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COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

ANNUAL FALL TOWN MEETING

Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR: David T. Vieira

Tuesday, November 8, 2011

7:00 p.m.

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A N N U A L T O W N M E E T I N GI N D E X

| <u>ARTICLE</u> | <u>DESCRIPTION</u> | <u>VOL-PAGE</u> |
|----------------|---|-----------------|
| 1 | Hear Report of Committees, Town Officers | 1-25 |
| 2 | Unpaid Bills | 1-23 |
| 3 | Amend Zoning Bylaw Chapter 240 (Zoning) | 1-47 |
| 4 | Amend Zoning Bylaw-Art. III (Definitions) | 1-23 |
| 5 | Petition Rezone 740 Thomas B. Landers (Haddad) | 1-60 |
| 6 | Petition Rezone 22 Nathan Ellis Hwy. (Minasian) | 1-61 |
| 7 | Petition Amend Zoning Bylaw Ch. 240 Residential Homes for Recovering Alcoholics, Addicts (Salter) | 1-70 |
| 8 | Petition Amend Falmouth Code Article III, § C3-8 Prohibitions (A. Putnam) | 1-114 |
| 9 | Petition Suspend Wind I & II Operations (Funfar) | 1-123 2-7 |
| 10 | Conservation Restriction Teaticket Park | 2-17 |
| 11 | Land Transfer Research Rd., Thomas B Landers | 2-35 |
| 12 | Rescind Previous Authorizations (Prev. T.M.'s) | 1-23 |
| 13 | Chapter 90 - Roads | 1-23 |
| 14 | Fund Town/School Financial Sys. Upgrade | 2-69 |
| 15 | Fund OpenCape Broadband Network Municipal Blds. | 1-23 |
| 16 | Fund Vernon Avenue Retaining Wall Repairs | 1-23 |
| 17 | Fund Superior Officers Association Contract | 1-23 |
| 18 | Fund Police Federation Contract | 2-75 |
| 19 | Fund Int'l. Assoc. Firefighters Local Contract | 1-23 |
| 20 | Fund AFSCME Local 1636 Contract | 1-23 |
| 21 | Fund AFL-CIO Local 1249 Contract | 1-23 |
| 22 | Fund Public Library Association Contract | 1-23 |
| 23 | Fund Technical/Admin/Management Employee | 1-23 |
| 24 | Classification Plan - Police Department | 2-76 |
| 25 | Fund Replacement of Police Cruisers | 2-89 |

A N N U A L T O W N M E E T I N GI N D E X

| <u>ARTICLE</u> | <u>DESCRIPTION</u> | <u>VOL-PAGE</u> |
|----------------|---|-----------------|
| 26 | Fund Repairs/Maintenance of Town Buildings | 1-24 |
| 27 | Fund Repair Menauhant Rd. Revetment/Sidewalk | 1-24 |
| 28 | Fund Repair Chapoquoit Road Seawall | 2-98 |
| 29 | Fund Remove Sediment Salt Pond, Fresh River | 1-24 |
| 30 | Fund FY12 Wind I and II Operational Expenses | 2-114 |
| 31 | Fund Wind Energy Facilities Mitigation Analysis And Sound Study Consulting Services | 2-115 |
| 32 | Fund Old Silver Beach Septic Repairs | 1-24 |
| 33 | Fund Town's Stabilization Fund | 1-24 |
| 34 | Falmouth Contributory Retirement Military Fund | 1-24 |
| 35 | CPF Historic John Wesley United Methodist Church | 1-24 |
| 36 | CPF Historic Public Library Documents Digitized | 1-24 |
| 37 | CPF Historic St. Barnabas Episcopal Church | 2-116 |
| 38 | CPF Historic Woods Hole Public Library | 1-24 |
| 39 | CPF Historic 55 Glenwood Drive | 1-24 |
| 40 | CPF Amend FY12 Operating Budget Funding Sources | 1-24 |
| 41 | CPF Historic Waquoit Congregational Church | 2-133 |
| 42 | Authorize Solid Waste Disposal Contract | 2-135 |
| 43 | Amend Falmouth Code Ch. 29, Art. III, Sec. 29-8 | 1-24 |
| 44 | Amend Falmouth Code Ch. 65, Art. II, Sec. 65-3 | 1-24 |
| 45 | Amend Falmouth Code Ch. 136 Secondhand Dealers | 2-150 |
| 46 | Adopt Mass. Building Code 780 CMR Stretch Energy | 2-150 |
| 47 | Accept MGL Ch. 33, § 59 Military Service Effect On Salary or Vaca. Allowance of Public Employees | 1-24 |
| 48 | Accept Layout of Roads for Taking as Public Way | 2-183 |
| 49 | Funding Article | 2-210 |

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

2 THE MODERATOR: Would all Town Meeting
3 Members please come in and take your seats, so we
4 can establish a quorum. Don't forget to check in
5 with the League of Women Voters; attendance will
6 be published in the Falmouth Enterprise.

7 All Town Meeting Members please come
8 forward and take your seats so we can establish a
9 quorum.

10 Yes, I know the boxes are here; all set.
11 Yes.

12 Okay, let's go folks, we're going to
13 finish this one up tonight.

14 Any Town Meeting Members that have your
15 surveys from last night, we have two boxes up
16 here on the stage. So, during the break tonight
17 if you want to drop the survey in. Okay, they
18 moved them; one's in the back and one's in the
19 front. Okay? Okay.

20 Okay, our tellers this evening, in the
21 first division will be Mrs. Tashiro; in the
22 second division will be Mr. Dufresne; and in the
23 third division will be Mr. Hampson.

24 [Pause.]

1 THE MODERATOR: Okay, for the
2 establishment of the quorum tonight, in the first
3 division will be Mrs. Tashiro, in the second
4 division will be Mr. Lewis and in the third
5 division will be Mr. Hampson. All Town Meeting
6 Members please rise for the establishment of a
7 quorum.

8 [Pause.]

9 THE MODERATOR: Again, any Town Meeting
10 Member who has their survey for the Charter
11 Review Committee, we have a box up here in the
12 front and one in the back of the auditorium. If
13 you didn't have it with you tonight, you can also
14 mail it in.

15 Andy, I got a temporary teller for your
16 division.

17 In the first division, Mrs. Tashiro?

18 MRS. TASHIRO: 49.

19 THE MODERATOR: 49.

20 In the third division, Mr. Hampson?

21 MR. HAMPSON: 66.

22 THE MODERATOR: 66.

23 And in the second division, Mr. Lewis?

24 MR. LEWIS: 80, 8-0.

1 THE MODERATOR: 80.

2 By a counted vote of 195 members, we
3 have a quorum and the Town Meeting is back in
4 session.

5 All present please rise for the
6 presentation of the colors by Girl Scout Troop
7 80793.

8 [Colors presented.]

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

11 [Pledge of Allegiance taken.]

12 THE MODERATOR: At this time I'll call
13 forward Dr. Bob Antonucci for the invocation.

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

23 Amen.

24 THE MODERATOR: Please remain standing

1 for a moment of silence.

2 [Pause.]

3 THE MODERATOR: Colors post.

4 [Colors posted.]

5 THE MODERATOR: Ladies and gentlemen,
6 the girls scouts from Girl Scout Troop 80793.

7 [Applause.]

8 THE MODERATOR: And you girls are
9 welcome to stay with us this evening if you'd
10 like to watch the meeting and do your Citizenship
11 badge.

12 [Applause and cheers.]

13 THE MODERATOR: The girl scouts just
14 set a new bar for the boy scouts; they brought
15 the whole troop tonight; good job.

16 I'd like to recognize our state
17 representative, Representative Tim Madden is with
18 us this evening.

19 [Applause.]

20 THE MODERATOR: Tim.

21 Okay, last night we adjourned, as Mr.
22 Hampson said, to sleep on it, on Article 9. And
23 we were in the middle of a discussion of an
24 amendment that was introduced by Ms. Peterson.

1 And do we have that amendment that was on the
2 floor when we adjourned last night? Okay.

3 Ms. Peterson. Microphone for Ms.
4 Peterson, please.

5 MS. PETERSON: Laura Peterson, Precinct
6 3. After sleeping on it and listening to Mr.
7 Netto's comments and other Town Meeting Members
8 that I spoke to, I realized that next spring we
9 will have no data if the wind turbines are not
10 running, and it's important that we have the
11 data. So, keeping that in mind, Mr. Moderator,
12 through you I'd like to make a motion for leave
13 to withdraw the motion.

14 THE MODERATOR: Okay, the petitioner
15 would like to withdraw her amendment. We can do
16 that with unanimous consent. Is there any
17 objection to withdrawing the amendment?

18 Hearing no objection, then I'll use
19 unanimous consent to withdraw the amendment. So
20 the amendment is no longer pending on the floor
21 and we go back to the discussion on the main
22 motion. Madame Chairman.

23 CHAIRMAN FLYNN: Thank you, Mr.
24 Moderator. I think a lot of us slept on the

1 discussion we had last night and many us got
2 together again today and took a look at where we
3 were. We know and you know that if the vote went
4 as printed that it would be an advisory vote and
5 it would really only get half the job done.

6 So we met today to think about how we
7 might proceed with plan, and just before Town
8 Meeting began tonight, the Board of Selectmen met
9 at 6:30 and the Board voted unanimously the plan
10 that I'm going to read to you now.

11 [Reading:] "I move that the Board of
12 Selectmen direct the Town Manager to discontinue
13 the operation of Falmouth Wind I immediately.
14 The Board of Selectmen will authorize Wind II to
15 be commissioned and operated to its full capacity
16 for the purpose of studying the noise and health
17 effects of Wind II on its neighboring community.
18 During Wind II's first month of operation,
19 complaints will be received, logged and
20 evaluated.

21 "At the beginning of the second month,
22 the Town shall then immediately implement the
23 same ten meters per second curtailment as has
24 been in effect for Wind I. Complaints will

1 continue to be received, logged and evaluated. `

2 "At the end of this two months study
3 period, the Board of Selectmen will continue
4 curtailment or discontinue operations of Wind II.
5 Wind I will remain out of service except for
6 periods required for further study or ordinary
7 maintenance until the April, 2012 Annual Town
8 Meeting."

9 Now, that was the unanimous decision of
10 the Board this evening, with the exception of
11 Selectman Freitag who has a previous commitment
12 and was not there.

13 Now I would like to offer some comments
14 to you about this plan. The Board of Selectmen
15 wishes to express its appreciation to Barry
16 Funfar for submitting his petitioner's article
17 that has allowed the Board of Selectmen to get a
18 sense of the Town through the discussion at this
19 Town Meeting last night. Further, it has allowed
20 Town Meeting to gain a full understanding of the
21 human and financial implications of our
22 decisions.

23 During our regularly scheduled meeting
24 prior to this evening's Town Meeting, the Board

1 voted to discontinue operations of Wind I except
2 for periods required to conduct ongoing studies
3 of noise and any potential health effects the
4 turbines may have on residents in our community.
5 These study periods may be prolonged for several
6 days and residents will be notified of the study
7 periods through a neighborhood liaison.

8 We adopted this discontinuance to allow
9 the Town and our neighbors the opportunity to
10 return to civil and productive discussions and
11 problem-solving. I can't stress enough the
12 importance of meeting together at the same table,
13 sharing ideas, experiences, information, data and
14 doing our very best to agree on expected
15 outcomes.

16 On the financial side, the Town will
17 seek an additional appropriation in Article 30 of
18 this Town Meeting, for \$80,000 to fund the
19 additional revenue that will be required to pay
20 for the energy consumed by the Wastewater
21 Treatment Facility and yet not generated by our
22 Wind Energy Facility during this period.

23 And finally, as a community, we cannot
24 lose site of the great strides we have made over

1 the past ten years in promoting renewable energy.
2 Our Energy Committee, the Climate Action Team,
3 and the Solid Waste Advisory Committees have done
4 extraordinary work in bringing us into the future
5 that is green and protects our environment for
6 all to enjoy.

7 So I ask you to please vote no on the
8 main motion for Article 9.

9 THE MODERATOR: Okay, so we've got a
10 motion that was made at the Board of Selectmen
11 meeting. So that was their executive authority,
12 this is the plan that they have to move forward.
13 So the question before the Town Meeting is
14 whether or not to vote yes or no on the article
15 that was presented last night. Okay?

16 So I'm going to pick up my speaker's
17 list from where we were last night and the chair
18 would at any point entertain motions that were
19 appropriate. Mr. Funfar. With a microphone,
20 please.

21 MR. FUNFAR: I concur with Mary Pat
22 Flynn's motion and we I guess would go for the
23 indefinite postponement.

24 THE MODERATOR: Okay. So the

1 indefinite postponement would be voting no on the
2 main motion. That's how we'll indefinitely
3 postpone this if you so choose.

4 The next on my list from last night was
5 Mr. Latimer.

6 MR. LATIMER: Thank you, Mr. Moderator.
7 Richard Latimer, Precinct 2, speaking as a Town
8 Meeting Member, not a Planning Board Member
9 tonight.

10 I believe the Selectmen have made a wise
11 decision. I think we should support that
12 decision by voting no on the main article, since
13 the decision would effectively moot the
14 legitimate purpose of that main article. But I
15 don't think we need to - we should therefore be
16 too comfortable with what we're doing.

17 We've heard some talk last night about
18 legal action against the Town. I am informed
19 that in fact the necessary presentment, written
20 presentment has been given in at least one case,
21 seeking damages against the Town. And, given the
22 tenor of where this matter has come to a head
23 tonight and last night, I don't see that there's
24 going to be any easy solution to this problem

1 that's a problem of both us as a Town Meeting and
2 the abutters who are complaining about the wind
3 turbines.

4 I really don't see there's going to be
5 any easy solution by tweaking or making things
6 better. I frankly think we're getting legal
7 claims and they're not going to go away. Unless
8 we could be sure of that, and I think it'd be
9 important for the Town to understand what those
10 legal claims could involve in terms of money
11 before making any kind of evaluation.

12 There are three basic theories of law
13 for damages. One would be simple negligence.
14 Another would be -

15 FROM THE FLOOR: Question. Question.

16 THE MODERATOR: Mister -

17 MR. Latimer: This is addressed to the
18 question of what we should be doing in the
19 meantime before next spring, and that should be
20 not simply looking at ways to tweak it and
21 studying it, but doing studies on relative costs
22 of doing nothing or taking more aggressive action
23 and looking at the specific costs of either
24 moving the turbines or buying out the abutters.

1 Because, if we look at the overall costs
2 in terms of down the road in terms of legal
3 actions, they could cost many millions of
4 dollars, depending on where the abutters want to
5 go, and we don't control that.

6 There is, under state law, there is
7 legal claims in negligence and perhaps nuisance.
8 Those would be relatively minor given the
9 \$100,000 cap on municipal liability under state
10 law. But there is also left open, under our
11 state law, the question of whether the Town would
12 be liable for what's called a constructive taking
13 of the abutter's property, which would arise
14 under the constitution of both the state and the
15 federal government. And the limits on those
16 damages might not be so easy to bear for this
17 town.

18 I'm not going to say what they are, but
19 what I'm saying is between now and next April,
20 the Selectmen should be looking at that question,
21 the cost of relocating them, the cost of perhaps
22 taking the properties that are most affected and
23 as compared against the potential cost of Town
24 liability on top of the cost of shutting the

1 things down and losing the power. That's all I'm
2 suggesting tonight. Thank you.

3 THE MODERATOR: Okay, Mr. Pinto.

4 MR. PINTO: Thank you, Mr. Moderator,
5 Greg Pinto, Precinct 3. Let's take a vote on
6 this.

7 THE MODERATOR: Do you move the
8 question?

9 MR. PINTO: Yes.

10 THE MODERATOR: Mr. Pinto moves the
11 previous question to close discussion on the
12 article. This is two-thirds. All those in favor
13 of closing discussion, signify by saying aye.

14 [Aye.]

15 THE MODERATOR: All those opposed, no.

16 [No.]

17 THE MODERATOR: It is the opinion of
18 the chair that the ayes have it by a two-thirds
19 majority and I so declare.

20 The question will now come on the main
21 motion that was presented last night by Ms.
22 Elder. The Board of Selectmen is asking you to
23 vote no. In essence that would be indefinite
24 postponement if you vote no.

1 All those in favor of the motion that
2 was presented last night, signify by saying aye.

3 [Aye.]

4 THE MODERATOR: All those opposed, no.

5 [No.]

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

8 [Applause.]

9 THE MODERATOR: Okay, Article 10, to
10 see if you'll all buy or take my parents' land.
11 So I have to step down and I'm going to hand over
12 the gavel to Michael Palmer. By state statute,
13 if the Moderator is unable to serve as moderator,
14 the first order of business is the Clerk will
15 take the chair. And he can choose whether or
16 not to elect a temporary moderator or he can
17 carry us through the article.

18 Mr. Clerk.

19 [Mr. Vieira steps down from the podium.]

20 CLERK PALMER: Okay, we have Article
21 10. The main motion, the Board of Selectmen or

22 -

23 CHAIRMAN CLARK: No, CPC, Mr. Clerk.

24 CLERK PALMER: CPC, I'm sorry. Peter

1 Clark.

2 CHAIRMAN CLARK: Mr. Moderator, Peter
3 Clark, Chairman of the CPC, Precinct 1.

4 I would like to move Article 10 as
5 recommended in your book with a modification of
6 the last or second to last paragraph that relates
7 to the funding process. And that modification is
8 coming up.

9 I have - copies were passed out last
10 night. I have a few extra copies if anybody
11 would like to see one.

12 The change in language essentially is
13 relatively technical in order to process the
14 appropriation and the payment for this property,
15 especially the conservation restriction.

16 Mr. Moderator, shall we wait for that
17 slide, or are people have it -

18 CLERK PALMER: Is that the slide, now?

19 CHAIRMAN CLARK: Yes, this slide right
20 here. So, it deletes the second to last
21 paragraph in your booklet and it replaces it with
22 alternate language. So the article is moved as
23 printed with this change.

24 I would like to invite, if you will, Mr.

1 Johnson from the 300 Committee to come forward to
2 say a few words about this opportunity.

3 Mr. Johnson.

4 MR. JOHNSON: Hello, my name is Leonard
5 Johnson from Precinct 5. I am the - I am no
6 longer president of the 300 Committee; they
7 booted me out last summer.

8 [Laughter.]

9 MR. JOHNSON: And but I haven't gone
10 away. I am now the August treasurer of the 300
11 Committee. There are a few differences in the
12 proposal we have before you from our past parcels
13 we have brought before the Town, and so I want to
14 make sure that you understand what the
15 differences are and their significance.

16 First of all, I just wanted to repeat
17 what I think all of you know but I'm always
18 surprised when somebody in the Town does not
19 know, that the 300 Committee is not part of the
20 Town government, it is a private, non-profit land
21 trust. We have worked with the Town in
22 preserving and helping preserve over 2500 acres
23 in our 26 years of existence. So I'm not
24 surprised that people confuse us with the Town,

1 itself.

2 In the past few years we have brought
3 before you several conservation purchases. In
4 those cases, as has usually been the pattern, the
5 300 Committee has donated funds to put them in
6 the pot, if you will, sweeten the pot, as the
7 Town has then purchased several different
8 parcels. Such as the Bartholomy Conservation
9 Area on Sandwich Road, the Haddad Beach, which is
10 an extension of the Menauhant Beach, the George
11 Souza Preserve on Hatchville Road and for us the
12 high water mark, if you will, the Falmouth
13 Country Club.

