent. Once
6 it gets into the fund, it can only come out by a
7 vote of the Town Meeting.

8 So, in effect, I don't know whether
9 "disenfranchise" is quite the right word, but you
10 are taking a decision away from the voters and
11 investing it in Town Meeting. And I'm not
12 suggesting that's a good or bad idea, but I just
13 think - I want to make sure that I've got that
14 right, that that is indeed the case.

15 THE MODERATOR: And this is a capital
16 exclusion. So this is a one-time deposit into
17 the Stabilization Fund. So, moving forward,
18 there will be some policy decisions about how
19 does that fund continue to get funded. But this
20 is a one time exclusion for the purposes of a
21 deposit, at which time Town Meeting would then
22 authorize payment from the fund. If it passes.

23 Mr. Shearer.

24 MR. SHEARER: Dan Shearer, Precinct 6.

1 Has the committee thought or decided on any other
2 ways to raise money for this fund without a debt
3 exclusion or a 2 ½ percent override, a permanent
4 one? I mean, I think we've got to go outside
5 the box and start looking and finding ways to
6 raise some money. I think we're asking people
7 now to not pay any more than they did last year,
8 but they did that for a purpose.

9 We need very badly to protect our water,
10 and if that report comes back in, we're going to
11 have a very big bill that we're going to have to
12 go through to for an override or a debt
13 exclusion. We also have the sewer coming up or
14 the alternatives to a sewer, which are going to
15 be very expensive to us. And I think we can't
16 keep going to the well of debt exclusions
17 overrides and I hope we're really working very
18 hard on finding other ways. There are other ways,
19 thank you.

20 THE MODERATOR: Okay, Mr. Chairman then
21 Mr. Donahue.

22 CHAIRMAN ANDERSON: A subcommittee of
23 the Finance Committee, which was called the
24 Capital Advisory Committee, spent about six to

1 eight months evaluating and analyzing the
2 particular issues. We spent a lot of time
3 discussing what a capital purchase or a capital
4 project, a capital expenditure should be. We
5 looked at a number of options and what we looked
6 at - and I might also add that the Board of
7 Selectmen has also discussed this and the Board
8 of Selectmen will be weighing in on this over the
9 course of the next 12 months.

10 So, there has been a lot of discussion.
11 There's been a lot of brainstorming. And the
12 reality of it is that there aren't a whole lot of
13 options, at least at this point.

14 THE MODERATOR: Mr. Donahue.

15 MR. DONAHUE: Mr. Chairman, Bob
16 Donahue, Precinct 3. I am against this and
17 vehemently against it because we don't know what
18 the capital funds are for. Every year we have a
19 list of capital funds, and every year we've gone
20 from roofs and what have you and we've asked the
21 voters to vote to fund these, and the voters have
22 not funded them.

23 I believe it's because the Selectmen and
24 the Finance Committee do not want to come and

1 give our residents a full picture, including what
2 the cost of our proposed water purification plant
3 will be, how much it's going to cost us for the
4 sewerage, how much it's going to cost us if we
5 have to go out and we don't get the grant for the
6 Fire Department for the fire uniforms and
7 equipment.

8 We have the Police Department is looking
9 for communication equipment. That's capital - I
10 think that should be in their budget. And it
11 reflects how much it's costing us for the Police
12 Department, for the Department of Public Works,
13 etcetera, etcetera.

14 If you folks as leaders don't come to us
15 with a list and tell us what your long-range
16 plans are, and how you're going to attack them, I
17 say vote no for it until you do. Thank you.

18 THE MODERATOR: Mr. Putnam.

19 MR. PUTNAM: Good evening, Ladies and
20 Gentlemen, Brent Putnam, Board of Selectman and
21 Town Meeting Member Precinct 9.

22 This particular article is asking you
23 all to do one thing, and that's put money in the
24 bank. I understand Mr. Donahue's concerns. The

1 reality is is that right now we're not asking you
2 to spend any money. As the Moderator noted,
3 we're putting the money away. It requires a two-
4 thirds vote.