14 In those cases, the Town owns the land
15 and the 300 Committee holds a conservation
16 restriction on that land. The conservation
17 restriction in effect ensures that that land that
18 has been purchased as open space remains open
19 space in perpetuity.

20 Now, for this project, we propose to
21 reverse that process and the 300 Committee will
22 own the former driving range and the Town will
23 hold the conservation restriction.

24 Now, let me tell you why we are

1 following a different approach. The 300
2 Committee has the time, the commitment and, I'm
3 happy to say with our fund-raising efforts, the
4 resources to create a park at a time when the
5 Town finances are tight and there - and staff
6 resources are tight as well.

7 When we first got interested in this
8 parcel and like so many of our proposals that we
9 bring before you when there's a real estate
10 transaction involved, it takes a long time. So
11 we have been discussing this project with the
12 Vieiras for several years.

13 So when we came to the town and said
14 we're interested in doing this project, they
15 said, "Look, things are tight. Why don't you
16 guys go for it?" So that's what we did. The
17 Town's purchase of the conservation restriction
18 is important because it - on several counts, but
19 it qualifies us to get a \$500,000 state park
20 grant. We had been told that we would know by
21 the end of October whether or not we had received
22 the grant. There have been some delays and we do
23 not - only one of the state's grants has been
24 announced.

1 This project going forward is
2 contingent, our purchase and sale agreement with
3 Bill Vieira is contingent upon receiving that
4 \$500,000 grant.

5 And the reason the state wants to have a
6 conservation restriction is that they are putting
7 \$500,000 to preserve open space and they want to
8 make sure that it at some point in the future is
9 not used for something else. So that the 300
10 Committee does what its supposed to do and
11 doesn't use the property for something else.

12 There's a legal requirement when the
13 state funds are used to purchase open space, when
14 CPC funds are used to purchase open space, when
15 Land Bank funds are used to purchase open space;
16 in each of those three areas there is a legal
17 requirement that a conservation restriction be
18 placed on that particular property.

19 As an aside, there are still some
20 parcels, a number of parcels that the Town
21 purchased through Land Bank funds where the Town
22 has not gone through the process of establishing
23 a conservation restriction on those properties.
24 We need to do that. And some time within the

1 next year, maybe either in April or next
2 November, we will come back to you and make sure
3 that that legal requirement is satisfied.

4 We've been very fortunate in this
5 project to work with the Teaticket Civic
6 Association and with the Teaticket community in
7 developing a design for the park, and I'll show
8 you that preliminary design, the concept plan in
9 a few minutes. It's been wonderful working with
10 those people and we expect that they will
11 continue to be partners with us, or probably we
12 will be partners with them in the ongoing
13 maintenance of the park.

14 Okay, the funding required. Here we go.
15 Whoop - there we go. The land acquisition, the
16 purchase price is \$1,650,000. We estimate that
17 the creation of the park will be \$250,000. That
18 is not a number that is carved in stone; it's
19 based on our conversations that relate to the
20 concept plan that I'll show you in a second that
21 you may have seen it elsewhere.

22 So, the total funds required are
23 \$1,900,000. Okay, hang onto that number:
24 \$1,900,000 of the funds that we need to raise to

1 not only buy the park but to make it a reality.

2 Okay, where are those funds coming from?
3 Article 10, the purchase of a conservation
4 restriction for a million dollars. As I have
5 mentioned, the state grant is \$500,000, the state
6 park grant, the reimbursement grant. The Town
7 will have to in effect the CPC will be advancing
8 that money in order to qualify to get it back
9 from the state.

10 The CPC funds outright will be \$200,000
11 and the 300 Committee will contribute \$300,000 to
12 the purchase of the \$1,000,000 conservation
13 restriction.

14 Let me see if I can make this work. So
15 those three numbers add up to a million dollars.
16 The Town's net contribution is \$200,000 from the
17 CPC. Because we will be getting the \$500,000
18 that's up there back from the state. And we have
19 been raising additional funds, 900,000, in order
20 to get to the \$1,900,000. I can tell you that
21 fortunately our donors have been very
22 enthusiastic about this project and so far of our
23 \$1.2 million goal, we have raised about a million
24 dollars. So we're very fortunate to have donors

1 who believe in this project.

2 This is a little dark. Just to show
3 you that red outline there is Joe's Driving
4 Range, the future Teaticket Park. This is Route
5 28 in through here. Down here is Crane's. I
6 think most of you know exactly where this is.
7 The school is back here. There's some other Town
8 land that's right in here, in this area. It's a
9 swampy area and of course this area running all
10 the way down through here, and of course the mall
11 was built on top of the waterway, the estuary
12 that eventually becomes Little Pond.

13 One of the key features of this, and we
14 believe it is one of the most important aspects,
15 is that this is a congested area of town, not
16 only commercially but from the standpoint of
17 residences. There are 3000 permanent residents
18 who live within three-quarters of a mile of what
19 we are calling Teaticket Park.

20 So, a number of people will be able to
21 walk to the park.

22 I'm not - let's go on to the - it's the
23 largest remaining piece of open space in
24 Teaticket. This, I'm not going to go over all of

1 this with you. This is the conceptual plan that
2 was developed by Stephen Stimson and Associates.
3 One of our donors thought it would be a very good
4 idea if we developed this plan so we could not
5 only explain it to the community, but we could
6 get input from the community, and we've had three
7 separate meetings getting input from the
8 Teaticket Community public meetings and we've
9 gotten a lot of very good ideas from the people
10 in Teaticket.

11 This is the, what I just mentioned is
12 the wetland, if you will. Teaticket School is up
13 here on this map; it's 90 degrees different from
14 the previous one. And here 28 is over here.
15 We've developed - the initial plan shows a series
16 of paths that run throughout the property. We
17 probably will need a bridge here and a bridge of
18 some sort down here. There will be an
19 observation deck. The people at the school are
20 quite excited about the ability to bring students
21 from the school here for an open classroom, if
22 you will. The gate, there will be a gate
23 between the park and the school that will be
24 closed unless the school wants to have it open,

1 which would be primarily on weekends.

2 We are - as I say, this is the concept
3 plan. We're going to try to leave it in as much
4 of its natural state as possible. We're not
5 going to bring bulldozers in here. It says,
6 "Restore the wetland"; we're not going to bring
7 bulldozers in there to restore the wetland, I
8 assure you. After all, we are a land trust.

9 We already are getting offers of people
10 who would like to help us. At the Precinct 5
11 and 6 pre-Town Meeting last week, Paul Sellers
12 came and said that NStar would really like to
13 help us donate and plant trees in this area.

14 And some of you with long memories may
15 remember that - I always have to get this in:
16 there used to be a whole line of elm trees on the
17 east side of Teaticket Highway, going back into
18 the 1950's, and Raleigh Costa talks about them in
19 his book about Teaticket. And one of the things
20 that I think would be really nice to at least in
21 this section to be able to restore some of those
22 elms. They did not go away because of Dutch Elm
23 disease. They went away because the state
24 decided it wanted to expand Route 28 and took

1 them out on the east side of Teaticket Highway.

2 Okay, final slide. I should acknowledge
3 a great many people who've helped us. The Vieira
4 family have been terrific to work with. When you
5 - I know from personal experience when you sell a
6 piece of property that's been in your family for
7 a long, long period of time it's a difficult
8 thing to do. And so there's been somewhat of a
9 roller coaster, but we all seem to have survived
10 it.

11 Pat Harris, the assistant town counsel,
12 has been terrific to work with and has been very
13 helpful. Jessica Erickson, of course, our
14 administrator, has been involved in this from all
15 the nitty-gritty, I assure you. Margaret
16 Russell, our previous administrator, and Mike
17 Duffany did the negotiating with the family and
18 played a critical role in doing that.

19 And the Teaticket Civic Association,
20 I'll mention just a few people that have really
21 been instrumental in this: Paul Asfa, Mary
22 Little, Mary Bishop, Sue Smith of course is
23 instrumental in all things that go on down there.

24 So, I'd be happy to try to answer your

1 questions and thanks for listening.

2 CLERK PALMER: Any discussion?

3 MR. LEWIS: Wayne Lewis, precinct 7.

4 You say that the state is going to reimburse us
5 \$900,000; is that an absolute lock-in?

6 MR. JOHNSON: No, it's 500,000, and it
7 is not a lock-in. There are a number of
8 communities competing for that money. We think
9 we've got a very good proposal. We should know -
10 we should have known by the end of October, but
11 they're now saying two more weeks. So we will
12 know whether or not we got the grant. If we
13 don't get the grant, we'll go back to the drawing
14 board.

15 MR. LEWIS: So you're asking us to vote
16 on something that is really in the air,
17 uncertain, then?

18 CHAIRMAN CLARK: From the Community
19 Preservation Committee point of view let me point
20 out that the language is very clear that what
21 your acting on is contingent on the approval of
22 that grant. So, you can vote on this with the
23 confidence that neither the sale, at this point,
24 nor the participation of the Community

1 Preservation Committee will happen unless that
2 grant is approved.

3 CLERK PALMER: All right, next, over
4 there.

5 MR. BARROW: Bruce Barrow, precinct 8.
6 I'm just a little confused about some of the
7 terminology; maybe you could explain it a little
8 more. The concept of the conservation
9 restriction, just because of my ignorance I don't
10 understand why the owner of the property can't
11 also own the conservation restriction. Why does
12 another entity have to own that?

13 MR. JOHNSON: Good question. A
14 conservation restriction is a legal document, and
15 the idea is that the person holding - and there
16 are certain conditions that are agreed to in that
17 document. Certain things that the owner can do,
18 permitted uses, and certain things that the owner
19 can't do, which are prohibited uses. All in the
20 spirit of keeping the property preserved as open
21 space.

22 And so what happens is that when we have
23 a conservation - let's say the 300 Committee
24 holds a conservation restriction on a parcel. We

1 go out every year and check and make sure that
2 the landowner is living up to the terms of the
3 conservation restriction. And so that means that
4 we make sure that the - we're the watchdog, in
5 effect.

6 So the Town, the person who holds the
7 conservation restriction is the watchdog to make
8 sure that the person who owns the land is living
9 up to the terms of the agreement. The
10 conservation restriction is a perpetual document.
11 It preserves the intent of the parties in
12 perpetuity. I hope that helps you.

13 CLERK PALMER: Mrs. Perry.

14 MS. PERRY: Thank you, Mr. Moderator.
15 Good evening, Jane F. Perry, precinct 8. I rise
16 to talk in support of this. What a wonderful
17 opportunity for our Town to purchase this
18 particular land parcel. I know my friends in
19 Teaticket will be thrilled that it's not going to
20 be affordable housing and that they can rest
21 assured that this will be a wonderful place for
22 their children and everybody else to come and
23 enjoy the outdoors.

24 As we go forward, I hope that this

1 committee will entertain meeting with the
2 Commission of Disabilities. Unfortunately I
3 don't know if we can financially help you, but
4 when you purchased the Bartholomy project, Mrs.
5 Russell came to many of our meetings and was very
6 helpful and was willing to take into effect some
7 of the questions and concerns we had in the
8 design phase.

9 So I respectfully ask that you do that
10 and also people are concerned about the safety
11 aspect. Let me rest assure that there is a
12 pedestrian crosswalk light just in that vicinity
13 which I was very instrumental in using and I use
14 every day. So, I know people have been concerned
15 with other projects I this area, about the safety
16 because it is a state highway, but there is
17 venues that will help you travel safely in that
18 area.

19 Again, I hope you stand with me and
20 support this 100 percent. Thank you very much
21 for your time in allowing me to speak on this
22 issue.

23 FROM THE FLOOR: I move question.

24 CLERK PALMER: No, let's let anybody

1 else talk; we're almost there, I think. Anybody
2 else want to speak?

3 Okay, we will, then. Okay - oh,
4 Chardell did you want to speak?

5 MS. NEWTON: Chardell Newton, precinct
6 6. I'm not opposed to the project, but in
7 looking at the display that you've put up there,
8 I'd like to know if you've incorporated the
9 maintenance costs per year to maintain this park?
10 I know when you did the dog park, you had
11 volunteers that maintained that, so I'd like to
12 know what the costs are going to be per year to
13 maintain it.

14 MR. JOHNSON: I'd just like to remind
15 you that the 300 Committee is going to own this
16 parcel; the Town is not. So the 300 Committee
17 will have the obligation working with the
18 Teaticket Civic Association to raise the
19 necessary funds to maintain the park year after
20 year after year.

21 CLERK PALMER: Okay, are we all ready
22 to vote?

23 FROM THE FLOOR: We're ready.

24 CLERK PALMER: Okay, this is a two-

1 thirds vote and it's going to be as recommended
2 with the following change: deleting the second to
3 the last paragraph and putting in its place "to
4 authorize acceptance of a gift of 300,000 from
5 the 300 Committee, incorporated for the purposes
6 of Article 10. To authorize appropriation of the
7 sum of 700,000 from the Community Preservation
8 Fund Undesignated Fund Balance for the purposes
9 of Article 10. Expenditure of such funds to be
10 contingent upon approval of a grant from the
11 Massachusetts Parklands Acquisitions and
12 Renovations for Communities, PARC, formerly Urban
13 Self Help Grant Program, to reimburse the
14 Community Preservation Fund Undesignated Fund
15 balance in an amount no less than 500,000 and the
16 receipt of a gift in the amount of 300,000 from
17 the 300 Committee. And further, to authorize
18 payment of the sum of \$1 million for the
19 acquisition of the foregoing conservation
20 restriction.

21 "All said appropriated sums shall be
22 expended under the jurisdiction of the Board of
23 Selectmen for the purposes of Article 10."

24 Okay, all those in favor?

Carol P. Tinkham
(508) 759-9162

1 [Aye.]

2 CLERK PALMER: All those opposed?

3 [None opposed.]

4 CLERK PALMER: Unanimous, it passes.

5 [Applause.]

6 [The Moderator resumes the dias.]

7 THE MODERATOR: The view's not too bad
8 from back there.

9 [Laughter.]

10 THE MODERATOR: I actually sat in the
11 same aisle that I sat my first Town Meeting,
12 April of 1987, when I came to write my
13 citizenship paper.

14 All right, we are now on Article 11.
15 The Board of Selectmen will make its
16 recommendation.

17 CHAIRMAN FLYNN: Thank you, Mr.
18 Moderator. I move to adopt Article 11 as printed
19 with the following addition: that the transfer of
20 parcel one from the Town to the Woods Hole
21 Martha's Vineyard and Nantucket Steamship
22 Authority shall be subject to a preservation
23 restriction in perpetuity. In accordance with
24 Mass. General Laws Chapter 184, Sections 31

1 through 33, held by the Town of Falmouth acting
2 through the Historical Commission or by another
3 governmental agency or non-profit organization,
4 preserving the Great Rock located on Parcel 1 and
5 identified in the Technical Memorandum and
6 archeological sensitivity assessment Research
7 Road, Falmouth, Massachusetts, prepared by the
8 Public Archeology Laboratory, dated October 31st,
9 2011.

10 And further authorize the Board of
11 Selectmen to grant or otherwise create said
12 preservation restriction or to take any other
13 action to preserve in perpetuity the aforesaid
14 Great Rock.

15 THE MODERATOR: Okay, the main motion
16 Article 11. Discussion on Article 11?

17 MS. HARPER: Mr. Moderator.

18 THE MODERATOR: Oh, you're going to
19 make a presentation? Okay.

20 MS. HARPER: No, I have a brief
21 presentation.

22 THE MODERATOR: Yes. Okay. They're
23 going to do a presentation and then we'll open up
24 the debate.

1 MS. HARPER: Several weeks ago I was
2 invited to participate in an interview with some
3 truly lovely students from Falmouth High School.
4 Among them was Mr. Moakley who is here tonight,
5 passing the mic. And one of the questions I was
6 asked, running through all the articles for Town
7 Meeting, was what article did I think was the
8 most important article on the warrant, and I
9 believe the article before you this evening holds
10 tremendous importance for the future of our
11 community. And that was my response to the
12 question that evening - that afternoon.

13 So I want to walk through a little bit
14 about this property and the land swap. I think
15 you're all very familiar with the parcels.

16 FROM THE FLOOR: Can you speak into the
17 mic more, please?

18 THE MODERATOR: Okay, yes.

19 MS. HARPER: These are uncomfortable.

20 THE MODERATOR: Do you want to use one
21 of the cordless mics and then you can - can we
22 get one of the cordless mics down here? You
23 can't go too far with it because it's wired in.

24 MS. HARPER: Thank you. So this is

1 Thomas Landers Road, the Research Road. This
2 parcel here is the current parcel that the Town
3 owns, part of the area that was originally
4 transferred as part of Falmouth Technology Park.

5 On this side of the road, this parcel
6 here is the Wastewater Treatment Facility and
7 this parcel immediately northern is the parcel
8 that the Steamship Authority recently acquired.

9 The next slide, please. The importance
10 of this parcel really lies in this line, here,
11 and I think many of you are very aware of these
12 issues, but this line and what's very difficult
13 and faint to see; in fact, I think you can see it
14 a little bit better on this slide. You can see
15 this grey-blue shaded area. Those are the West
16 Falmouth Harbor watershed. This parcel here as
17 you can see immediately adjacent to our
18 Wastewater Treatment Facility is outside of the
19 West Falmouth Harbor watershed, whereas our own
20 parcel is within that watershed, making this
21 parcel extremely valuable to the Town for its
22 future capacity for wastewater discharge.

23 This site was identified as part of the
24 - I want to call it the water quality management

1 committee, but the former review committee,
2 Comprehensive Wastewater Review Committee
3 evaluated this parcel known as Site 7 and was
4 reported in its technical report number 7 and was
5 recommended as a potential site for wastewater
6 discharge. Among those were the Peterson parcel,
7 which you authorized the sale of at a previous
8 town meeting.

9 Moving forward with the work associated
10 with the study of potential sites, the Town moved
11 ahead and conducted hydraulic assessments of both
12 the Peterson parcel and this parcel. We know
13 that this property has the capacity to absorb as
14 much as 1.65 million gallons a day and will serve
15 as a tremendous opportunity for any future
16 expansion of our wastewater treatment facilities
17 to improve water quality throughout the town.

18 Next slide. There are known
19 archeological attributes and I want to walk
20 through some of those attributes. And a few key
21 things that have occurred since we learned about
22 those archeological attributes.

23 With any parcel where there may be pre-
24 contact sites, the first recommended step is to

1 conduct an assessment of that parcel. The
2 Steamship Authority, immediately upon learning of
3 the potential for archeological sites on the
4 Town's parcel, conducted an assessment of the
5 Town's parcel. And we received a report from the
6 Public Archeological Laboratory on October 31st.
7 We learned through that report, and previous
8 reports, that archeological sites have been
9 recorded in Falmouth in similar environmental
10 settings to those found in this project area,
11 which is the Town's site.

12 The parcel contains a large glacial
13 boulder known as Great Rock. The rock was
14 reportedly used to help settle - and that should
15 say "an" 18th Century controversy surrounding the
16 northern boundary line for the Town of Falmouth.
17 The custom of throwing a stick, which we learned
18 about, sounds like a very romantic custom, as
19 Native Americans passed by, is a cultural
20 practice and was not practiced by the Mashpee
21 Wampanoag. And these are all quotations from the
22 Public Archeological Report Laboratories Report
23 of October 31st of this year.

24 This is the Great Rock, and it is quite

1 a large glacial erratic which Brian Curry tells
2 me came from Vermont. And just by - and actually
3 Bob did a nice job, these are reflecting much
4 better.

5 This is Sarah Brooks, she's our
6 assistant director - our DNR officer, and she's a
7 little over six feet tall, which gives you an
8 idea of the order of magnitude. It's about 25
9 feet in length. It's a very large - rock.

10 [Laughter.]

11 MS. HARPER: And very close by it is an
12 also a very large kettle hole, which at the
13 bottom has a known vernal pool.

14 So as we walked through the potential
15 for the swap, we did come to an agreement for a
16 straight swap with the Steamship Authority. They
17 will trade our eight acres - their eight acres
18 for our 12 acres. We do have appraisals on hand
19 which show that they are of equivalent value and
20 the Steamship Authority has agreed to preserve
21 Great Rock in perpetuity as a permanent deed
22 restriction.

23 I want to talk a little bit about the
24 appraisal report. And these, again, these are

1 quotes. These are not my statements. These come
2 straight from a professional appraiser known as
3 Shepard and Associates. [Reading:] "Given the
4 factors considered, the proposed land swap
5 appears to be equitable. Both parties appear to
6 be in a position to benefit from the
7 transactions. The parcels are of equivalent
8 utility. Parcel 7 allows for the expansion of
9 the Town's wastewater treatment capacity. Given
10 Town tests, the parcel appears to possess
11 adequate potential to meet the Town goals. And
12 the cost of not acquiring this parcel could
13 potentially be large, as regulatory requirements
14 will be required to provide sewer within the
15 watershed area, providing for future sewer
16 treatment capacity."

17 And then final is their final summary.
18 [Reading:] "In summary, the benefits in acquiring
19 the parcel significantly outweigh any negatives.
20 Acquiring the parcel ultimately would have the
21 potential of creating long-term savings to the
22 Town and would benefit the Town by providing for
23 future sewer treatment capacity."

24 So, that is the end of my planned

1 presentation. If there are any questions?

2 THE MODERATOR: Okay, Mr. Smolowitz.

3 MR. SMOLOWITZ: Thank you, Mr.

4 Moderator. Ron Smolowitz, precinct 8. I just
5 have a question about the potential uses of this
6 swap. I mean, it's 12 acres for 8 acres and it
7 says that the assessed values are equivalent. I
8 could understand the value of the 8 acres to the
9 Town. I don't see how that affects an
10 assessment. I don't understand the value to the
11 Steamship Authority. What can they do with that
12 property? There's something that I just don't
13 understand about the equivalency of these two
14 parcels.

15 MS. HARPER: Could you go back to the
16 slide showing the two parcels? Sorry. I'll
17 answer the question then you can look at the
18 slide.

19 The appraisal report is based on the
20 unique nature of this transaction, and both
21 parcels were appraised independently in light of
22 this particular transaction. And this
23 transaction contemplates two things. One, the
24 unique attributes of each parcel, the size, the

1 topographics, all those types of limitations.
2 But they also contemplate the unique value to
3 each individual owner.

4 To the Town, there's unique value
5 because it's immediately adjacent to the
6 Wastewater Treatment Facility and has its value
7 for a discharge site of 1.6 million gallons per
8 day of discharge. For the Steamship Authority,
9 it has unique value because the Steamship
10 Authority owns this parcel and has unique
11 attributes that make it attractive to the
12 Steamship Authority which obviously adds value to
13 the site with frontage on Thomas Landers Road.

14 MR. SMOLOWITZ: So, in effect, this is
15 probably a future parking lot, is that what we're
16 talking about?

17 Is there something in the restrictions
18 that, for instance, are they going to be able to
19 use this for a parking lot? What is the -

20 MS. HARPER: We aren't certain of what
21 the formal Steamship Authority plan is for that
22 area. We certainly know that - no. But they do
23 contemplate possibly an administration building,
24 a parking lot, but their expectation is that the

1 parcel that they're acquiring for the Town will
2 allow them more full development of the front
3 site. That they would remove this lot line.
4 This site really is not developable.

5 The estimate that I heard from Joe
6 Clancy in discussing the appraisal, that the cost
7 of filling the kettle hole that's behind the
8 Great Rock which would take tremendous tons of
9 dynamite to get rid of and they've agreed will
10 stay, would be \$700,000 just to fill the pit.

11 MR. SMOLOWITZ: Okay, Thank you.

12 THE MODERATOR: Okay, Mr. Anderson and
13 then Ms. Bumpus.

14 MR. ANDERSON: The Finance Committee
15 has received and reviewed copies of the two
16 appraisals and found that - and we believe that
17 this transaction is financially equitable and
18 beneficial to the Town and we would therefore
19 concur with the Board of Selectmen's
20 recommendation.

21 THE MODERATOR: Okay, Ms. Bumpus. Mr.
22 Putnam.

23 MS. BUMPUS: Catherine Bumpus, precinct
24 1. I received an email about this and about the

1 archeological significance of this site that we
2 are giving up, the Great Rock, and I guess the
3 question is hopefully that you will write a
4 restriction that doesn't preserve the Great Rock
5 in a sea of concrete or a sea of asphalt -

6 MS. HARPER: Oh, yeah.

7 MS. BUMPUS: - but actually preserves
8 the historic landscape around it also and the
9 possible Native American cairns on the property
10 if they can be preserved.

11 THE MODERATOR: Okay, Mr. Putnam.

12 MR. PUTNAM: Brent Putnam, Board of
13 Selectmen, precinct 9. Just some clarification
14 for Mr. Smolowitz. The kettle hole that was
15 identified, I believe it was said it was a vernal
16 pool. In such situations, a vernal pool is a
17 protected wetland. And for those of you who are
18 hung up on the acre per acre aspect of this
19 situation, they wouldn't be able to fill it
20 because they would be prohibited from doing that
21 by law, by conservation regulations.

22 Moreover, the distance surrounding the
23 boundary of the wetland, there's a 100 foot
24 setback as well. So, to answer Ms. Bumpus's

1 question, the question of preserving the Great
2 Rock, if it actually falls within that 100 foot
3 buffer to the vernal pool, then it would be
4 protected as well in that regard.

5 THE MODERATOR: Mr. Zweig, in the back.

6 MR. ZWEIG: Is there a pointer?

7 THE MODERATOR: A pointer?

8 MR. ZWEIG: Yeah, here's one here.

9 MS. HARPER: Here, Ron, here's one
10 right here.

11 THE MODERATOR: Ron, behind you.
12 Heather has one.

13 MS. HARPER: Can you reach that?

14 MR. ZWEIG: Thank you, Mr. Moderator,
15 for the opportunity. I have a short
16 presentation. And my presentation raises
17 essentially three points concerning this site.

18 The - and those points are related to
19 the point that Mr. Smolowitz raised and also the
20 environmental impacts of wastewater discharge at
21 this particular site and ramifications it may
22 have.

23 So, next. Thank you. We can look at
24 this, this is derived from the Technical

1 Memorandum Number 9 that was prepared for the
2 Town by GHD, and it shows the locations of
3 various sites they were testing and other
4 aspects. I added the light blue indications
5 there that show where different aspects are on
6 the -

7 MS. HARPER: Oh, you press the button.
8 Sorry.

9 MR. ZWEIG: Oh. Sorry. Thank you.

10 So basically this is the Steamship's
11 lot, here. Modeling was done on this lot for the
12 flow of wastewater that would be injected or put
13 into the ground and it moves in a westward
14 direction. It's also right on the edge,
15 actually, of this waste - of this plume or
16 groundwater flow into West Falmouth Harbor. It's
17 very - this shows it actually on top of the edge,
18 a little bit. And then the Town land, as we all
19 know, is there.

20 Just directly across the highway, due
21 west, is Crocker Pond, which is on Bourne Farm,
22 or part of Bourne Farm. And then West Falmouth
23 Harbor is here. So if, by putting water in here,
24 if it moves in this, in a southerly direction at

1 all, it would go into this area.

2 And then, next. This is from the same
3 report that shows the westerly flow of the
4 groundwater, which would be bringing wastewater
5 in a westward direction, directly toward Crocker
6 Pond, and other wetlands along the shore.

7 Next, please. So here is a slide that
8 really shows the site and this is where the
9 discharge points would be and all the lines on
10 the modeling shows that it's in a direct approach
11 to Crocker Pond. And, as we all know, Ashumet
12 Pond is now still suffering from the discharge of
13 pollution or wastewater on the Mass. Military
14 Reservation, and every year or maybe more than
15 once a year, alum has to be put in the pond to
16 control phosphorus.

17 Phosphorus - we've heard a lot about
18 nitrogen, and that's the main problem in the
19 coastal estuaries, but in freshwater ponds
20 nitrogen and phosphorus are critical. So, the
21 Bourne Farm site could be heavily compromised by
22 this flow.

23 Next, please. So, this was just sort
24 of a similar - a very simple calculation that was

1 done based on the purchase price the Steamship
2 Authority paid for the land that it has that the
3 Town would swap for. I don't know about
4 appraisal. We haven't seen the appraisal
5 reports; it's hard to know really how they work.
6 But what I was always told with real estate that
7 I've been involved in, the real value of the real
8 estate is how much you actually can sell it for.
9 It's not - the appraisal could be an indicator,
10 but oftentimes it isn't at all accurate and I've
11 had experience with that.

12 So, until we kind of have time as a Town
13 Meeting, possibly, to look at that, those - the
14 way it was calculated, it would be good to know.
15 And I understand about the vernal pool or kettle
16 hole and the rock, but another really critical
17 element is that, as the Articles 3 and 5 on the
18 warrant indicate, there's a real shortage of
19 Light Industrial C land in town, and basically
20 the Town would be using prime, precious land for
21 a wastewater discharge point in the Technology
22 Park that the EDIC and the Town created
23 specifically for that purpose and that by using
24 it for wastewater discharge could very well

1 curtail some economic development in Falmouth.

2 Next, please. So, the other thing, too,
3 is that the Town, the last Comprehensive
4 Wastewater Plan Review Committee's recommendation
5 was to look at another parcel for discharge of
6 wastewater; that for the Town to acquire, to
7 purchase versus the swap. And that land actually
8 may be more suitable. I don't know where it is,
9 exactly, but it could be more suitable as a
10 wastewater discharge site than prime economic
11 development land within the park. So this is
12 another issue.

13 Next, please. So, in summary,
14 basically, this figure up here is, again, a
15 direct swap of about \$400,000 in loss of value
16 that would have to be looked at more carefully,
17 but the second point, the high demand for Light
18 Industry C land is definitely critical. There is
19 a pollution risk to surface waters, at least
20 Crocker Pond, which wasn't on the other - on the
21 map in your warrant booklet. Which is, as I've
22 showed, is directly in the path of the
23 groundwater flow, and then it would go on beyond
24 that to the coastal - some coastal ponds as well

1 as salt marshes.

2 So these are factors that I think really
3 warrant a reconsideration of this article and I
4 would suggest that you consider voting no or not
5 supporting it. Thank you.

6 THE MODERATOR: Okay, Mr. Turkington.

7 MR. TURKINGTON: Thank you, Mr.
8 Moderator. I'm speaking tonight as chair of the
9 new Water Quality Management Committee. The
10 other members are Virginia Valiela, Matt Patrick,
11 George Heufelder, Wynn Monroe, Steve Rafferty and
12 Steve Leighton. The Committee voted unanimously
13 in favor of this article and I'd like to tell you
14 why.

15 We all know West Falmouth Harbor is
16 distressed because of an overload of nitrogen.
17 And we all know that it comes from our wastewater
18 treatment plant. All the studies that have been
19 done make it clear that if you take the treated
20 wastewater and put it into the ground outside of
21 where we're putting it now, at this site, to be
22 specific, it will not go into West Falmouth
23 Harbor, and that act alone will be enough to
24 bring West Falmouth Harbor to acceptable nitrogen

1 levels in fairly short order. Without spending
2 \$24 million to sewer West Falmouth village. So
3 this is a huge economic incentive to acquire this
4 parcel.

5 We've heard some objections to the
6 price. A couple things about the - both parcels
7 we're talking about here, neither one is in the
8 Technology Park. Not the one the Town is giving
9 up; not the one that the Town is hopefully
10 acquiring. They are both well outside of
11 Technology Park. They're both extremely hilly,
12 rocky parcels. When we created Technology Park
13 back in 1980, this parcel was never thought of as
14 being something that should be part of it because
15 of the topography. So it never was and it is not
16 now.

17 Concerning the Great Rock, and now I'm
18 speaking for myself, when Mr. Hanley, who we all
19 read about in the paper, brought this to the
20 public's attention, I called his home and
21 congratulated him for doing a great public
22 service. This Great Rock is an extremely
23 important piece of this town's history. I would
24 say the town has become more educated on it

1 lately thanks to him. And he did a good thing in
2 bringing it to our attention.

3 The Town has stepped up to the plate and
4 the Steamship Authority has agreed with the Town
5 that the Great Rock will be preserved and its
6 environs will be preserved. Both of these
7 parcels will be subject to MEPA review. They'll
8 be reviewed by the Natural Heritage people, the
9 endangered species people, the Mass. Historic
10 Commission. They will all get that kind of
11 review and any development, particularly on the
12 Steamship parcel, will be required to set aside a
13 good percentage of the land as protected open
14 space, you know, so it will not be wall to wall
15 cars or wall to wall pavement.

16 But, for the Town's purposes, this
17 parcel - our committee now and the Review
18 Committee before us all recognized that this
19 parcel was key to cleaning up West Falmouth
20 Harbor and doing it without spending \$24 million.

21 THE MODERATOR: Okay, Mr. Moriarty.

22 MR. MORIARTY: Dave Moriarty, precinct
23 6. I just have a question. Would the citizens
24 of Falmouth be able to continue to go out to the

1 rock, walk around, enjoy nature? Or would they
2 be excluded from that?

3 THE MODERATOR: I don't know if we have
4 a direct answer for that until they -

5 MR. MORIARTY: Who would I ask that
6 question?

7 THE MODERATOR: Well, the Steamship
8 Authority, but I don't know if there's anybody
9 here.

10 MR. MORIARTY: Well, I think that
11 question should be answered before we continue to
12 vote on this article. Thank you.

13 THE MODERATOR: Is there anyone here
14 representing the Steamship Authority? Okay.
15 Yes, Ms. Harper?

16 MS. HARPER: Well, I have a comment
17 related to how archeological sites are managed.
18 And this is a site that has archeological
19 significance. And generally the reason many of
20 us weren't aware that this parcel had - I had
21 been to Great Rock and heard the legend, the
22 stories. Mark Patten, the former director of
23 Natural Resources took me out to Great Rock at
24 some point on a tour. I didn't realize it was on

1 this parcel. And the reason is those studies are
2 kept confidentially because they want people to
3 stay away from them to preserve the integrity of
4 the site.

5 [Laughter.]

6 FROM THE FLOOR: Question.

7 THE MODERATOR: Mr. Hanley.

8 FROM THE FLOOR: Question. Question.

9 MR. HANLEY: Actually I'll take the
10 podium. Could we please put the slide back that
11 shows the topography of the parcel.

12 Hi, I'm Matthew Hanley, 710 Thomas B.
13 Landers Road. I just want to say that I'm glad
14 to see that the Town has finally developed some
15 maps that show topography to the Town Meeting
16 Members. Heather Harper and Mr. Turkington
17 touched on the topography.

18 I've grown up on this piece of property.
19 My family's owned this property for 40 - the
20 property north of this eight acre parcel for 40
21 years, so I'm very aware of the topography, the
22 natural resources and the archeological history.
23 That's why I brought it to the Selectmen's
24 Meeting.

1 This property - both parcels, here, were
2 identified in a survey 30 years ago by James
3 Mavor and William Dunkle, who was the Town of
4 Falmouth, the President of the Historical
5 Society, and Chase White, who was then the Town
6 Engineer. There was a study submitted to the
7 Town, the Selectmen, the Planning Board and the
8 Historical Society 30 years ago. And if people
9 are asking why this land has been undeveloped
10 for, you know, 40 years, 30 years, is because of
11 their efforts. That's why that end of Tech Park,
12 not because of topography, it's because it was
13 identified then and it was forgotten about and
14 now we're back at the same issue.

15 But, besides that, besides the Indian
16 artifacts, I think this town for one thing should
17 be do - our own Historical Society, Historical
18 Commission should be doing a survey on all this
19 property in this area before we move forward so
20 we're not destroying our own history. It's not
21 just a history of the colonists of this area, but
22 the Native people that lived here and vacationed
23 here before we ever were settled.

24 Another reason that we should put this

1 on the back burner and reconsider this is like
2 Heather Harper and Eric Turkington said, the
3 topography. This land is boulders the size of
4 cars and our property has heavy clay deposits on
5 it, so it only goes to reason to think that the
6 eight acre parcel behind us will also have heavy
7 clay deposits. So it's very steep, boulders the
8 size of cars and heavy clay deposits. This might
9 not be even suitable for our Town wastewater and
10 here we are giving away 12 acres of land for 8
11 acres that we will not be able to develop.

12 In addition to that, Heather Harper,
13 Peter Boyer and Gerald Potamis has promised our
14 family a hundred foot buffer between these
15 leaching fields and our residence along the whole
16 border; because our property is - can be used for
17 community activities, it would have to be along
18 the whole border. The eight acre parcel is only
19 200 feet wide. If you take a hundred feet out of
20 that, that shrinks the eight acres down to four
21 acres. Then they still have to leave wildlife
22 corridors beside the Massachusetts highway and
23 leave a buffer between the Technical Park.

24 So, we are giving 12 acres basically up

1 for three acres of land. If it's identified we
2 can use it after we go through all the
3 regulations with the Massachusetts Endangered
4 Species Act and Massachusetts Fisheries and
5 Wildlife.

6 So, please reconsider this. We could be
7 giving away a lot of history and a lot of money
8 to the Steamship Authority, who is going to
9 benefit greatly from this 12 acre parcel. They
10 will basically put a fence around this Great
11 Rock, ignore the rest of the archeological
12 significance of that parcel, and they will have
13 frontage on two sides. They will have the piece
14 of property in front of it will make the -
15 they'll have the rear piece of property; they'll
16 have an inlet and an outlet. This is a more
17 desirable location for a parking lot for the
18 Steamship Authority than the Acme Precast Plant
19 that they currently are looking at developing.
20 Thank you.

21 [Applause.]

22 THE MODERATOR: Okay.

23 MS. HARPER: Mr. Moderator. Bob,
24 could you go to the last slide on that

1 presentation. The last slide of the last
2 presentation.

3 [Pause.]

4 THE MODERATOR: Do you want to start
5 talking while he puts the slide up?

6 MS. HARPER: Well, my - I'm struggling
7 how to comment about any offers that have or have
8 not been made to Mr. Hanley. Mr. Potamis, Mr.
9 Boyer and I have never met together on that
10 subject and certainly Mr. Potamis and I have not
11 been given any executive authority to make any
12 such offers of any kind. So, that has not
13 happened.

14 And that's not the right - I'm sorry,
15 Bob. It's my presentation that I'm looking for.
16 Did he have the same slide in it? The slide with
17 the map. It's important, this is about the hydro
18 hydraulic study. There were some comments made
19 about the potential for this property. You can
20 go to the very last slide.

21 I didn't share this because I wasn't
22 sure if the question would come up but it has, so
23 we have the slide. The hydraulic test at site 7
24 was located near the border of the Steamship

1 Authority property and the wastewater treatment
2 facility border. The location provided a
3 representative sample investigation of both the
4 Steamship Authority parcel as well as the Town
5 Wastewater Treatment Facility for their possible
6 use for infiltration.