5 To take money out it would require a
6 two-thirds vote.

7 To address Mr. Leonard's concern, this
8 is not the idea of taking - of disenfranchising
9 anyone. The process, if you recall over the past
10 few years, has been to bring these perennial,
11 annual overrides to you folks and then to the
12 Town at large and asking for approval. I think
13 we can all agree it's a flawed process, because
14 when we need things, eventually, whether it's
15 this body or the Town as a whole, they get tired
16 of this, and that's what we've seen happen in
17 recent years, is that some of the overrides have
18 failed, even though we need things.

19 We have police cruisers, for example,
20 that have run far beyond their serviceable life,
21 and yet we can't replace them because the voters
22 are tired of seeing one override after another on
23 the ballot.

24 The point of this process, of Article 20

1 to establish a Capital Improvement Stabilization
2 Fund, and this article, is to put that money into
3 the Stabilization Fund and begin the process of
4 rectifying what is a flawed process. So that we
5 can actually come to you with a list of items in
6 the fall and say, "Look, we want to take money
7 out of the bank in order to pay for these items."
8 And this way we don't have to keep going back to
9 the voters and frustrating them.

10 It will still be approved by you. We're
11 not disenfranchising anyone, but we're going back
12 to a more logical process instead of continuously
13 asking the voters for one override after another.
14 Because ultimately that creates distrust amongst
15 the public and it also means that when we do need
16 an override for something serious - and the
17 wastewater thing is on the horizon, folks. And
18 there may be other issues.

19 But we only want to go to them for the
20 big projects, for the absolute necessities.
21 That's what this does, is it removes that from
22 the ballot in May, keeps it to this body where we
23 can address these issues. You still have the
24 decision; it's still going to require a two-

1 thirds vote to take money out of the bank.

2 Please support this article.

3 THE MODERATOR: Madame Chairman.

4 CHAIRMAN FLYNN: To illustrate even a
5 little further. You will remember prior to 2005-
6 2006, that when you came to Town Meeting, usually
7 in the fall, we would have a long list of capital
8 items and you would be asked to spend
9 approximately five or six million dollars from
10 Free Cash to pay for all of these capital needs.

11 Well, with the downturn in the economy,
12 the local receipts that helped generate those
13 revenues no longer exist. We don't have that
14 Free Cash. So what has happened in the last
15 three or four years is that our capital needs are
16 not being met. The infrastructure repairs aren't
17 happening. Equipment isn't always being able to
18 be purchased because we haven't had the funds to
19 do it.

20 Now we are looking at - now that things
21 have improved slightly, we're looking ahead
22 because we don't think we will ever have again
23 those days where we will have six million dollars
24 in Free Cash to pay for capital needs. So that's

1 what this plan is about, the Stabilization Funds
2 is taking the monies and when retiring debt
3 occurs or perhaps with the meals tax is another
4 source of revenue that may be looked at. But to
5 try to build a Stabilization Fund so that the
6 monies in those funds can be used to meet our
7 capital needs.

8 There is a five year capital plan. It
9 is being refurbished, if you will, during the
10 course of this year, particularly over the summer
11 if this article passes. But this is the way of
12 the future and this is the only way we're going
13 to be able to meet our capital and infrastructure
14 needs is through a stabilization plan.

15 THE MODERATOR: Okay, Mr. Swain.

16 MR. SWAIN: Charlie Swain, Precinct 1
17 and 7 at this point. I'm in between.

18 At any rate, on page 7 -

19 THE MODERATOR: Mr. Swain, could you
20 speak into the mic, please, thank you.

21 MR. SWAIN: Am I there? Good. Thank
22 you.

23 We're talking \$800,000 for a Long Pond
24 Filtration Study and in the 2012 funding. Now,

1 down here under Descriptions, you don't list it.
2 And this is what, you know, I know everybody's
3 been trying to explain it, but it should be
4 listed in both places, you know, what we're
5 excluding. That's my question.

6 THE MODERATOR: No, no, this, this is
7 excluding a sum of money, \$800,000, to go into
8 the newly-created Capital Stabilization Fund.
9 The purposes that we use that for would be the
10 subject of a future Town Meeting, where Town
11 Meeting will have to vote to spend money from the
12 fund, if it's deposited in there.