7 The hydraulic load test is a large-scale
8 percolation test that was conducted in accordance
9 with Mass. DEP and U.S. EPA guidelines and those
10 are all quotations provided by the surveyor.

11 FROM THE FLOOR: Let's go. Question.

12 THE MODERATOR: Mr. Potamis.

13 MR. POTAMIS: I'll defer if the motion
14 wants to be moved.

15 THE MODERATOR: Okay, Mr. Boyer.

16 MR. BOYER: No.

17 THE MODERATOR: No? Okay. Are we
18 ready? Mr. Patrick?

19 MR. PATRICK: Matt Patrick, Precinct 7
20 and I just wanted to say while it's true I did
21 vote for this as a member of Water Quality Review
22 Committee, I as unaware that the flow was going
23 to go directly into Crocker Pond or very close to
24 Crocker Pond. And I'm just wondering if someone

1 would comment on the phosphorus removal capacity
2 of our current plant, and if there are any plans
3 to improve that.

4 THE MODERATOR: Mr. Potamis.

5 MR. POTAMIS: Gerry Potamis, precinct -
6 Town Member from precinct 2, it's new.
7 Wastewater Superintendent. And I'll try to just
8 stick to the facts. Supposed to get a laugh out
9 of that, but.

10 [Laughter.]

11 MR. POTAMIS: Okay, thank you. When
12 you remove - when you treat wastewater, when you
13 highly treat it to three milligrams per liter,
14 you have to take out a large amount of
15 phosphorus. We know that; the consultants know
16 it; most people that study water quality know you
17 can't remove one without the other.

18 The other thing is, as was said by the
19 chair of the committee: we have to do
20 environmental analysis.

21 The other thing that's not said: just
22 because wastewater is flowing to Crocker Pond, we
23 - I doubt very much, but I don't know, if the
24 plume is going to up-well into the pond or if the

1 pond is going to pollute our plume. I'm serious.
2 I think all the studies, we have a professional
3 consultant that's internationally known and I
4 know other consultants. This is not a serious
5 geologic, hydrologic issue. We know where the
6 plume's going by hydrologic studies. We know we
7 can take nitrogen and phosphorus out to the level
8 that won't cause adverse impact.

9 We don't know if Crocker Pond is
10 impaired by phosphorus. It may be, but we will
11 study that. And I think - that's it. Thank you.

12 THE MODERATOR: Okay. Mr. Donald,
13 something new?

14 MR. DONALD: May I have some time to
15 read a couple of letters from some - a couple of
16 residents who could not be here tonight?

17 THE MODERATOR: Sure, make it quick.

18 MR. DONALD: Say again?

19 THE MODERATOR: Make it quick. If it's
20 new information in the letter -

21 MR. DONALD: Yes.

22 THE MODERATOR: Otherwise you can
23 submit the letters.

24 MR. DONALD: I was asked to read this

1 by Peter Waxman from precinct 1. [Reading:] "Long
2 ago Jim Mavor mapped the Native American
3 ceremonial features that exist in and around
4 Technology Drive off of Thomas Landers Road in
5 Falmouth. I have personally seen all of these
6 same features and believe they are a precious
7 resource from history and perhaps also from
8 prehistory.

9 "These features consist of rock piles,
10 also sometimes called cairns, that are presumed
11 to be related to astronomy but are in fact very
12 little understood. There are no cairns anywhere
13 else on the Cape except Falmouth. Thomas Landers
14 Road lies on an old Indian trail that the Indians
15 used every summer as they made their way from
16 Buzzards Bay over to the fresh water ponds and
17 the Coonamessett River on their way to summer
18 residences near Cotuit. It is not surprising
19 that the cairns are concentrated in this area.
20 Although they can also be found in Beebe Woods,
21 in the Webster Woods of Woods Hole and many of
22 the kettle holes nearby.

23 "I am told that Massachusetts
24 Archeological Society has given the opinion that

1 there is no such thing as Native American cairns
2 and that, quote, invariably these are a by-
3 product of agrarian practices, end quote. I am
4 told that the Mass. Archeological Society has
5 repeated this opinion in judgment of the rock
6 piles off of Thomas Landers Road. Although the
7 Mass. Architectural Society has the authority and
8 has the responsibility to make such statements,
9 they unfortunately do not have the needed
10 knowledge of the subject.

11 "The United South and Eastern Indian
12 Tribes resolutions" - and he gives the numbers
13 here - "make it perfectly clear that these cairns
14 are the work of Indians. The experts of the
15 Mass. Archeological Society do not get out much
16 and need to be ignored, while Falmouth should
17 take care of itself and listen to its residents.

18 "Near Thomas Landers Road, the Native
19 American cairns are quite localized and yet they
20 are surrounded by hundreds of acres of empty
21 woods. Woods that have nothing in them except
22 blueberry bushes. So why risk destroying such an
23 interesting mystery when there are so many
24 excellent, harmless alternatives in the same

1 neighborhood? There is no reason to be in a
2 hurry and do these things carelessly and so I
3 urge the town to move to protect and preserve
4 this heritage. Build the parking lots somewhere
5 else." Thank you.

6 THE MODERATOR: Okay, Mr. Zweig, is it
7 something new?

8 FROM THE FLOOR: Question, question.

9 THE MODERATOR: Anything new?

10 FROM THE FLOOR: Question, question.

11 THE MODERATOR: Mr. Zweig?

12 I'm not going to let you read the whole
13 pile of letters. If you want to submit them -

14 MR. DONALD: [Inaudible.]

15 THE MODERATOR: I'm not going to let
16 you read that whole pile of paper.

17 MR. DONALD: I just have one more.

18 THE MODERATOR: Just hit some
19 highlights if you want, but I'm not going to -

20 MR. DONALD: Okay, okay.

21 THE MODERATOR: - be here all night
22 reading letters. If they wanted to speak, they
23 should have come to Town Meeting.

24 MR. DONALD: Well, I beg your pardon,

1 but these people believe that there is -

2 THE MODERATOR: Hit the highlights then
3 we're going to move on to Mr. Zweig.

4 MR. DONALD: I will. This is a letter
5 from Ted Dunkle. [Reading:] "I am currently
6 serving a three year term on the Conservation
7 Commission and have served on the Board of the
8 300 Committee for three hundred years - for three
9 years in the early '90's."

10 THE MODERATOR: Charlie, he beat you.

11 MR. DONALD: "And my landscape
12 architectural practice has let me through a great
13 portion of both Town and privately-owned forested
14 land. I have never seen a site of this
15 magnitude. I became aware of these studies
16 through my work with Jim Mavor of the National
17 Peace Garden Project in Washington, D.C.. I was
18 able to visit a number of these ancient
19 observatories with him, see his articles in the
20 Enterprise of the history of Falmouth.

21 "It is not clear why there is a belated
22 urgency of the wastewater group to find the eight
23 acre site on Thomas Landers Road and how the
24 hypothetical discharge will not be entering the

1 same plume to the west that has hindered West
2 Falmouth Harbor since the beginning of the
3 treatment plant's discharge.

4 "The term, 'swap' is a misnomer when you
5 consider the Town land at 12 acres is zoned
6 public use and the Steamship Authority parcel at
7 two-thirds the size is zoned agricultural. Nice
8 deal, or gift, if you can get it. And, most
9 importantly, why citizens of Falmouth should have
10 to worry about ancient historic relics and
11 archeological sites that are currently owned by
12 the town that they are somehow considered
13 negotiable commodities to engender a sketchy
14 remedy that only has been reviewed a short time?

15 "Certainly the Town could have it
16 further studied so that they understand the
17 overall significance of this site and its
18 associated marking stones. Our history in
19 Falmouth started after the glacier receded, and
20 sites like these offer incredible potential to
21 recognize and use them again.

22 "We are fortunate this observatory is on
23 our Town's land. Let's keep it that way and be
24 amazed and enjoy Falmouth's ancient history also.

1 Respectfully, Ted A. Dunkle."

2 FROM THE FLOOR: Question, question.

3 MR. DONALD: Can I have my own time
4 now, please?

5 FROM THE FLOOR: No, come on.

6 THE MODERATOR: I asked you to make the
7 highlights of the letter, you told me you would,
8 then you read the entire letter.

9 The question will come on the main
10 motion by the Board of Selectmen. All those in
11 favor of the main motion, signify by saying aye.

12 [Aye.]

13 THE MODERATOR: All those opposed, no.

14 [No.]

15 THE MODERATOR: It's the opinion of the
16 Chair is that the ayes have it.

17 Article 14. Article 14. Finance
18 Committee for the main motion.

19 CHAIRMAN ANDERSON: Mr. Moderator, I
20 move Article 14 as recommended.

21 THE MODERATOR: Article 14 as
22 recommended. This was held by somebody in the
23 third division. Okay, microphone, please.

24 MR. MARSHALL: Joe Marshall, precinct

1 9. I have a couple of questions and concerns in
2 regards to Article 14. Has there been a
3 financial systems software package looked at yet?

4 THE MODERATOR: Yes, can we have a mic,
5 second mic over here, Ms. Grant?

6 MS. GRANT: Do you have more questions,
7 or do you want me to do that one?

8 THE MODERATOR: Well -

9 MS. GRANT: Do you want me to do a tiny
10 presentation first, you can hear what it's about?

11 MR. MARSHALL: Sure.

12 MS. GRANT: Basically that's just the
13 article, the vote to buy joint software,
14 financial software for the Town and the School to
15 share for \$297,000. It was recommended by the I
16 guess the Finance Committee and the Board of
17 Selectmen.

18 We have had the same financial package
19 in the Town of Falmouth since 1990, 22 years for
20 the same software. About ten years - it's worked
21 pretty good, it's just old. It doesn't do a lot
22 of things such as purchase orders, requisitions,
23 stuff like that.

24 The School, ten years ago approximately,

1 wanted a new one, wanted something better where
2 they could have a detail, do more appropriations
3 among the school and stuff, and they asked the
4 Town to go in with them. At that time, Jackie
5 Callahan, the Town Accountant, was happy with
6 ours. We didn't want to spend any money; we said
7 no. The School went on and bought a small one
8 that feeds into ours.

9 In July, two years ago, their's was too
10 old and was no longer, bought out by another
11 company and was no longer supported. And I think
12 for, well, since ten years ago, we started
13 looking at new packages and very seriously I
14 think two or three years ago we looked at
15 packages and got pretty close to a few but we
16 were never funded. And it got a little
17 frustrating going out, having demos, visiting
18 sites, and then never coming up with any funding.

19 The last time we looked, the top choices
20 were Munis, that's used widely in Massachusetts.
21 In fact, they have it in Framingham. In fact,
22 our package is the first Munis one that ever was
23 written, 20 years ago. Munis has gotten very big
24 and very expensive, but we still looked at it.

1 In fact, I happen to remember, if I read
2 correctly, Mr. Sosa, that it cost \$850,000 for
3 Framingham to buy Munis. So it's a little
4 expensive for us.

5 We've had demos from KVS, Fundwares, the
6 company that bought out Data National that the
7 School had. So they kind of like Fundware
8 because it's like what they have, or the same
9 people. We've also looked at SoftRight. I think
10 our stance is once we get funded, then we're
11 going to go real serious looking, having, you
12 know, webinars, et cetera.

13 And my concern, a little bit, is that
14 we'll be networking this within 20 buildings, all
15 hitting the same server, doing P.O.'s,
16 requisitions and bill paying and I think it's -
17 it's a pretty good challenge to try to accomplish
18 it all with the software and the networking for
19 that amount of money, but we think we can do it.

20 Does that do enough?

21 MR. MARSHALL: Yes, I just have a
22 couple more questions. One question was that in
23 the article it makes the recommendation or
24 actually gives the power to the IT director. Is

1 there a working group within the Town that's
2 working together to represent the School
3 Department and other end users?

4 MS. GRANT: Yes, I am IT Director. I
5 didn't introduce myself, but yes, we've worked
6 together - we work very well with the School. I
7 know Mark Dupuis is here. All the presentations
8 we've had over the last three years we've had a
9 really nice team. It has to interface a lot of
10 different places. It has to hit the assessing.
11 It has to hit the collection and so it's a big
12 job.

13 But yes, the School has a nice IT group
14 and we and with our Town Accountant and our
15 acting Town Treasurer and my staff, we've had a
16 pretty good team doing it and I think we'll pick
17 up that team again. We just kind of lost our
18 enthusiasm when we never got funded.

19 MR. MARSHALL: One more question and
20 I'll be done, thank you. Is - with the \$300,000,
21 obviously, I'm familiar with Munis and I know
22 that it is a great deal of money to buy an entire
23 package. Going forward, is there funding
24 mechanisms built into the IT budget that's going

1 to be able to purchase the yearly agreements?

2 MS. GRANT: These are all excellent
3 questions; I fight these every time we buy
4 anything. Absolutely, in that funding - in the
5 old days, you'd buy some software and you
6 wouldn't have to pay for your maintenance until a
7 full year was up; now Day One you pay the
8 maintenance. And it's built into the \$297,000.

9 MR. MARSHALL: Excellent, thank you.

10 THE MODERATOR: Mr. Netto.

11 MR. NETTO: Joe Netto, precinct 9. A
12 question I imagine would be we don't have a
13 designated procurement officer, so I guess you
14 get my first question, Mr. Town Manager. The way
15 [inaudible] was just made, it looks like the IT
16 Department is shopping for a certain package.
17 All well and good. But my question then would be
18 is software purchases exempt from the State's 30B
19 procurement laws? At \$297,000?

20 THE MODERATOR: Mr. Suso.

21 MR. SUSO: Such a purchase is not
22 exempt from purchasing. We are looking at the
23 State Bid List for that procurement.

24 MR. NETTO: Well, thank you, you just

1 answered my next question. Because obviously the
2 State must operate with software, I think there
3 is something covered under the State Bid List on
4 this. So this would have to go out to a
5 competitive bid, correct?

6 MR. SUSO: In a manner of speaking,
7 even if you use a State Bid List, that's
8 competitively constructed.

9 MR. NETTO: Yeah, I'm well aware.

10 MR. SUSO: Correct.

11 MR. NETTO: Thank you very much. Thank
12 you for answering my question. Thank you.

13 THE MODERATOR: Further questions on
14 Article 14? Hearing none, the question will
15 then come on the main motion as recommended. All
16 those in favor signify by saying aye.

17 [Aye.]

18 THE MODERATOR: All those opposed, no.

19 [None opposed.]

20 THE MODERATOR: The ayes have it
21 unanimous.

22 Article 18, Mr. Chairman for the main
23 motion.

24 CHAIRMAN ANDERSON: Mr. Moderator, I

1 move that the Town vote to appropriate \$98,000
2 from Certified Free Cash for the purposes of
3 Article 18, to be expended under the jurisdiction
4 of the Town Accountant.

5 THE MODERATOR: Okay, \$98,000 from
6 Certified Free Cash for the Police Federation
7 Contract. Discussion on Article 18? Hearing
8 none, the question will then come on the main
9 motion. All those in favor, signify by saying
10 aye.

11 [Aye.]

12 THE MODERATOR: All those opposed, no.

13 [None opposed.]

14 THE MODERATOR: The ayes have it
15 unanimous.

16 Article 24. Article 24, Finance
17 Committee for the main motion.

18 CHAIRMAN ANDERSON: Mr. Moderator, I
19 move Article 24 as printed.

20 THE MODERATOR: As printed, this is
21 amending the Town's Classification Plan for the
22 Police Department by deleting four police
23 sergeants and adding four police lieutenants.
24 Mr. Rhodes, you held this article?

1 MR. RHODES: Scoba Rhodes, precinct 8.
2 I'm a little bit confused with the particular
3 motion that's been made.

4 At our precinct meeting, and I think
5 that that hasn't changed at the other precinct
6 meetings, that we were told that we have ten
7 sergeants currently on the payroll, and we're now
8 eliminating four of them. But we're now looking
9 for four lieutenants. And they will be using the
10 civil service list in order for them to find
11 those four people.

12 So, conceivably, we can hire four
13 strangers to town, but then we have four
14 sergeants without positions, and I'm just curious
15 as to how we're going to resolve that.

16 THE MODERATOR: Chief Riello, do you
17 want to take a shot at that one?

18 CHIEF RIELLO: Does that come with
19 instructions? [Indicating pointer.] I never used
20 one of these before. All right? And I did ask
21 because I know what this means. If you see that
22 little dot and you're talking to a police officer
23 and you see it on you, you're probably not going
24 to be part of a PowerPoint presentation.

1 [Laughter.]

2 CHIEF RIELLO: So that's why - I know
3 how this works on the end of a gun; I don't know
4 how this - oh, I do. This is pretty cool.

5 All right, to the question at hand. I
6 do have a brief presentation and let me first
7 say, number one, we're not going outside of the
8 Falmouth Police Department to hire police
9 lieutenants. Absolutely not happening.

10 More important, and I know the
11 reclassification is a little confusing. What
12 this actually is is a major restructuring of the
13 command staff of the Falmouth Police Department.
14 It's something that, four years ago, when I came
15 to town, and taking a look at the operation and
16 the organization and meeting with captains and
17 the sergeants and looking at the way it was
18 structured, I immediately saw that there was a
19 weakness in the chain of command. However, I
20 knew in due time that we would probably address
21 it.

22 Shortly after that, as part of our five
23 year strategic plan, lieutenants and shift
24 commander positions came on the table. We all

1 know what happened the last three or four years
2 budget-wise and money-wise. The original plan
3 was to create the rank of lieutenant. That was
4 in addition to the existing folks that are there
5 at the Falmouth Police Department.

6 We know that's not going to happen.
7 However, what we also knew was last summer, we
8 were faced with an opportunity. An opportunity
9 to reorganize. And that opportunity was given to
10 us by the pending retirement of a captain on the
11 command staff.

12 But let me - I've got a brief
13 presentation and I will show you what the current
14 and what the proposed structure is going to be.

15 [Laughter regarding flashing message on screen.]

16 CHIEF RIELLO: Oh. Oh, wow. Pay no
17 attention to that. That's one of those
18 subliminal messages; throughout my presentation,
19 you'll keep thinking, "We've got to give that guy
20 cruisers. We've got to give him...", you will.
21 In fact, folks, I stepped outside a little
22 earlier to get a little fresh air, and after a
23 couple of them issues, people were out leaving,
24 going, "Chief, you're going to be fine. We're

1 getting you the cruisers." And I walked back in,
2 I said, "That's great." Then I realized they
3 were leaving. They all left. But they said you
4 guys would be good.

5 All right, we're on to this. This is
6 currently our organization. That's chief and we
7 have three captains. It's in yellow because
8 that's the one that we're going to eliminate.
9 And I'll tell you how we're going to do that. We
10 can take the duties of that captain of
11 administration and we can give those to other
12 folks in the organization.

13 So the proposed change is that we'd have
14 a chief and two captains. Specialized service is
15 drugs, detectives, school resource, court, those
16 types of things, special response team.
17 Operations is our uniformed police officers.

18 Next, please. Currently, this is the
19 way the organization looks: you have a day shift,
20 an evening and a midnight shift. On that shift,
21 you have three sergeants currently assigned. On
22 any given night, you'll have two, one or two
23 sergeants working. They are in charge of all
24 these patrol officers down here that patrol the

1 town. And during the day, and midnight shift,
2 all the same: X amount of police officers
3 patrolling town under the guidance of the
4 sergeants. However, with one or two sergeants in
5 charge, we don't have anybody who has the rank to
6 be in charge of the shift. We do not have an
7 active shift commander.

8 So, what we decided to do was if we,
9 with the existing sergeants, just put together a
10 selection process which is guided by civil
11 service so there will be an examination. In this
12 case, an assessment center and an interview. And
13 the sergeants are all eligible to apply, in-house
14 only, for these positions if they're interested.

15 And then, the way it will be structured
16 is under the captains of operations you'll have a
17 shift commander for each shift that will report
18 to that captain. We have someone who is
19 accountable for that shift. Someone who can
20 organize and get that shift to focus as a team,
21 to start - to look at specific problems in their
22 patrol areas, and to develop a plan and make that
23 happen.

24 Right now, we do not have that.

1 So, that's the plan. And there's many
2 benefits derived by this. You're going to love
3 this part.

4 All right, we get - what does that mean.
5 Oh, I'm sorry. This the present administrative -
6 yes, we'll go to that. It's that little thing; I
7 told you I needed instructions for it.

8 Right now we have a sergeant of
9 administration and that person's in charge of all
10 of this. What our proposal is also, in addition
11 to the three shift commanders - next slide,
12 please - is to have an administrative lieutenant,
13 and that person is in charge of all this stuff
14 plus the personnel function and part of the
15 internal affairs function that the captain was in
16 charge of that we're eliminating.

17 So, we would have an admin lieutenant
18 and three shift commanders. Okay.

19 And, next please. The cost-benefit
20 analysis. To promote four sergeants through a
21 selection process, a competitive process, would
22 cost us \$32,000 a year. That's for all four.
23 About a ten percent bump in pay; that's the going
24 rate for usually the spread between ranks.

1 That's very common, at ten percent, sergeant to
2 lieutenant.

3 We'll eliminate one captain position and
4 then that savings will be, to our operating
5 budget, \$90,000. Which I see as being two patrol
6 officers that - and you folks know we've been cut
7 over the last three years several patrol officers
8 - and I see that \$90,000 being used to put two
9 police officers on the street.

10 So, with a trade of one captain, we get
11 a commander structure and we get two extra police
12 officers and I'll sum that up on the next page,
13 as well.

14 [Laughter.]

15 CHIEF RIELLO: Oh. Ha-ha. Yeah, don't
16 pay any attention to that, either. We'll get to
17 that in the next article. Subliminal, you know.

18 A savings of \$90,000 per year, two
19 patrol officers. Clear command coverage for all
20 three shifts. Effective unity of command,
21 clearly defined chain of command. That means we
22 can go to somebody and say, "Okay, what happened
23 and who's responsible for it?"

24 Better interdepartmental communications.

1 An improved career ladder to retain well-
2 qualified personnel that will keep these folks
3 from attempting to look elsewhere. Because some
4 departments do hire outside; we don't.

5 And a more responsive and effective
6 Falmouth Police Department.

7 And I think - is that it? That's it.
8 And I'll take questions. But we are not going
9 outside the current organization. I wouldn't
10 even come to you with this recommendation if I
11 didn't think we could get four very qualified
12 sergeants to become shift commanders, to become
13 lieutenants. We do have the personnel available.

14 And many of them will be competing for
15 that and it will be a very competitive process
16 and we're very anxious to hopefully to get
17 started with this. And I see this - this is
18 setting up the Falmouth Police Department for the
19 foundation, if you will, for years to come.

20 The captain's position, and you may
21 notice in that article, it says will be
22 eliminated at the April Town Meeting. The reason
23 it's not being eliminated today is that position
24 is still filled. And it will become vacant in

1 February. So that's when it will be, in April,
2 when we will eliminate that position.

3 And four sergeants' positions are listed
4 there, as well, and those will be gone, as well.

5 THE MODERATOR: Okay, any further
6 discussion on Article 24? Mr. Rhodes.

7 MR. RHODES: I didn't know that you
8 could take the civil service list and decide that
9 we don't need to look at it. I didn't think that
10 was legal. When did we get to a point that we
11 say we're doing civil service but we're really
12 not?

13 THE MODERATOR: You have a choice
14 between internal and external, right?

15 CHIEF RIELLO: The way that works,
16 Scoba, is for an entry-level position, for a
17 police officer, we get a list, once the test has
18 been taken, which was last April, for example.
19 We in Falmouth limit that to Falmouth residents
20 only. They get preferential - first preference
21 in Falmouth is Falmouth residents. And that's
22 something that was determined long before I came
23 here.

24 For promotions, there's not - the list

1 that would be established so we can make a
2 selection is from the existing sergeants who take
3 the lieutenant's test. And that's the norm, that
4 you don't see a statewide lieutenant's exam or
5 captain's exam. That's department-specific. In
6 fact, we have the choice today whether to do an
7 assessment center, an interview, or if we want to
8 do a written test, we can craft it whatever way
9 we think works best for our organization.

10 So, people are not being eliminated.
11 It's exclusive to Falmouth. And that's - that's
12 the norm.

13 MR. RHODES: So we don't open the door
14 for lawsuits from people on that - these civil
15 service lists that may have better scores than
16 some of the sergeants that we would have aboard?

17 CHIEF RIELLO: No, there's no civil
18 list.

19 MR. RHODES: There's no civil service
20 list?

21 CHIEF RIELLO: No. That's what we're
22 creating. If you vote this tonight, then we can
23 request the list, we can request the test, an
24 examination process from civil service, which we

1 would do. And what that does is that gives the
2 Town of Falmouth the ability to test for the rank
3 of lieutenant. And it's limited to the Town of
4 Falmouth. So there is no list right now.
5 There's nothing. There will be if this passes.
6 And no, there will be no lawsuits over that
7 because, again, it's Falmouth-specific.

8 I've been in this business 34 years;
9 that's the way - and I come from a civil service
10 department, so I do have the experience with it,
11 and that is the way it works.

12 THE MODERATOR: Okay, any further
13 discussion? Yes, microphone to the right.

14 CHIEF RIELLO: I'll get it for her.

15 MS. MAROTTA: Heidi Marotta, precinct
16 5. It seemed to me in your previous structure
17 where you had three sergeants available for every
18 shift, the reason that you had three sergeants
19 was because you needed to provide coverage
20 because every sergeant couldn't work every shift
21 every day of the week. So when you go to the
22 lieutenant structure and you have one lieutenant
23 on for each of those shifts, how do you provide
24 coverage and who's in charge when the lieutenant

1 can't work and he needs a day off?

2 CHIEF RIELLO: Very good question. The
3 way that works is - and we took that into account
4 because we know, with three sergeants, at any
5 given time we'll have one or two working. Now,
6 we know with a lieutenant we'll have - looking at
7 the schedules, we will have a lieutenant and one
8 sergeant working or we could still end up with
9 two sergeants working, but the shift commander,
10 even though that person is off, is responsible
11 for that shift. Not the minute to minute, but
12 the whole direction of that shift, if you will.
13 And that's the person who's in charge, even if
14 they're not there.

15 It's kind of like what I do. If I'm off
16 or if I'm not there, you know, on certain days,
17 I'm still responsible for the Falmouth Police
18 Department.

19 So, we know that we won't have as many
20 sergeants working, but what we don't give up is,
21 if we have a lieutenant, that lieutenant can have
22 a station sergeant and the lieutenant can work
23 the road. However that person deems that they
24 want to serve that night as the shift commander.

1 THE MODERATOR: Okay -

2 CHIEF RIELLO: However, I'll take three
3 extra lieutenants and keep all the sergeants, if
4 you'd like. That'd be great.

5 THE MODERATOR: All right, any further
6 discussion?

7 FROM THE FLOOR: Question.

8 THE MODERATOR: Do you have something
9 new?

10 FROM THE FLOOR: I want to move the
11 question.

12 THE MODERATOR: Yeah, we're going to
13 vote. Article 24, all those in favor of the
14 reclassification, signify by saying aye.

15 [Aye.]

16 THE MODERATOR: All those opposed, no.

17 [None opposed.]

18 THE MODERATOR: The ayes have it
19 unanimous.

20 Article 25, Mr. Chairman for the main
21 motion.

22 CHAIRMAN ANDERSON: I move Article 25
23 as recommended.

24 THE MODERATOR: As recommended. This

1 is \$200,000 from Certified Free Cash for police
2 cruisers. Mr. Donahue, you held this?

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

4 THE MODERATOR: The Chief's going to
5 give you a ride home tonight, in the back?

6 [Laughter.]

7 CHIEF RIELLO: Yeah. And, based on
8 that conversation, I have a presentation. And
9 it'll only take a minute.

10 THE MODERATOR: Okay, Chief.

11 CHIEF RIELLO: On the cruisers.
12 This'll just give you a sense of where we're at
13 with cruisers. And, just for the record, last
14 year you folks, I don't know - I think you
15 remember. I think you passed it and it ended up
16 on the ballot in May. Since that day in May,
17 I've had over 8,000 people in this town come to
18 me and say, "Chief, I voted for those cruisers.
19 I don't know what happened, Man, I voted for
20 them."

21 Well, they lost by 2,000 votes and there
22 was only 3,000 cast. But thank you anyways.

23 [Laughter.]

24 CHIEF RIELLO: Marked, just marked

1 police cruisers, this is what we're looking for.
2 So, this is the current - I've got this. All
3 right.

4 If you take a look, we have 1,158,521
5 miles on eleven marked cruisers. The reason
6 that's significant is this is the fleet that we
7 use to patrol your neighborhoods. This is the
8 fleet. It's not the unmarked cruisers, it's not
9 the detectives. Those we're going to keep for a
10 long, long time. They don't have a lot of milage
11 on them.

12 As you can see, there's a 2007, 102,000.
13 2008, 2008, 2010. Look it, there's two 2010's,
14 and you're thinking, "We never appropriated that.
15 How did you get those two cars?" Well, what
16 happened was unfortunately we had accidents and -
17 [Laughter.]

18 CHIEF RIELLO: Oh, no, we did.

19 THE MODERATOR: Bad replacement
20 strategy, Chief.

21 CHIEF RIELLO: What's that?

22 THE MODERATOR: That's a bad
23 replacement strategy.

24 CHIEF RIELLO: Oh, my God, I'll tell

1 you. Well, that's exactly. We looked at that
2 and we said, "We probably shouldn't pursue this."
3 But we did it twice. You know, we had to learn.

4 But the roads are really bad in this
5 town, have you noticed? No, they're really
6 narrow. And twisty? You gotta be careful.

7 And sometimes, because police officers
8 are trying to get to your house real fast, things
9 happen. But I can report that the police
10 officers weren't seriously hurt, and we moved on.
11 But, again, 2008, 2008, so these are the mileage.

12 Next slide please. That's the total.
13 That's a lot of miles.

14 Next one. Idling miles. Somebody asked
15 me about this. And that is the standard that the
16 industry uses: 33 miles per hour of idling. Now,
17 we know on each of the cruisers how many hours
18 they idle. Because we can push this little
19 button on the odometer thing and it tells you.
20 So, on this particular cruiser, there was 5563
21 hours. Adds another 183,000 miles to that
22 vehicle. Crazy, huh?

23 Next slide, please. Add that to what's
24 on the odometer? 311,000. And I guess to put

1 that into perspective, if you're thinking, you
2 know, because some folks they said to me, "Hey,
3 I've got 165,000 miles on my car and it works
4 great. You know, why can't you do that?" I
5 mean, Andy Dufresne's got 190,000 on his
6 Studebaker he still drives. You know.

7 It's different. We drive these things
8 hard. And we have to because we have to get to
9 your house.

10 Everything's heavy duty on these
11 cruisers, as well. And they idle a lot. Just
12 figure that they rarely - they get turned off for
13 just a few seconds between the shifts, and then
14 they're idling. And that's to keep all the cool
15 stuff that we have inside, the computers and the
16 all that stuff, it's very important.

17 So, that's where we're at. But, you
18 know, last year at Town Meeting, someone
19 mentioned, they said, "Geez, why don't you do
20 Priuses?" I took it very seriously. It was
21 youth, I know it. I won't go there again,
22 though.

23 But, is there another - oh.

24 [Laughter.]

1 CHIEF RIELLO: Oh. We thought we'd
2 take a look. Kevin, dear, they're not laughing
3 at you. We thought we'd take a look at - this is
4 called a Smart car. I'm not really sure why they
5 call it that, and neither is Kevin sure. But the
6 reason he has that look on his face, he did say
7 to me, he says, "Chief, I'm not sitting in this
8 thing unless you order me to." Kevin's been
9 around 31 years; I did not order. I didn't have
10 the heart to do it.

11 Officer Hazleton came by, picked up the
12 Smart car, put it over where we got it from -
13 anyways. We didn't think it was really going to
14 be conducive. Great mileage and doesn't cost a
15 lot of money, but - real Smart.

16 Okay, could I have the next one, please.
17 All right, this - I just want to show you. When
18 you've got over a million miles, two million
19 miles on your fleet, this is what happens
20 sometime. We were going to a call at Dan
21 Shearer's house and this officer had a little
22 problem. So he put the hood up. He's looking.
23 He already called in for assistance.

24 Next please. Yeah, he tried that;

1 didn't work. Look at that wire, you know?

2 Okay. Under it? Naah, it didn't work,
3 either. But he tried. Over 100,000 miles.

4 Oh, he stopped to help push it. We want
5 to get it off the road, to be safe.

6 But he still - he's thumbing a ride.
7 Look at him. Oh, my God.

8 All right, go ahead. Now, and we've
9 done this before. We commandeer a vehicle and,
10 go ahead, next.

11 Take the occupant out and take the car.
12 So you can get to the call. Very important.

13 And then he gave up. You know, he said,
14 "Chief, I don't think-". We cancelled him on
15 that call. We did make it to Dan's house. But,
16 you know, folks, no matter how this thing goes,
17 you know, if we gotta go to your house, and it's
18 five miles away, we will - we will ride, we will
19 push, we will pull, we will tow, we will walk, we
20 will run, but we will get to your house in that
21 life-threatening emergency at some point.

22 [Laughter.]

23 CHIEF RIELLO: That's it.

24 THE MODERATOR: Okay, any further

1 discussion on Article 25? Yes, to my right.

2 FROM THE FLOOR: So, how many cruisers
3 are you going to get for 200,000?

4 CHIEF RIELLO: That's a great question.
5 Right now we're anticipating five or six. And
6 the reason we don't know exactly is because, and
7 some of you folks have heard me say this before,
8 the cruisers that we're looking at purchasing are
9 the brand new Ford Interceptor, which is a brand
10 new vehicle. It was developed on the old - the
11 Taurus frame and it's ready for release in
12 February. They're not making the Crown Vics
13 anymore. They're making this new vehicle. It's
14 a high tech vehicle and it will be the standard
15 in the industry.

16 The problem is we don't know what we can
17 retrofit into that vehicle. We have cages, you
18 know, in back of the police officer. We have
19 cages on the windows. We don't take animals, but
20 that's for their protection and ours.

21 The back seats, you folks know, the
22 plastic seats I've talked about before? Fellow
23 over their nodding his head. Yup, you've been
24 there, okay, it's all right.

1 [Laughter.]

2 CHIEF RIELLO: They keep ya - they keep
3 him safe. We don't know if they'll fit. And
4 those are all expensive. So we're thinking
5 easily probably in the \$30,000 range. Which is
6 still not all that bad for everything.

7 That's what we're hopeful.

8 THE MODERATOR: Yes, Mr. Stetcher,
9 something new?

10 MR. STETCHER: Bernie Stetcher,
11 precinct 3. Just a thought. I notice some of
12 the Fire Departments in the lower Cape, I
13 believe, are getting together to coordinate and
14 buy more equipment and standardize it. Is there
15 any chance you might be able to do that?

16 CHIEF RIELLO: What we do, right now,
17 we generally will buy from the State Bid List and
18 what we found - these are conglomerates or these
19 are groups that have approved prices. In other
20 words, the best deals that you can get. So they
21 will have that equipment that we're talking
22 about.

23 But, I know what you're saying. We do a
24 lot with other departments on the Cape and if

1 there is a way where there's a savings, yes, we
2 would certainly pursue it. Right now, they
3 pretty much do the same thing we do. We either
4 buy from the Greater Boston Police Council, we
5 buy from MHQ or Plymouth County also has a State
6 Bid List that includes not just vehicles but
7 equipment, as well. But, point well taken.

8 THE MODERATOR: Okay, the question will
9 come on Article 25 as recommended. All those in
10 favor, signify by saying aye.

11 [Aye.]

12 THE MODERATOR: All those opposed, no.

13 [None opposed.]

14 CHIEF RIELLO: Oh, God, I love you
15 guys.

16 THE MODERATOR: It's unanimous.

17 CHIEF RIELLO: We love you guys, you're
18 the best.

19 [Applause.]

20 THE MODERATOR: Article 28. Mr.
21 Chairman for the main motion on Article 28.

22 CHAIRMAN ANDERSON: Mr. Moderator, I
23 move Article 28 as recommended.

24 THE MODERATOR: As recommended. This

1 is to appropriate \$250,000 from Certified Free
2 Cash for engineering, design, permitting and
3 construction of a permanent section of the
4 seawall and reconstruction of the roadway along
5 Chapoquoit Road causeway. This was held by Mr.
6 Waasdorp.

7 MR. WAASDORP: Thank you, Peter
8 Waasdorp, precinct one. Just a brief reminder:
9 the Town has now received two extensive and
10 detailed reports from the Town appointed Coastal
11 Resources Working Committee that makes very
12 specific recommendations near term, midterm, and
13 long term, hundred year view, and the people that
14 who were appointed to that had impeccable
15 credentials. The value to a town outside of
16 Falmouth where they didn't volunteer would be in
17 the millions of dollars. I think we're making a
18 grave mistake as if we ignore their
19 recommendations and don't see how various coastal
20 projects fit into and are compatible with their
21 plan. And I just remind that resource is there
22 and we should be aware of it.

23 Sea level, estimates for sea level rise
24 are increasing even since they've issued their

1 reports. The road at Chapoquoit and the repairs
2 to it at some point are going to be throwing good
3 money after bad and we need to think about the
4 long term. Thank you.

5 THE MODERATOR: Okay, further
6 discussion on Article 28.

7 MR. YOUNG: Bob Young, precinct 5. I
8 have one quick question, here. Is that a private
9 road? Isn't there a gatehouse that says that's
10 private out that way?

11 THE MODERATOR: Peter McConarty, our
12 Acting Town Engineer.

13 MR. MCCONARTY: Thank you, Mr.
14 Moderator. Peter McConarty, Acting Town
15 Engineer. The section of seawall in that area is
16 public. The causeway is approximately 800 feet -
17 800 to 900 feet long. It goes from Chappaquoit
18 Road to the private sections, which is Associates
19 Road. There's two large-scale 18 inch by 18 inch
20 granite columns at the end of the section of
21 private to public roadway.

22 THE MODERATOR: Okay, further
23 discussion on Article 28? Yes, Ms. Hayward.

24 MS. HAYWARD: Nancy Hayward, precinct
Carol P. Tinkham
(508) 759-9162

1 5. I would like to echo what Mr. Waasdorp said.
2 This is not the first time that there have been
3 problems with this seawall. This is, I
4 understand from what Mr. McConarty said, that
5 this section up to the pillars is a public road.
6 I think there are two houses along there. But
7 it's essentially a public road to nowhere.