13 MR. SWAIN: So, aside from it going
14 into the fund, these descriptions don't matter?

15 THE MODERATOR: That's correct. These
16 descriptions were an attempt to maybe give you a
17 little insight as to where they're looking to go,
18 but you're not voting on any of the things that
19 are in the explanation.

20 MR. SWAIN: Thank you.

21 THE MODERATOR: You're voting on a
22 deposit - to seek a deposit of \$800,000 through a
23 capital exclusion question on the ballot to go
24 into this fund for future use.

1 MR. SWAIN: Thank you.

2 THE MODERATOR: Okay, let's see, we'll
3 have Mr. Netto, and then Ms. Valiela.

4 MR. NETTO: Joe Netto, Precinct 9.
5 Question to Mr Anderson, through you, Mr.
6 Moderator.

7 I think as a Town Meeting Member, again,
8 I spoke earlier about the confusion the way the
9 article was written, and I think that this is
10 where a lot of us who want to support this are
11 just hesitant. I think the explanation is very
12 poorly. You have figures, you have projects, and
13 then, as you just said, well, maybe.

14 And that's why overrides fail. You have
15 to tell the taxpayer what you're going to do.
16 You want \$800,000? Spell it out. And I'm
17 talking to the Board of Selectmen, now.

18 You know, as I see what's written down
19 here: d. School Department, Natural Resources
20 vehicles; Harbormaster and Recreation, there's
21 nothing definitive there, there's nothing
22 explanatory.

23 To put this out to the voters, this is
24 designed to fail. And that's why I asked my

1 first question.

2 And also if I - as I understand this, if
3 we look at the 1.6 figure, and I don't want to
4 confuse more, but in the next article when we do
5 the budget, if I'm not mistaken -- correct, Mr.
6 Anderson? - we're going to put \$520,000 into the
7 Capital Stabilization Fund. We're going to do
8 that ourselves as Town Meeting Members and it's
9 going to come out of the real estate tax for next
10 year, correct?

11 CHAIRMAN ANDERSON: The budget for
12 Fiscal Year '13 does contain a recommendation of
13 \$520,000 to go into the Capital Improvement
14 Stabilization Fund.

15 MR. NETTO: Thank you. And hopefully,
16 if we pass this and it gets on the ballot, and
17 I'm just trying to explain this to the people
18 that are watching this on T.V., and myself. So,
19 another \$800,000 if the voters approve it, so
20 that we're guaranteed, in November, to have the
21 total of one point - well, 1320, \$1.3 million.

22 When I see those figures, and then I can
23 stand up now and support the article as long as
24 you folks on the stage, Board of Selectmen, come

1 up with a more descriptive definition - and the
2 Finance Committee - of what you're going to do
3 with approximately \$1.3 million of the taxpayers'
4 money.

5 Because I think the important thing,
6 again, is we're going to vote in the next article
7 to put basically a half a million dollars into
8 this fund. And, as someone said earlier, it
9 comes down to - Mr. Johnson, I think. I think he
10 was correct when he brought out the point. We're
11 asking the taxpayers to trust us to spend that
12 money wisely.

13 If you look at the next article, we're
14 going to vote on \$112 million. I've stood up
15 here many times and reminded everyone that the
16 Selectmen don't spend the money, we do. We have
17 to come up with a yes vote on 112 million. Now
18 we just have to convince the taxpayers to give us
19 800,000 and trust that we'll spend it wisely.
20 Thank you.

21 THE MODERATOR: Ms. Valiela.

22 MS. VALIELA: Virginia Valiela,
23 Precinct 5. I support this article because I
24 think that there is a lot of careful thinking

1 that has gone into developing a better way to
2 handle our finances. I do think that we have to
3 explain to the voters why they should support
4 this ballot - why they should support this
5 question on the ballot. And that is the reason I
6 rise, Mr. Moderator, through you to Mr. Anderson.

7 In your explanation, you say that this,
8 meaning the \$800,000 capital exclusion, will
9 replace the tax effort adopted with the 800,000
10 with Long Pond. And I think you should explain
11 that a little more clearly. I think voters will
12 ask, "Will my tax rate go up?", and I think what
13 you're trying to say is that it will be level,
14 but you should say that.