8 I have great sympathy for the people who
9 live on the island, but I think really we need to
10 work out some plan for a causeway or a bridge
11 because this is an ongoing problem and this
12 cement work is preventing the natural flow of the
13 coast, which Mr. Wilber has talked about for many
14 years and I'm of a mind to abstain from voting on
15 this because not doing it is wrong and doing it
16 is wrong. Thank you.

17 THE MODERATOR: Okay, further
18 discussions? Ms. Siegel.

19 MS. SIEGEL: Deborah Siegel, precinct
20 6. I walk frequently past this problem spot and
21 I know we've voted to appropriate money to repair
22 this in the past and we have Town Meeting, we
23 appropriate the money, the repair is made and
24 then we get a storm and you can see the

1 destruction start very quickly after the storms,
2 which echoes some of what Mr. Waasdorp was
3 saying.

4 So, I wondered if there was somebody
5 here from the DPW who could explain if there's
6 anything different about what this appropriation
7 is planning to do than we've appropriated in the
8 past. Thank you.

9 THE MODERATOR: Okay, Mr. McConarty.

10 MR. MCCONARTY: Folks, this section of
11 seawall has been brought up at the 2009 Town
12 Meeting and it passed Town Meeting and it was
13 brought to the ballot and it was on with 14 to 15
14 other items and it didn't make it past the ballot
15 so there was no funding to appropriate to fix
16 this portion of the seawall.

17 So what Public Works did in 2009 is they
18 had - they also didn't have much funding, but
19 they took the spare funding that they did have
20 and we went out and did the best we could with
21 making repairs on the seawall.

22 Which was: digging behind the problem
23 area down to the area of the section of the
24 concrete. I will show you in photos that that

1 wall was built in two sections in two pours in
2 two lifts. It was the bottom section of the wall
3 was poured with concrete and then they did the
4 top pour.

5 And there's a pour line, and that's the
6 section of the wall that's failing in that area.

7 What Public Works did in 2009 is they
8 excavated down behind in the roadway side behind
9 the roadway, behind the wall; installed forms,
10 poured concrete with rebars, and it was a
11 temporary fix knowing that it was temporary fix.
12 And, as you see with the photos of the seawall,
13 you'll know that it was temporary fix.

14 And, looking to see two years is what we
15 were looking for; it's now 2011 and here we are.

16 I do want to go through these photos.
17 These are present conditions out there along the
18 seawall right now. This is the section, the
19 exact section that we had brought to Town Meeting
20 in 2009. It's approximately 150 feet. It's hard
21 to see in this photo, here, but if you were
22 standing on this seawall as I was standing on top
23 of the seawall and you were looking down that
24 seawall, it's bulging out approximately 8 to 10

1 inches, and that's the top of the seawall.

2 The bottom of the seawall has held
3 remain constant. The top of the seawall is
4 bulging out and that's what you're looking at.

5 Next photo, please. This is a photo
6 before the Jersey barriers were installed before
7 they closed the roadway. The black patch is a
8 patch that was installed in 2009 when they did -
9 when Public Works did the repairs. This past
10 storm, Tropical Storm Irene, I was out driving
11 around that day on all these different sites.
12 This is one site that we went - I visited at
13 approximately 2:00 in the afternoon. The site
14 was fine, the wall was fine.

15 What had happened is the last evening
16 storm surge, this is right off of Buzzards Bay,
17 the late evening storm surge is when this damage
18 happened.

19 Present conditions is this is what we have
20 out there right now. We had to install signs on
21 the seawall saying that the area of the beach was
22 closed due to the seawall movement.

23 As you can see, this wall is not
24 waiting. This wall is moving and this is just

1 one small portion of the wall of the 150 foot of
2 wall. But, as you can see, where I was saying
3 the wall was poured in two sections: the top
4 section, the bottom section. This area in the
5 middle here is where in 2009 the concrete was
6 poured and from the Public Works for the
7 temporary fix. What had happened with the storm
8 is the waves came up, went over the top of the
9 wall, rolled down behind the wall between the
10 pavement and the wall, and also went under the
11 wall and washed the sand from under the wall,
12 pulled it back and the bottom of the wall
13 dropped.

14 This top section of the wall, right
15 here, as you can see, is basically held in there
16 right at this point with friction of the wall
17 between the walls adjacent to it. That's
18 approximately 15 to 18 feet wide, there, and it's
19 friction hold on each side of the wall that's
20 holding this top section in.

21 If we do not do - perform any repairs on
22 this, I would have to imagine that this winter,
23 anyone can see that this winter, if we get a
24 couple of storms, that wall's going to topple

1 over.

2 What had happened, also, on that last
3 picture is if you went down the last couple of
4 years and looked at this portion of the seawall
5 from the beach side, all these stones, all this
6 armament, what had happened is the waves were
7 coming up and washing sand up to the bottom of
8 the wall. These stones were always there, but
9 they were buried in the sand. This past storm,
10 the sand came up - the waves came up, removed all
11 the sand and these stones are back.

12 As you can see the bottom of the wall in
13 some of these sections, you can actually put your
14 hands under the bottom of this wall.

15 This area right here is looking at that
16 wall longitudinally down the wall, and that's the
17 bulge that's bulging out seven to eight inches in
18 that area, right there.

19 What the Engineering Division does every
20 two weeks, on Fridays, usually, we go out and we
21 do a monitoring survey of five acres in town.
22 One is East Falmouth, another one is Wild Harbor,
23 West Falmouth, the dock, and this is another
24 area. What we do is a monitoring survey, a

1 defamation survey and checked it for horizontal
2 movement and vertical movement.

3 Before Tropical Storm Irene, the wall
4 was doing very well. We were within a quarter of
5 an inch to three-eighths of an inch in the last
6 two years. Tropical Storm Irene, this happened
7 instantaneously with the concrete, and since then
8 it has been moving forward towards the beach.

9 There's also additional areas of the
10 wall, if you go onto the beach side of the wall
11 and you walk along the beach towards that damaged
12 section, this section of the wall is closer to
13 the parking lot of Chappy Beach. You can see
14 there's longitudinal cracks coming down the walls
15 in this area and there's also some heavy spalling
16 and some cracks in the concrete in this area.

17 This wall was built in approximately the
18 1930's, 1940 time frame. It was the WPA, before
19 World War II, and it's basically right at this
20 point at the end of its service life.

21 This is another section of the wall,
22 walking down towards the damaged section. The
23 wall has formed a new bulge in the last couple of
24 months in this area, right here. It's bulging

1 out approximately two inches, in this area.

2 So, what's happening is our plan is, is
3 we had met with coastal engineers and structural
4 engineers on this site back in 2009, come up with
5 a recommendation to fix the wall. It didn't pass
6 through the town ballot. We came back the
7 beginning of this - after the storm, beginning of
8 this, of October, and come up with a new plan.

9 The plan is to remove the armament, push
10 the armament out towards the beach. Install a
11 permanent section of sheeting, steel sheeting
12 driven in front of the seawall. Repair the
13 roadway; replace the armament. And that'll be a
14 permanent fix for this section of the wall way.
15 Of the wall.

16 And, as you can see by my previous
17 pictures, it will continue down the seawall. So
18 we're looking at a design that we can continue
19 with as we progress with the permanent fix for
20 the wall.

21 THE MODERATOR: Okay. Mr. Dick.

22 MR. DICK: Henry Dick, precinct 8. Do
23 you know if that stone is rip rap that was put
24 down in the '30's and is underlaid by sand or

1 whether we're looking at a gravel bar that was
2 perhaps a glacial moraine termination? It makes
3 a big difference.

4 MR. MCCONARTY: Are we talking about
5 the stones that are in front of the damaged
6 section of the seawall?

7 MR. DICK: Yes, is that natural glacial
8 deposit or is that old rip rap with sand
9 underneath it?

10 MR. MCCONARTY: I believe during the
11 construction that was placed - that goes from the
12 full, entire length of the seawall.

13 MR. DICK: Okay, thank you.

14 MR. MCCONARTY: That was placed. And
15 it's been dislodged since with the wave action,
16 but that was placed.

17 THE MODERATOR: Okay, Mr. Duffany.

18 After this article we're going to break
19 and all Finance Committee members, you're going
20 to have a Finance Committee meeting in room 103.
21 So, when we take the break, Finance Committee
22 will meet in room 103.

23 Mr. Duffany.

24 MR. DUFFANY: Thank you, Mr. Moderator.

1 Michael Duffany, precinct 6. Last spring, I
2 believe it was, we talked about the Surf Drive
3 Beach issue that we had, and similar issues that
4 we're having around town. There's three articles
5 here tonight that are approximately three-
6 quarters of a million dollars to make repairs to
7 armaments along the coastline because the sand
8 has disappeared. And I think at some point in
9 time the Town needs to engage itself in a project
10 that's going to be an ongoing project to keep our
11 beaches re-nourished as some sort of an insurance
12 measure against this sort of damage.

13 It's just one man's opinion, if you
14 will, but if we had been able to go forward with
15 a project that was not our undoing, if you will,
16 years ago when that was all going to be re-
17 nourished, we probably wouldn't be here tonight
18 for this article here because we would have had
19 some protection to the roadways prior to the
20 storms ripping them apart.

21 I would much rather see on Surf Drive
22 Beach a pile of sand that's eight feet tall that
23 the DPW has to put back into - onto the beach
24 than to go and repair the road. Just think about

1 the cost if Irene did hit and ripped up that
2 roadway, ripped up Acapesket, Menauhant,
3 Chappaquoit and so forth, where would we be? The
4 millions and millions of dollars that we'd be
5 looking at just to put the road back, never mind
6 the loss of the beachfront that is so paramount
7 to our existence here as a community, as a beach
8 front community. And I just think that the time
9 has come long - it's long overdue, actually, for
10 us to start engaging in some sort of a measure to
11 protect these roadways, our beaches and our
12 future here in Falmouth.

13 I know that we're not going to fight
14 Mother Nature and I don't intend to say that
15 we're going to win, but we certainly should have
16 some say in the matter. She'll have the ultimate
17 say, but we should have some say in it. And I
18 just - I bring this up now because these
19 appropriations are all for repairs in these
20 beaches and roads and so forth when I think that
21 this money could be put towards re-nourishment
22 which would protect them and give us something
23 back. Thank you.

24 THE MODERATOR: Okay, the question will
Carol P. Tinkham
(508) 759-9162

1 come on Article 28 as recommended. All those in
2 favor, signify by saying aye.

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [No.]

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

8 The meeting will stand in recess for 15
9 minutes. Finance Committee, see you in room 103.

10 [Whereupon, a recess was taken.]

11 [Whereupon, town meeting resumed.]

12 THE MODERATOR: All Town Meeting
13 members please come forward and take your seats
14 so that we can reestablish a quorum.

15 Okay, I am having a lot of people come
16 up here asking me about reconsideration. The
17 rule for reconsideration is that you need
18 substantially new information that was not
19 available to the Town Meeting during the time of
20 the original debate. Okay? Substantially new
21 information that was not available to the meeting
22 at the time of the original debate.

23 We need to reestablish the quorum. In
24 the first division Mrs. Tashiro, the second

1 division Mr. Dufresne and in the third division
2 Mr. Hampson.

3 All Town Meeting members present please
4 rise for the establishment of the quorum.

5 [Pause.]

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

8 MS. TASHIRO: 49.

9 THE MODERATOR: 49.

10 In the second division.

11 MR. DUFRESNE: 92.

12 THE MODERATOR: 92.

13 And in the third division?

14 MR. HAMPSON: 60, 6-0.

15 THE MODERATOR: 60. By a counted vote
16 of 201, we have a quorum and we're back in
17 session.

18 [Pause. During which someone From The Floor is
19 speaking off the record to the Moderator.]

20 THE MODERATOR: All right, I'm going to
21 put an end to this. I'm told that we didn't know
22 anything about historical significance of Article
23 11. So all those in favor of reconsidering
24 because you didn't hear anything about historical

1 significance, say aye.

2 [No response.]

3 THE MODERATOR: All those opposed no.

4 [No.]

5 THE MODERATOR: It is the opinion of
6 the Chair that the no's have it and we will not
7 reconsider Article 11.

8 Article 30, Mr. Chairman.

9 CHAIRMAN ANDERSON: Mr. Moderator, I
10 move Article 30 as recommended, with the
11 following change. Please note that the number in
12 the recommendation, the \$98,104, should be
13 \$178,104. May I explain?

14 THE MODERATOR: So the main motion is
15 \$178,104. Mr. Chairman.

16 CHAIRMAN ANDERSON: The additional
17 increase of \$80,000 is to account for electricity
18 for the Wastewater Treatment Plant that will need
19 to be in the budget as a result of the change
20 that was made in Article 9, where Wind I turbine
21 will be shut down. So this will provide the
22 dollars for the electricity for the remainder of
23 the Fiscal Year '12.

24 THE MODERATOR: Okay, discussion on

1 Article 30. Hearing none, the question will
2 come on the new main motion. All those in favor,
3 signify by saying aye.

4 [Aye.]

5 THE MODERATOR: All those opposed, no.

6 [None opposed.]

7 THE MODERATOR: The ayes have it
8 unanimous.

9 Article 31, Mr. Chairman.

10 CHAIRMAN ANDERSON: Mr. Moderator, I
11 move Article 31 as recommended.

12 THE MODERATOR: Article 31 as
13 recommended. Ms. Palmer held this. No? You're
14 all set.

15 Any discussion on Article 31? This is
16 to appropriate \$30,000 from Free Cash for the
17 sound and mitigation analysis studies.

18 Hearing none, then the question will
19 come on the main motion. All those in favor,
20 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 37. Article 37, the Community
3 Preservation Committee for the main motion.

4 CHAIRMAN CLARK: Mr. Moderator, Peter
5 Clark, chair of the Community Preservation
6 Committee, precinct 1. I move Article 37 as
7 recommended.

8 THE MODERATOR: As recommended. This
9 is a sum of \$12,500 from the Community
10 Preservation Estimated Receipts for historic
11 restoration of five exterior wood doors at the
12 St. Barnabas Episcopal Church. This was - do
13 you want to make a presentation first? Or do
14 you want to -

15 CHAIRMAN CLARK: I will answer
16 questions, thank you.

17 THE MODERATOR: Okay, Mr. Waasdorp, you
18 held this?

19 MR. WAASDORP: Peter Waasdorp, precinct
20 1. I've made similar objections to similar
21 articles in the past, and so I'll be very brief
22 this time around because it's been to no avail.

23 I know that the good folks at CPC have
24 done their homework and will say that this

1 article is compatible with all current law. But
2 we all know that laws aren't always right;
3 slavery and women's suffrage being the most
4 egregious examples. I cannot for the life of me
5 see how a direct cash subsidy of thousands of
6 dollars for repairs is in any way compatible with
7 the U.S. Constitution's anti-establishment
8 clause.

9 Every dollar not spent on repairs is
10 available to a church to expand its congregation,
11 proselytize, support missionary programs; if that
12 isn't government involvement in establishment of
13 religion, I don't know what is.

14 Support the separation of church and
15 state by voting no on Article 37. Thank you.

16 THE MODERATOR: Dr. Clark.

17 CHAIRMAN CLARK: I would just say
18 briefly that we have stood here before and
19 explained that both state law and the opinion of
20 our town counsel support the notion that we can
21 contribute to the historic preservation of a
22 place of worship as long as we are not in fact
23 contributing to the practice of religion. And we
24 have done that for significant buildings.

1 Places of worship are very significant
2 historically and in the life of the community
3 regardless of whether you are a member of that
4 church or place of worship or not.

5 So, when we see a project that has
6 public benefit and is maintaining - actually, I
7 should not use the word "maintain", because we
8 don't pay for maintenance. But is preserving or
9 restoring the historical quality of a building,
10 we have supported that.

11 THE MODERATOR: Mr. Latimer.

12 MR. LATIMER: Richard Latimer, precinct
13 2. Town Meeting Member. I am a strong advocate
14 of separation of church and state; I believe in
15 it strongly, but I would point out that what
16 we're talking about here is not a religious
17 symbol, even, or a religious object, it is an
18 architectural element. It is an architectural
19 element in a fairly historic building that is in
20 one of our more historic centers of town.

21 The Historic District Commission has
22 been very active in preserving the character of
23 this area of town and it would be remiss on our
24 part if by default we were to have to let this,

1 as it happens religious organization put in
2 something less expensive that is inappropriate to
3 what we're trying to preserve in this area of
4 town.

5 I do - with respect to my own church,
6 which is in North Falmouth, also in an historic
7 area, a few years back the Historic District
8 Commission tried to say that we did something
9 inappropriate when we did some reconstruction.
10 And it took a little bit of effort to go around
11 and show them that it was in fact appropriate.
12 We paid for that ourselves, but it shows that we
13 were subject to that regulation.

14 And in this instance, what the church
15 needs is some money to help it do what is
16 appropriate and I think this is not in any way an
17 establishment of religion. It's quite unlike,
18 for example, we've had controversy here where
19 some religious group wants to use Town property
20 for specific religious purposes and get a permit
21 to do that. That's a very different situation.
22 In fact, they don't even need a permit to do
23 that. Anybody can go and pray on any public
24 property anytime they want, but to ask for the

1 Town to give its imprimatur to that kind of thing
2 is an establishment of religion.

3 This isn't anything like that. This is
4 a purely secular concern, a valid secular concern
5 of the Town to preserve the historic character of
6 this historically important area. So, I would
7 vote that we support this article. Thank you.

8 THE MODERATOR: Ms. Murphy. Then Mr.
9 Stetcher. Ms. Murphy, if you could stand.

10 MS. MURPHY: Thank you, Mr Moderator.
11 Carol Murphy, precinct 9. Why are we paying for
12 their doors? Why can't they pay for their own
13 preser - you know, remodeling of their own doors?
14 They've already paid \$2500. It seems to me a
15 fairly large parish. So I don't understand why
16 we are paying for their doors.

17 THE MODERATOR: Mr. Clark.

18 CHAIRMAN CLARK: Mr. Moderator. The
19 Community Preservation Committee is dedicated to
20 high quality historic preservation and
21 restoration, and we are committed to supporting
22 projects that carry that high quality forward.
23 We have not - we have always urged that people
24 applying make a contribution or find other kinds

1 of sources, leverage other monies when they
2 possibly can. We have not taken it upon
3 ourselves to study the books of the various
4 committees, non-profits or government, town
5 government applications. We have taken the
6 projects on their merit and pushed hard for a
7 contribution, the carrying of some of the cost or
8 the leveraging of other money.

9 This is a very important, significant
10 building; the doors are a critical architectural
11 feature of that, and this is supporting very
12 careful and high-quality restoration of those
13 doors.

14 MS. MURPHY: I understand your
15 explanation, but it still doesn't answer the
16 question why they cannot pay for their own doors.

17 CHAIRMAN CLARK: The answer to that
18 question would require in every case that the
19 Community Preservation Committee ask each
20 organization to open their books and we would
21 make judgments about whether they were using
22 their money appropriately and allocating it
23 appropriately. We have not felt that's
24 appropriate for us to do.

1 We have taken the position that we will
2 not take projects from private individual
3 homeowners or for-profit organizations. We are
4 limiting that - our work, our efforts at this
5 point to Town buildings and to non-profit
6 organizations. But we simply have not taken on
7 that analysis of the finances of every applicant.

8 MS. MURPHY: Mr. Moderator, I
9 understand what Mister - Dr. Clark is saying, but
10 in our own church, the North Falmouth
11 Congregational Church, we did do - we did raise
12 our own money to make our own repairs. I'm
13 sorry, I cannot support this. Thank you.