15 THE MODERATOR: That's Mr. Boyer's
16 "window of opportunity" from the 1990's.

17 Mr. Anderson.

18 CHAIRMAN ANDERSON: I would concur with
19 Mrs. Valiela's analysis there. This particular
20 \$800,000 capital exclusion is intended to replace
21 the \$800,000 capital exclusion that will be paid
22 off in this current fiscal year, which was passed
23 for the Long Pond Water Filtration Study.

24 The key point there that she mentioned

1 is that there will be no impact on the tax rate
2 as a result of approving this capital exclusion.
3 It will remain the same because there is a
4 capital exclusion for \$800,000 in place this year
5 in the tax rate; it would just simply continue it
6 on into next year.

7 THE MODERATOR: Okay, Mr. Murphy.

8 MR. MURPHY: Yes, Mr. Moderator. I
9 think it's important to explain to folks that
10 this is a new model. This is the innovation that
11 Mr. Anderson was speaking of. The only problem
12 is that we have to get from point A to point B
13 and how do we go there? Which came first, the
14 chicken or the egg? And by creating this new
15 process how we're going to fund our capital,
16 we're going to do this the first year, and
17 hopefully the Board of Selectmen will come back
18 to you next year with a long-range plan. But the
19 idea is not to be able to put money away into the
20 General Fund and then we steal it for different
21 reasons.

22 The Stabilization Fund, by dedicating
23 specific money there, it will be spent only for
24 capital projects. Things like: each and every

1 one of you come to me every day: beach
2 nourishment, a trailer on the beach, something,
3 you know, for a parking lot. All of these issues
4 will come back before you.

5 The Board of Selectmen recognizes the
6 importance that we needed to put skin in the
7 game. Meaning that we had to also help take
8 money from the budget and continue to fund this.
9 Yes, there is going to be \$520,000 out of the
10 Operating Budget that will go to fund this.
11 There will be an additional three hundred some-
12 odd thousand dollars that we're going to have to
13 come up with, maybe from meals tax, or some
14 additional Free Cash to fund it as well, to come
15 to the \$1.6 million.

16 We need to start somewhere, and the
17 starting is now. I'm not asking folks to take a
18 leap of faith. What I'm asking you to do is put
19 the money just like Mr. Putnam said: put it away.
20 We're going to ask the voters to put it there and
21 then we're going to come back and we're going to
22 have a laundry list of what you think is
23 important. Hopefully you will go along with
24 each and every recommendation, but the Town

1 Meeting will have the ability to say, "Yes, we
2 think this is a priority", or "no, we do not".

3 Keep in mind that this is not for major
4 capital projects but for smaller capital
5 projects, things like a fire engine, a police
6 cruiser, things of that nature.

7 Thank you very much and I hope that you
8 support this. But not only here tonight. I hope
9 you help take this message to the voters that
10 this is an important first step in our long-range
11 capital planning. Thank you.

12 THE MODERATOR: Mr. Latimer, then Ms.
13 Davis.

14 MR. LATIMER: Richard Latimer, Precinct
15 2. I strongly support this article. I think the
16 best way to look at it is like it's an analogy
17 with - and I know this is a political hot button,
18 but don't get me wrong, with why - the reason why
19 we buy health insurance. We don't know at this
20 point what's going to happen to us next month or
21 next week, but we know we're going to have to
22 spend money for something.

23 So right now, what the Finance Committee
24 and the Selectmen are asking us for is to put a

1 fund in that is like insurance; that when these
2 needs come up: police cruisers, some kind of
3 equipment for the schools, they don't have to go
4 to the voters and ask, you know, vote for these
5 projects. We will have the same flexibility that
6 we in fact had in this body before Proposition 2
7 $\frac{1}{2}$.

8 Mr. Netto asked the voters are going to
9 trust us to spend it? Well, before Proposition 2
10 $\frac{1}{2}$, that's exactly what they did. This body
11 decided what was going to be spent with our tax
12 revenues and we adjusted the tax rates
13 accordingly. And that's what we were elected to
14 do.

15 Unfortunately, when that law came into
16 effect, we had been in this town so efficient
17 that our tax rates were relatively low and benign
18 and we got caught behind with this. And so it's
19 been a particularly - with the growth of this
20 town, it's been a particularly hard struggle and
21 God bless the Financial Committee dealing with
22 this, it's a hard job.