14 THE MODERATOR: Okay, Mr. Stetcher.

15 MR. STETCHER: Bernie Stetcher,
16 precinct 3. This question is almost parallel to
17 the previous question. I'm not asking that you
18 look at the books, but do you at least get a
19 statement from the church elders or people in
20 charge that they are actually in need of this
21 money? Or do they just come and apply for the
22 grants?

23 CHAIRMAN CLARK: We do urge that they
24 pay what they feel is appropriate. The church in

1 this case has repaired one of the six doors.
2 They're asking us to repair the other five. We
3 raise the question, but the issue of how hard we
4 pressure them, I guess is open to deliberation.

5 FROM THE FLOOR: Question.

6 THE MODERATOR: Mr. Patterson.

7 MR. PATTERSON: I have been involved
8 with Boy Scout programs that are being sponsored,
9 if you will, or supported by St. Barnabas for 20
10 years. Cub Scouts, I'm still involved. My son's
11 been out of the scout troop for ten years. Never
12 has the church ever attempted to influence how
13 we, you know, develop the character of our
14 scouts. We've basically been allowed to operate
15 as an independent organization, and I know
16 Alcoholics Anonymous uses St. Barnabas as well.

17 When I drive down through Falmouth and
18 get to the Town Green and I see the
19 Congregational Church and I see St. Barnabas,
20 those are public symbols and I think are worth
21 the Town actually contributing to maintaining the
22 edifice of all of those buildings. So I'm very
23 much in support of this token support of the
24 maintenance of this beautiful, historic building.

1 THE MODERATOR: Okay, anything else?
2 Yes, in the center in the back.

3 FROM THE FLOOR: [No mic: inaudible.
4 Then turns mic on.] - precinct 7. I'm also, I
5 would tell you, a member of St. Barnabas Church
6 and, related to the question and comments of the
7 woman over here, we used to be pretty much a
8 church in very good financial straights, but so
9 many of our people have died and passed on.

10 I go to the eight o'clock service; we
11 used to have about 200 people. Now we're lucky
12 to have 50, and it's just - and we're operating
13 in the red. And that's really what it is.
14 Because we would have paid for this on our own.

15 I've been on - I'm on the Stewardship
16 Committee. I in the past tried to put, you know,
17 historic windows, and they had to be so much
18 different than just putting a storm window on.

19 So, I would just add that to the
20 comments, okay? Thank you.

21 THE MODERATOR: To my left, there.

22 MR. SACCHETTI: Dick Sacchetti from
23 precinct 2. A couple of comments that were made
24 don't disturb me but they puzzle me.

1 The gentleman prior to this past
2 gentleman referred to "token" support. I hope
3 we're not voting an item like this as a token
4 support. But, more importantly, regardless of
5 this particular article, I think that the CPC not
6 having some kind of means test, as opposed to
7 just asking an applicant, "Gee, can you afford it
8 yourself?" And they say, "No." And you say,
9 "Well, we'll do it." There's got to be some
10 kind of means test. And I think this might be a
11 good article to go back and establish a mean test
12 over it because it's not a small sum of money.

13 I have a hard time supporting the
14 article in the fact that I don't think there's
15 enough background information as to the need.

16 THE MODERATOR: Ms. Freitag.

17 MS. FREITAG: Melissa Freitag, precinct
18 6. Just a reminder to Town Meeting that the
19 Community Preservation Act requires that the
20 Community Preservation Committee either spend or
21 set aside ten percent of its annual revenues to
22 apply towards historic preservation projects, and
23 so this is part of their allocating funds towards
24 historic preservation that must be used in town,

1 obviously, and these projects have to be built as
2 the fourth bullet says, "To the Department of
3 Interior's standards of treatment for historic
4 properties."

5 So these are very specific guidelines
6 that applicants have to uphold and the money, if
7 it's not used in town for smaller historic
8 projects and it gets put aside until something
9 else comes along. But, every - as a former
10 member of the CPC, I can attest to the fact that
11 we receive a number of applications, or they
12 receive a number of applications every year and
13 actually historic preservation is one of the more
14 difficult ones to find. Because people just
15 aren't undertaking these projects as much.

16 So, I urge that you support this as a
17 precinct 6 Town Meeting member and former CPC
18 member.

19 THE MODERATOR: Okay, Mr. Dick.

20 MR. DICK: [No mic:] Henry Dick.

21 [Inaudible.]

22 THE MODERATOR: With the mic, please.

23 MR. DICK: I am not a member of St.

24 Barnabas. I'm a member of the Church of the

1 Messiah, the competing Episcopalian organization
2 in town.

3 [Laughter.]

4 MR. DICK: We really have a much more
5 beautiful church, but that's a matter of personal
6 like or dislike. There was sort of a society war
7 between two families, if I know the history
8 correctly, over who was going to build the most
9 magnificent church. And that's why we have the
10 spectacular Episcopal churches in town - in Woods
11 Hole and in town, here.

12 But I also have sat in the vestry of the
13 Church of the Messiah and the big concern there
14 is our membership is dwindling and getting old.
15 And when you go to England and when you go
16 touring architectural monuments, one of the
17 places you go is the big cathedrals, because
18 these are really magnificent historic monuments.
19 And we are facing many congregations which are
20 shrinking.

21 Now, there are some congregations that
22 are growing, but many of the old New England
23 congregations are shrinking.

24 The old Quaker Meeting House is now a

1 Jewish congregation. And so one congregation
2 grew into it and was given that by the previous
3 congregation because they could no longer support
4 it.

5 If we let these buildings fall into
6 disrepair, we'll lose them. And the simple fact
7 of the matter is no one has a crystal ball, but
8 if I had one I would be willing to bet we'll have
9 one Episcopal congregation in this town in
10 fifteen to twenty years. And, in that case, we'd
11 have a problem. We will no longer have
12 independent people to support these beautiful
13 buildings. And so like going to England or going
14 to Europe where these big cathedrals are
15 underused but they are a major attraction in
16 every town that has them.

17 Like, who'd go to Winchester without
18 seeing Winchester Cathedral?

19 So, I think that Town Meeting should
20 realize that this is a very important project
21 historically for preservation for this town and I
22 think they also ought to reflect, those who are
23 really focused on separation of church and state,
24 is that there's a difference between state

1 support of religion and state discrimination
2 against religion. And when we have an historic
3 preservation and it is available for historic
4 buildings but not religious buildings, that
5 really comes down as state discrimination against
6 religion. Thank you.

7 THE MODERATOR: Okay. Yes, in the
8 back again.

9 Back left, there.

10 MR. SACCHETTI: Dick Saccetti, precinct
11 2. I'm a little confused right now. The man
12 before me was talking about disrepair. I did not
13 believe the CPC fundings are supposed to be used
14 for maintenance issues.

15 And the other issue I have is we've been
16 told that they must use ten percent. Was there
17 anyone else who applied for this money and what
18 were the criteria as to their financial need that
19 was placed on those people?

20 It's okay to have to spend the ten
21 percent, but is this the only person that's come
22 forth that's demonstrated a want for the money?

23 THE MODERATOR: Mr. Clark.

24 CHAIRMAN CLARK: I don't think we

1 should spend too long on this. We have had
2 several historic preservation applications for
3 this round, but we are still about - and I don't
4 have the number right in front of me. We have a
5 slide on it. Thank you.

6 We are still approximately I'm going to
7 say \$40,000 short on the amount that we're
8 spending for historic preservation in this round.
9 So we'll be coming back to you in the spring Town
10 Meeting if we don't have use for that and putting
11 it into the Reserve Account for future uses.

12 I'm not sure whether that's a direct
13 answer to your question, but it is true that we
14 have money in our historic reserve account now
15 from past years because we did not have enough
16 projects that were of the quality that were
17 needed for us to spend the money on them,
18 recommend them to you.

19 THE MODERATOR: Okay, Ms. Murphy,
20 something new?

21 MS. MURPHY: Thank you, Mr. Moderator,
22 I just wanted to ask Dr. Clark, are you a member
23 of St. Barnabas Church?

24 CHAIRMAN CLARK: No, I'm not.

1 MS. MURPHY: Okay, thank you.

2 FROM THE FLOOR: Point of order.

3 THE MODERATOR: Yes, that's -

4 FROM THE FLOOR: Unbelievable.

5 THE MODERATOR: Yes. Ms. Hayward.

6 FROM THE FLOOR: Excuse me, I made a
7 point of order; it may have been slightly wrong
8 but I don't think so. I don't think that the
9 personal affiliation of the head of the CPC has
10 anything to do with this debate and I felt it was
11 totally inappropriate and out of place.

12 [Applause.]

13 THE MODERATOR: Yeah, I think you're
14 correct.

15 [Applause.]

16 THE MODERATOR: And I would hope that
17 the CPC has a standing issue that you'd recuse
18 yourself from a vote on the committee if you're a
19 member of an affiliate organization.

20 CHAIRMAN CLARK: I was about to say
21 that we're well-schooled in conflict of interest
22 by our legal counsel, and with regularity people
23 recuse themselves if there was a potential
24 conflict.

1 THE MODERATOR: Thank you. Point well
2 taken, thank you. Ms. Hayward.

3 MS. HAYWARD: Nancy Hayward, precinct
4 5. I hope that the folks in this community
5 occasionally go to some event like the Strawberry
6 Festival or Lobster on the Lawn in the
7 summertime. I hope you take your children. I
8 hope you enjoy sitting under the trees and I hope
9 you look around. And one of the things you may
10 see is beautiful architecture and it may
11 influence your children. And wooden doors are a
12 work of craft and these doors will be properly
13 preserved in appropriate architectural style and
14 in appropriate materials.

15 Please, educate your children, educate
16 yourselves, look around, take a look at this
17 church, it's a marvelous structure. I do hope
18 you will vote in favor of this article. Thank
19 you very much.

20 THE MODERATOR: Okay, are we ready to
21 take a vote?

22 FROM THE FLOOR: Yes. Yes.

23 THE MODERATOR: George?

24 Okay, question's going to come on

1 Article 37 as recommended. All those in favor,
2 signify by saying aye.

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [No.]

6 THE MODERATOR: It's the opinion of
7 the chair that the ayes have it by a majority.

8 Article 41. Article 41 was held by the
9 Community Preservation Committee.

10 CHAIRMAN CLARK: Thank you, Mr.
11 Moderator, if I may make a couple of brief
12 announcements before we get to Article 41.

13 THE MODERATOR: Yes.

14 CHAIRMAN CLARK: I want to let people
15 know that the Community Preservation Committee
16 has grappled with how many applications we can
17 take for the November and the April Town
18 Meetings. We have made the decision that our
19 major application time is November, and so you
20 are getting, I expect, most of the
21 recommendations that we'll be making.

22 Our applications are open now for the
23 April Town Meeting. They close on December 8, so
24 that we can be prepared with our recommendations

1 for the warrant for the April Town Meeting. And
2 they are limited. They are limited to time-
3 sensitive, critical needs and they are limited to
4 projects that are continuations of applications
5 that have been funded in the past.

6 So, those are - as well as the
7 eligibility requirements set by the Community
8 Preservation Act, we have set those limits on our
9 April applications.

10 So, they are open. You can find out
11 information about them through our office at Town
12 Hall, but there are lots of limits around those
13 applications in April.

14 The second announcement has to do with
15 our work at Spring Bars Road. And you have
16 perhaps seen this announcement: that we have been
17 working hard to create parameters for the housing
18 that would be projected to go there. The
19 decisions are made by the Board of Selectmen. We
20 are making recommendations on those.

21 We are planning a major public
22 discussion of those in this room on December 1st,
23 at 7:30. So I would like to invite you as Town
24 Meeting Members who voted for this important

1 project, or anybody in the community watching to
2 come that evening. It will be a facilitated
3 discussion. We will have a handout of the
4 parameters that have been set for you to get
5 ahead of time. So, we welcome you to come to
6 that event. Thank you.

7 Relative to Article 41, Mr. Moderator, I
8 would like to change the recommendation to
9 indefinite postponement.

10 THE MODERATOR: Okay, Article 41, the
11 Community Preservation Committee's recommendation
12 is indefinite postponement, and on a Community
13 Preservation Committee article we can't vote
14 anything that's not recommended by the Community
15 Preservation Committee. So, all those in favor
16 of indefinite postponement signify by saying aye.

17 [Aye.]

18 THE MODERATOR: All those opposed no.

19 [None opposed.]

20 THE MODERATOR: The ayes have it
21 unanimous.

22 Article 42, Mr. Chairman.

23 CHAIRMAN FLYNN: Mr. Moderator, I move
24 Article 42 as printed.

1 THE MODERATOR: Article 42 as printed.
2 This is to authorize the Board of Selectmen to
3 enter into long-term contract for the disposal of
4 solid waste.

5 Who held this one? I heard a number of
6 holds the other night. Mr. Mancini.

7 MR. MANCINI: Yes, Mark Mancini,
8 precinct 7. Moderator, I was wondering through
9 you to the Board of Selectmen, what is the plan
10 for switching to curbside, pay-as-you-throw pick-
11 up?

12 CHAIRMAN FLYNN: Could you repeat that?

13 MR. MANCINI: What is the Board of
14 Selectmen's intentions on going to pay-as-you-
15 throw garbage curbside pick-up?

16 CHAIRMAN FLYNN: At the present time,
17 the Board of Selectmen has not taken up the issue
18 of pay as you throw in terms of a vote. We have
19 had a workshop discussion on pay as you throw.
20 We've heard a presentation from the DPW Director,
21 which we appreciated very much. And we will take
22 it up sometime after Town Meeting as a workshop.
23 Continue the workshop until we can come to a
24 community decision. If that is what the

1 community is looking for is pay as you throw.

2 It obviously has many positive aspects
3 to it, but this has to be - it has to be
4 discussed as a community. We need to hear from
5 the people involved because everybody in the town
6 has some - has some aspect of getting rid of
7 their trash. So, whether it's picking it up at
8 the curbside, pay-as-you-throw at the curbside,
9 pay-as-you-throw somewhere else, I think we're
10 not there yet and it will take several weeks or a
11 couple of months before we get to it.

12 MR. MANCINI: All right. My one
13 thought with it was if we don't know what we're
14 going to do and you enter into contract
15 negotiations and then you change how we do our
16 pick-up, then if we were to go pay-as-you-throw,
17 then that will reduce the amount of trash we get
18 and we might not be able to meet our minimum
19 capacity that we'd send up to SEMASS, and I was
20 wondering if, you know, we were going to wait for
21 these negotiations until after that decision is
22 made.

23 MS. HARPER: I think I understand the
24 question. If - I think the concept is if pay-as-

1 you-throw is implemented, we hopefully expect to
2 see a significant reduction in the amount of load
3 that goes to SEMASS. I think that's the hope,
4 but with the work that we've already done at the
5 Waste Management Facility, we don't expect to see
6 a reduction that's a scope that would mean that
7 there would be a significant impact on the SEMASS
8 contract.

9 THE MODERATOR: Okay, further
10 discussion on Article 42? Yes, Mr. Netto.

11 MR. NETTO: Joe Netto, precinct 9. To
12 the Chairman of the Board of Selectmen as you
13 answered his first question, Mrs. Flynn. The
14 article that we have in front of us, then, is
15 authorizing the Board of Selectmen and the
16 Department of Public Works Director to get into
17 negotiations. If I'm not mistaken, the way the
18 article is written, would the end product of
19 where our trash is going to go and only the end
20 product, is that correct? The end destination,
21 excuse me, I'm sorry.

22 The discussion of the contract that
23 you're looking at is only where the trash, all
24 the trash, no matter where it comes from in the

1 Town of Falmouth, public trash, not private,
2 would end up at? A/K/A, right now, the contract
3 that we have with SEMASS.

4 This has nothing to do with curbside,
5 this has nothing to do with rail transportation.
6 There's three components, folks, on how your
7 trash gets from your door to the incinerator. So
8 we're talking about the end destination contract,
9 am I confusing?

10 CHAIRMAN FLYNN: Yeah, well, let me
11 just say what this article does is currently the
12 Board of Selectmen can only enter into contracts
13 that have up to three year terms. Not any
14 contracts beyond three years. Normally, the
15 solid waste contract would be for a much longer
16 term. Currently, our DPW Director serves as a
17 member of the Cape Cod Regional Solid Waste Task
18 Force, which has been meeting for approximately a
19 year and a half to see if there aren't some ways
20 in which all of the Cape towns can work together
21 to come up with - to have more leverage in terms
22 of getting a better deal with SEMASS through a
23 collaboration. That there has not as yet been
24 any recommendation, a firm recommendation from

1 that task force.

2 I think this is just kind of
3 preparation. If there were a point in time
4 where the task force was ready to make that
5 recommendation to towns, the selectmen would have
6 the ability to enter into a contract like that
7 because this would authorize us to do that.
8 That's all this really is about.

9 MR. NETTO: My arising is from the
10 previous gentlemen and other people who have
11 approached me as to what exactly is this article
12 about. There seems to be some confusion amongst
13 the town and obviously the previous speaker and
14 his question.

15 So, I'm standing just so that we're all
16 abundantly clear at what we're negotiating for
17 here. So -

18 CHAIRMAN FLYNN: May I -

19 MR. NETTO: I've had numerous people.
20 I'm very involved in this, as we all know, and
21 I've had numerous people ask me what is this
22 article all about.

23 THE MODERATOR: Okay -

24 MR. NETTO: So that's the reason why

1 I'm standing. Thank you.

2 MS. HARPER: If I may, Mr. Moderator.
3 I don't think Mr. Mancini was confused. And Mr.
4 Netto is correct.

5 THE MODERATOR: Okay. Any further
6 discussion on Article 42? Yes, in the back,
7 here. Mrs. Davis.

8 MRS. DAVIS: Linda Davis, precinct 4.
9 As I look at this article, I, too, am a bit - not
10 necessarily confused but a bit concerned that it
11 appears to be premature given the questions and
12 issues concerning the future of how Falmouth
13 deals with its trash.

14 I know that the Ray Jack, our DPW
15 Director, gave a presentation very recently about
16 some of the issues that we will be facing down
17 the line, particularly as we work towards zero
18 waste and zero trash in the future. And, in
19 light of all that he presented to us, I think we
20 need to not jump the gun on this and to look at
21 the options and also to look at trash removal as
22 a puzzle in which there are many pieces. And to
23 just select or identify a few and deal with
24 those, without looking at how they complement,

1 work with or in some cases work against the
2 others.

3 It's somewhat premature. I can
4 understand doing all the legwork, the
5 preparation, seeking out advice from others on
6 the Cape, potentially working with others, other
7 communities to remove trash. But, at this point,
8 I cannot support this article as written. Thank
9 you.

10 THE MODERATOR: Okay, Ms. Putnam and
11 then Ms. Lichtenstein.

12 MS. PUTNAM: Rebecca Putnam, precinct
13 9. I'd like to ask the Chairman of the Board of
14 Selectmen when is this contract up and when does
15 it need to be negotiated by? What is the dates?

16 CHAIRMAN FLYNN: The contract expires
17 in 2015.

18 MS. PUTNAM: So we really don't need to
19 do anything as far as giving the Board of
20 Selectmen at this point in time permission to
21 enter a contract because we have four years.

22 MS. HARPER: Mr. Moderator.

23 THE MODERATOR: Ms. Harper.

24 MS. HARPER: This is the prep work,

1 this is the legwork that makes the opportunities
2 available for the Board of Selectmen to take
3 action when it makes sense for them to take
4 action. It's very similar to the lease
5 agreements which we authorized the Board to enter
6 into lease agreements in excess of ten years.