23 So they come up with this solution which
24 we have to sell to the voters and I think most

1 voters will understand that what this is, it is
2 like a contingency fund. It's a fund that, when
3 things come up that are necessary, we don't have
4 to go to them to ask them to vote on it, they
5 will just trust us the way they always used to do
6 to do the right thing, and we will. Thank you.

7 THE MODERATOR: Ms. Davis.

8 MS. DAVIS: Linda Davis, Precinct 4.
9 Yes, there are some large ticket items out there
10 to make us all concerned, but we can't forget the
11 small items. We can't forget those things that
12 we have neglected for the past few years that
13 make our community what it is.

14 And I support this article because in
15 fact it wants to do those things for those things
16 that have been sorely overlooked in the last few
17 years.

18 As you know, one of my concerns has been
19 the beaches and the care of the beaches and
20 particular now the Ellen T. Mitchell bathhouse.
21 I'm hoping and I more than hope, that if this is
22 passed, Article 21, that on the priority list
23 come fall will be the care of one of those small
24 projects that's very close to all of us.

1 So I ask you to support this. Thank
2 you.

3 THE MODERATOR: Okay, are we ready to
4 vote on this?

5 FROM THE FLOOR: Yes.

6 THE MODERATOR: Ms. Poole, something
7 new? Microphone. Question.

8 MS. POOLE: Diane Poole, Precinct 9.
9 What is the procedure for informing the voting
10 public so they have a clear understanding of how
11 this works?

12 THE MODERATOR: About how what works?
13 The ballot question or?

14 MS. POOLE: The fact that it's just a
15 continuation of the other \$800,000 that was
16 passed. I mean, when people come to the polls
17 and they vote, how - what has been done to make
18 this clear to them?

19 THE MODERATOR: Madame Chairman.

20 CHAIRMAN FLYNN: I'm remembering other
21 ballot questions that we've had in the past.
22 Sometimes when those ballot questions are the
23 result of the work of a very active and energized
24 committee, such as last year with the Water

1 Quality Management Committee, they had their
2 ballot questions and did a fabulous job, if you
3 recall, with signs all over town, holding public
4 meetings, encouraging voters to pass the ballot
5 questions, and they did overwhelmingly. I think
6 it was probably some of the highest votes that
7 have ever occurred on a ballot question.

8 This time, it's the Town's
9 responsibility to do this, so if this article is
10 passed tonight, I think the Board of Selectmen
11 will take up an initiative to both educate and
12 inform our town's citizens of the ballot question
13 and why it's important to vote.

14 So, I think it's our responsibility and
15 we will act on it.

16 MS. POOLE: Okay, because I think
17 that's very important. Thank you.

18 THE MODERATOR: Mr. Johnson.

19 MR. JOHNSON: Leonard Johnson, Precinct
20 5. Proposition 2 ½ was passed about 40 years ago
21 to make it difficult - or to encourage towns to
22 live within their budgets. And I'd just like to
23 make one comment in relation to what Mr. Putnam
24 said about voters being frustrated with these

1 issues. And we all might have our own
2 interpretation of what frustrates them.

3 I think there's one thing that might
4 frustrate them that we haven't talked about that
5 Mr. Netto mentioned a minute ago, and that is
6 can't the town live within a budget of \$112
7 million and pay for what is needed to run the
8 town properly? That's what I hear when people
9 talk to me about those questions on the ballot.

10 THE MODERATOR: Mr. Donahue, something
11 new?

12 MR. DONAHUE: The approximately
13 \$820,000 that's coming out of FY '13 and local
14 revenues that I guess you're going to take out of
15 other funds, will the Selectmen guarantee that
16 this will be forthcoming each year to this fund
17 so that it will be constantly supplied with money
18 to be used? So that, in another year or so, you
19 won't be coming back to the people and saying,
20 "Gee, folks, we went through that 800,000, that
21 million six you gave us we put in back in '12;
22 let's go for another million this year."

23 What I'm saying is that we can't keep
24 going back to the people and asking for

1 overrides, overrides, overrides. You've got to
2 come up with something that will stabilize the
3 budget, and I recommend staying within the budget
4 of each department. Without going to capital
5 exclusions might be the answer to it. That's
6 what we have to do in our businesses -

7 THE MODERATOR: Okay, Mr. Chairman -

8 MR. DONAHUE: - why don't do it here.

9 THE MODERATOR: - do you want to
10 respond to that?

11 CHAIRMAN ANDERSON: I wouldn't
12 necessarily speak for the Board of Selectmen, but
13 I don't think that there are any guarantees, as
14 Mr. Donahue implied. I don't think that we can
15 guarantee that.

16 What I can say and what I do know is
17 that the Board of Selectmen have committed to
18 working toward developing a solution that would
19 get us to the point of we would have a certain
20 amount of money that would be available each
21 year.

22 The Finance Committee, the Capital
23 Advisory Committee, has also demonstrated a great
24 deal of interest in this. We agree that, you

1 know, this is something that's very difficult.
2 But the Board of Selectmen has committed that
3 they will be coming back to revisit this and come
4 up with some solutions.

5 THE MODERATOR: Mr. Suso.

6 MR. SUSO: Thank you, Mr. Moderator,
7 Julian Suso, Town Manager. I do want to
8 underscore that this of course is not a permanent
9 override request. We are asking for an \$800,000
10 capital exclusion. And, as Finance Committee
11 Chair Anderson's indicated, we're working very
12 closely with he and his colleagues, myself,
13 members of the administrative staff, the Board of
14 Selectmen, to craft a longer term solution. We
15 are working on those answers. We do not have
16 them all at present, but we're working diligently
17 on them.

18 But I do want to underscore, as Town
19 Manager, how critical I see this current
20 proposal, Article 21, is to the Town's basic
21 local government services. Unlike the past few
22 years, this is a package of projects that affects
23 departments throughout the town that provide day
24 to day services to everyone in this room and

1 residents and businesses throughout the town. I
2 do believe it's critical. We do appreciate your
3 consideration and I would respectfully urge your
4 support for this initiative. Thank you.

5 THE MODERATOR: Madame Chairman.

6 CHAIRMAN FLYNN: Thank you, Mr.
7 Moderator. I just want to say maybe if we just
8 look at this as the kickoff to the new normal
9 that our Finance Chairman was talking about.
10 This 800,000 is a one-time opportunity that does
11 not raise the tax rate and it gets us started on
12 the Stabilization Fund, which really is going to
13 be the new normal.

14 So we're going to have to work together
15 on this and we're going to have to work together
16 in developing how this is going to work in the
17 future. And, at the same time, make sure that
18 the citizens of the town, who are not Town
19 Meeting Members, also understand that we are
20 really in a different phase of funding our
21 government and it is, as Gary described, the new
22 normal.

23 THE MODERATOR: Okay, the main motion
24 up there on the overhead. The question will come

1 on the main motion to appropriate the \$800,000 by
2 using a capital exclusion into the new Capital
3 Stabilization Fund. All those in favor of the
4 main motion signify by saying aye.

5 [Aye.]

6 THE MODERATOR: All those opposed no.

7 [No.]

8 THE MODERATOR: It is the opinion of
9 the Chair that the ayes have it by a two-thirds
10 majority and I so declare.

11 Article 22. I'm going to take a
12 procedural vote, looking at the hour. Article 22
13 is the annual operating budget. We do have a
14 presentation and then we would go through line
15 item by line item.

16 So the question will come on whether or
17 not to begin Article 22 or to adjourn the
18 meeting.

19 FROM THE FLOOR: Move to adjourn.

20 THE MODERATOR: Motion to adjourn?

21 FROM THE FLOOR: Yes.

22 THE MODERATOR: There's a motion to
23 adjourn. All those in favor of adjourning,
24 signify by saying aye.

1 [Aye.]

2 THE MODERATOR: All those opposed no.

3 [No.]

4 THE MODERATOR: It is the opinion of
5 the Chair that the ayes have it and we are
6 adjourned until seven o'clock tomorrow for the
7 special.

8 [10:47 p.m.]

9 [Whereupon, meeting adjourned.]

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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 2, 2012. To the best of my ability the within transcript is a complete, true and accurate record of said Town Meeting.

In witness whereof, I have hereunto set my hand and Notary Seal this 11th day of June, 2012.

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

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