7 Prior to negotiating those lease
8 agreements, we ask you for that authority and
9 then we go back and make those agreements. We
10 had one on the agenda last Monday night.

11 In this case, there may be a significant
12 opportunity to communities that are willing to
13 enter into agreements with SEMASS prior to the
14 2015 deadline that which could significantly
15 reduce the lifetime value of that contract. And
16 that's why this is before you this evening.

17 MS. PUTNAM: Then I would like to ask
18 to make a small amendment to this article. I
19 would like to make the amendment to read: to see
20 if the Town will vote to authorize the Board of
21 Selectmen to enter into a long-term contract with
22 SEMASS for the disposal of solid waste or do not
23 or take any other action on this matter.

24 The reason why I'd like to insert SEMASS

1 in there is because of their explanation saying
2 that that is what the purpose of their
3 negotiation or permission to negotiate this
4 contract is for.

5 THE MODERATOR: Okay, so, since solid
6 waste disposal is not subject to public
7 procurement in the motion, we could bind them to
8 only negotiate with one option, but that would
9 severely limit their ability to look at other
10 options.

11 So, the question now, the amendment is
12 to insert "SEMASS" into the main motion. Madame
13 Chairman?

14 CHAIRMAN FLYNN: Yes, that's - I was
15 going to make that very point. SEMASS is not the
16 only disposal company. There are others and
17 there are other ways to dispose of trash other
18 than through SEMASS. So this would be extremely
19 limiting to the Town to be able to only negotiate
20 with SEMASS. There may be another way to do it
21 and that would not allow us to have that option.

22 THE MODERATOR: Okay, discussion on -

23 MS. PUTNAM: I guess my issue is, is
24 that you have put into your explanation that

1 that's who you are looking to negotiate that
2 with.

3 FROM THE FLOOR: No, no. No it isn't.

4 THE MODERATOR: Oh, no, no, the
5 explanation is that that contract expires, so
6 this authorizes them to go out and try to
7 negotiate another contract, whether it's with
8 them or if they get a better deal somewhere else,
9 go somewhere else with it.

10 So, your amendment limits them to only
11 look at SEMASS as an option.

12 MS. PUTNAM: I'll withdraw my
13 amendment.

14 THE MODERATOR: Okay, since debate
15 hasn't opened, the petitioner can withdraw the
16 amendment without cause. So, it's withdrawn.

17 Back to Ms. Lichtenstein on the main
18 motion.

19 MS. LICHTENSTEIN: Thank you. Leslie
20 Lichtenstein, precinct 8. I have one problem
21 with this article. It says long-term contract.
22 There's no date on this. Long term contract can
23 be three years, five years, ten years, 20 years,
24 50 years. I would like to have some kind of a

1 time frame.

2 And I also would like, through you, Mr.
3 Moderator, to ask the Board of Selectmen a
4 question that I have gotten by a number of people
5 phoning me. They want to simply know if we
6 change the way we deal with trash in Falmouth,
7 instead of paying for it with our taxes at
8 curbside, if we go to pay-as-you-go, pay-as-you-
9 throw or other things like that, does that have
10 to come before Town Meeting? Or is that a
11 decision which can be made unilaterally by our
12 Board of Selectmen?

13 THE MODERATOR: Okay, definition of
14 long term is anything over three years.

15 MS. LICHTENSTEIN: Anything over three
16 years.

17 THE MODERATOR: Over three years, yes.

18 So, Madame Chairman, do you want to
19 address the issue of having to come back to Town
20 Meeting for?

21 MS. LICHTENSTEIN: I think that's the
22 question that everybody here has behind this.
23 Can the Board of Selectmen suddenly give out a
24 contract without Town Meeting approval for pay-

1 as-you-throw? That's what we'd like to know.

2 THE MODERATOR: Mr. Duffy.

3 MR. DUFFY: It's a budgetary issue.

4 There's money in the budget for curbside pickup.

5 If the Selectmen at some time decide they don't

6 want that, they simply don't put it in the budget

7 and then we'll have a debate on Town Meeting

8 floor as to whether you want to put it back in.

9 MS. LICHTENSTEIN: Okay.

10 Thank you.

11 THE MODERATOR: Keep an eye on the DPW

12 budget in April.

13 Mr. Heath.

14 MR. HEATH: Austin Heath, precinct 8.

15 My inclination in cases like this is to give the

16 flexibility to the people that have to do the

17 work and follow their recommendations. But with

18 all the changes and newspaper articles on the

19 dump and trash collection, I would like to see

20 the Board of Selectmen to come before the Spring

21 meeting with an integrated plan and projected

22 cost to the extent that they can for all trash

23 collection, not just the contract.

24 Whatever they can do. Thank you.

1 THE MODERATOR: Okay, further
2 discussion on Article 42? Yes, Madame Chairman.

3 CHAIRMAN FLYNN: You know, this article
4 is not about a solid waste plan. It is only
5 about authorizing the Board to enter into a
6 contract for more than three years. Any
7 contract.

8 I can't imagine the Board of Selectmen
9 entering into any contract without public
10 discussion, public input, a public forum. And,
11 changing the way our trash is collected, I can't
12 imagine that the Board of Selectmen would make
13 that decision without - without great discussion
14 with the community. I - I - I - you know, this
15 is not about changing it. It is not about pay-
16 as-you-throw, it is not about curbside. It is
17 simply about the length of terms of a contract
18 that the Board is authorized to sign.

19 THE MODERATOR: Okay, so the question
20 will come on Article 42, the main motion as
21 printed. All those in favor, signify by saying
22 aye.

23 [Aye.]

24 THE MODERATOR: All those opposed, no.

1 [No.]

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

4 Article 45. Yes?

5 CHAIRMAN FLYNN: Yes -

6 THE MODERATOR: Yeah, Dr. Clark wanted
7 to explain why we did indefinite postponement on
8 that last article. Just, there was some
9 confusion.

10 CHAIRMAN CLARK: I didn't mean to leave
11 you in mystery about that. The IP was because
12 the Waquoit Church withdrew their application to
13 us. They withdrew that application because they
14 had a fund of money that they were going to apply
15 to the actual work, and they realized that they
16 will use it for the design and if some was left
17 over, then use it for the work.

18 So, it was withdrawn from us and that
19 made it an IP. Thank you.

20 CHAIRMAN FLYNN: Okay.

21 THE MODERATOR: Okay, Article 45 -

22 CHAIRMAN FLYNN: Yes.

23 THE MODERATOR: - recommendation from
24 the Board of Selectmen.

1 Chairman FLYNN: Yes, Mr. Moderator, I
2 move indefinite postponement on Article 45.

3 THE MODERATOR: Okay, Article 45. This
4 is the second-hand dealers and second-hand
5 collectors bylaw. The recommendation is now
6 indefinite postponement. Is there any Town
7 Meeting Member that would like to place a
8 positive motion on the floor?

9 Seeing none, the Chair will entertain
10 indefinite postponement as the main motion. All
11 those 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 Article 46. This was held by the Board
18 of Selectmen.

19 CHAIRMAN FLYNN: Yes, Mr. Moderator, I
20 move Article 46 as printed.

21 THE MODERATOR: As printed. This is to
22 adopt the building code Stretch Energy Code. The
23 main motion is as printed.

24 Madame Chairman, is there a presentation

1 or?

2 CHAIRMAN FLYNN: Yes, he's in the back.

3 THE MODERATOR: Is somebody going to
4 present on Article 46?

5 Mr. Gentile.

6 Madame Chair, I believe we needed to
7 make a number change in the code, there? Am I
8 correct? Didn't we need to change this --

9 MR. GENTILE: Yes, Mr. Moderator, I had
10 sent an email to you today to consider a number
11 change to that strictly -

12 THE MODERATOR: Yes, I was [inaudible]
13 that the Chairman had the motion. Does she have
14 it? Did you send it to her?

15 MR. GENTILE: Yes.

16 THE MODERATOR: Okay. Madame
17 Chairman, do you have the updated language? No.
18 What's the number? Paul, what's the number?

19 MR. GENTILE: I don't have the number
20 with me. It's -

21 THE MODERATOR: Okay.

22 MR. GENTILE: I think the middle three
23 digits are 115; that's the only change I believe
24 it's - what is the middle three digits now?

1 There's a numeric.

2 CHAIRMAN FLYNN: It is currently 780
3 CMR 120.AA.

4 MR. GENTILE: I believe it's 115.

5 THE MODERATOR: The Department of
6 Energy Resources sent an email to Mr. Gentile
7 saying that our reference was incorrect. He sent
8 it to me and I said, "Make sure that the Chairman
9 of the Board of Selectmen has it, because I don't
10 make motions before the Town Meeting."

11 Does anyone have the correct code to put
12 this motion on the floor? Otherwise, this motion
13 will be out of order. Because this does not
14 reference the Stretch Energy Code. Who's got the
15 number?

16 Andy, you got the number?

17 MR. DUFRESNE: [No mic:] No, I do not,
18 Mr. Moderator. Due to the confusion and the lack
19 of explanation -

20 FROM THE FLOOR: Can't hear you.

21 THE MODERATOR: Get a microphone, Andy,
22 we can't hear.

23 MR. Dufresne: Due to the confusion and
24 the lack of information on both parties, with an

1 indefinite postponement by the Board of
2 Selectmen, I'd like to move the question.

3 THE MODERATOR: They're moving - Andy,
4 the Board of Selectmen just moved "as printed",
5 but we don't have the right reference to the
6 regulation.

7 Whose got a Google phone thing.

8 MS. HARPER: Who's got a smart phone?

9 THE MODERATOR: Look it up.

10 FROM THE FLOOR: Can you give me a
11 second and -

12 THE MODERATOR: The chair will
13 entertain a motion to table this until we can
14 find it, and then somebody go find a computer and
15 get the answer.

16 FROM THE FLOOR: 780 CMR [inaudible].

17 MR. GENTILE: I apologize, this code
18 was sent to me in the middle of the Town Meeting
19 last night around 9:30. It was sent to me via
20 email from DOER -

21 THE MODERATOR: Okay, do we have the
22 new one?

23 FROM THE FLOOR: According to the City
24 of Boston, it is 780 -

1 THE MODERATOR: Yeah, CMR -

2 FROM THE FLOOR: CMR 120.

3 THE MODERATOR: Yeah, see there was a
4 code update, so now it's no longer the 120, which
5 is what DOER emailed Mr. Gentile. So they
6 adopted it back before they made the change to
7 the state code.

8 All right, the chair would entertain a
9 motion to table this so that they can figure this
10 thing out and come back.

11 FROM THE FLOOR: Yes.

12 THE MODERATOR: So you'd make a motion
13 to table?

14 FROM THE FLOOR: Yes.

15 THE MODERATOR: So moved. All those in
16 favor of tabling, signify by saying aye.

17 [Aye.]

18 THE MODERATOR: All those opposed, no.

19 [No.]

20 THE MODERATOR: The opinion of the
21 Chair is that the ayes have it. We're going to
22 table this while they figure out what -

23 [General talking.]

24 MS. HARPER: For a moment.

1 THE MODERATOR: All those in favor,
2 signify by standing and the tellers will return a
3 count. This is to table this so they can get the
4 number right.

5 [Pause.]

6 THE MODERATOR: In the first division.

7 MRS. TASHIRO: 20.

8 THE MODERATOR: 20.

9 MS. HARPER: Here it is. We've got the
10 number. Got it.

11 THE MODERATOR: What is it?

12 Melissa, would you please sit down?

13 Melissa, would you please sit down and stop
14 yelling at me, and if somebody gets the number,
15 they can give it to me.

16 MS. HARPER: It's 115 double A.

17 THE MODERATOR: 115 AA?

18 MS. HARPER: Yes.

19 CHAIRMAN FLYNN: Yes.

20 THE MODERATOR: So, Madame Chairman,
21 would you like to -

22 CHAIRMAN FLYNN: Yes.

23 THE MODERATOR: Madame Chairman, would
24 you like to give us the correct number?

1 CHAIRMAN FLYNN: Yes. I move Article
2 46 with the correction in the first sentence to
3 read: The Town will vote to adopt 780 CMR 115 AA.

4 THE MODERATOR: Okay, 115 AA. So,
5 we're going to withdraw the call to table since
6 we have the correct reference.

7 Mr. Gentile. It's as printed, changing
8 the reference to CMR 115 AA.

9 MR. GENTILE: Thank you very much.
10 Sorry for the confusion. Megan Amsler was going
11 to be here tonight to talk about the Stretch
12 Code, but she can't make it so she called me last
13 minute; here I am.

14 I remember last year I stood in front of
15 you talking about the same subject. For the past
16 three weeks I've talked incessantly about the
17 Stretch Code at the precinct meetings, with
18 Selectmen privately, with other groups, at the
19 seminar, and quite honestly, I'm a little tired
20 of talking about it because I still believe in it
21 and I still think that it should go forward.

22 My father came to this country from
23 Italy and he had a dream. He had a dream to own
24 his own house. He saved, raised a family, went

1 to school and started construction on his own
2 home in New York. About three-quarters into the
3 construction, he told the contractor to get off
4 the property. Many years after that, when I
5 finally understood it, I asked him why he did it.
6 He said, "Because I wanted a hand in my own
7 destiny. I wanted to know what my house was
8 going to be made of. I didn't trust the person
9 building it. I wanted to know exactly what's in
10 my home.

11 Now, for the past three weeks, I've
12 talked about the Stretch Code in terms of impact
13 on the builders, impact on the building
14 department. I've talked about the impact on
15 Falmouth. Tonight, what I'd like to do is talk a
16 little bit about the people that are really the
17 center of the equation: you the homeowners in
18 Falmouth.

19 There's a great expression I use a lot,
20 said by Wayne Gretzky. What's the difference
21 between a good hockey player and a great hockey
22 player? A good hockey player skates with the
23 puck. A grate hockey player skates to where the
24 puck is going to be.

1 When I came here from Ithaca, I noticed
2 Falmouth was a vibrant-thinking community. I
3 can't believe we're thinking so much about this
4 Stretch Code we're almost thinking it to death.
5 It's really pretty easy to do. From a
6 homeowner's perspective, it's going to save him
7 money. It's going to save 18 to 20 percent out
8 of his energy costs for the life of the
9 structure. It's going to be paid back in two or
10 three years. And for those people that, like me,
11 who've had houses built in the past who now
12 question the integrity of those houses, you're
13 going to be able to work with an independent
14 Hertz rater, an unbiased person who will help you
15 analyze the construction of that home.

16 One of the Selectmen called me today and
17 said, "What type of structures is this going to
18 relate to?" It's going to relate to residential
19 structures under three stories, commercial
20 structures. It's not going to relate to historic
21 building. It's only going to relate to let's say
22 40 to 60 new home constructions, and where
23 renovations - where small renovations are
24 concerned, it's not going to relate at all.

1 Everybody looks at this Hertz rater like
2 Darth Vader. We're only talking a \$750 to \$1500
3 expense for a Hertz rater. Wouldn't the elderly
4 person that's having an addition done on their
5 home like to stand next to a Hertz rater knowing
6 that she's going to get an analyst or a
7 consultant to advise her? Wouldn't a new
8 homeowner that's starting to build a new home in
9 Falmouth, looking at this community, like to have
10 a Hertz rater to step along the process with
11 them, and know that most of that Hertz rater is
12 going to be paid for by the utility or by Energy
13 Star funds?

14 The average homeowner can pay back, via
15 energy savings, can pay back in two or three
16 years what the cost of the Stretch Code dictates.
17 And remember, for small renovations, it doesn't
18 apply.

19 Somebody asked me last year, "Do you
20 actually think that you're going to get a check
21 from the state?" Well, over the past three
22 weeks, I've sent out over 750 emails, clarifying
23 information about the Stretch Code. I sent one
24 out Sunday morning, and it talked about Mashpee,

1 our neighbor. And, by the way, that town is
2 still standing over there even though they have
3 the Stretch Code. There's still people building
4 over there. There's new homes being built; they
5 have the Stretch Code.

6 I had a call last night: one hundred
7 communities now in Massachusetts have the Stretch
8 Code. And who is it impacting the most? The
9 homeowners. Yes, it impacts Falmouth. It
10 impacted Mashpee, too, because they received
11 \$176,000 and they're going to reduce the energy
12 costs of their Town buildings by 90 percent
13 through energy projects. That's what I call real
14 money. That's real stuff.

15 So, yes, I'm a little tired talking
16 about the Stretch Code. I hope it passes
17 tonight, because it's like Wayne Gretzky. Once
18 in a while we as a community have to skate toward
19 that puck. We have to stretch. And we have to
20 stretch here for better housing for Falmouth.

21 For my father's dream. So, when I
22 turned - or when he turned his house over to me
23 after he passed away, I had a better house. For
24 people coming to this community, knowing that the

1 housing stock is good.

2 Housing is our most important asset, as
3 taxpayers. We want to make sure whether it's a
4 new one or a rehab, we're getting the best
5 possible job.

6 I talked to a friend of mine in Oregon,
7 called me the other day and asked how the Stretch
8 Code did in Falmouth. I said, "I don't know.
9 We'll find out probably this week." He said,
10 "You know if you brought that code to Oregon,
11 you'd be laughed out of the state." Oregon
12 passed the same level code nine years ago.

13 So, yes, we have to stretch. Yes, it's
14 going to be a commitment. Yes, it's going to
15 impact some people. Positively. And I hope
16 those that are in the audience that have fought
17 about this consider it seriously and pass it.
18 Thank you.

19 THE MODERATOR: Mr. Shearer.

20 MR. SHEARER: Dan Shearer, precinct 6.
21 I have one question: what is a small remodeling
22 project?

23 MR. GENTILE: It would be a remodeling
24 project that doesn't require a building permit.

1 [Laughter.]

2 MR. SHEARER: Well, I wouldn't think
3 that would be legal.

4 MR. GENTILE: I had a woman asked me
5 the other day at a precinct meeting, she said, "I
6 just want to replace a couple windows and put a
7 couple counters into a room. Do I need to pay
8 for a Hertz rater? And the question is no. the
9 only thing that would qualify under the Stretch
10 Code, if we had one, was would be those windows
11 would have to be rated as Energy Star windows.
12 Other than that, she would not need a Hertz
13 rater.

14 There's a prescriptive path in the
15 Stretch Code. Sometimes you don't need a Hertz
16 rater, you can just follow a checklist which
17 allows you to substitute renewable energy options
18 in your home.

19 THE MODERATOR: Mr. Shearer.

20 MR. SHEARER: What I want to know: is
21 there a percentage of your house that is being
22 remodeled or any dollar amount?

23 MR. GENTILE: No, if you're doing a
24 remodeling of your home, the Stretch Code only

1 applies to that area that was remodeled. The
2 rest of the home is not tested against Stretch
3 Code standards.

4 MR. SHEARER: Thank you.

5 MR. GENTILE: I'm sorry I mis-
6 understood your first question.

7 THE MODERATOR: Mr. Duffany.

8 MR. DUFFANY: Thank you, Mr. Moderator.
9 Michael Duffany, precinct 6. I spoke at - last
10 year I spoke about not adopting the Stretch Code,
11 and I want to be careful how I word this because,
12 you know, sometimes it's tough to talk about
13 things that do have a lot of benefit. And that's
14 why I want to say that I would like to see the
15 Town not adopt this. My reasons are several.

16 The biggest one is that we are mired in
17 our industry in regulation, and this is going to
18 be another mandate, if you will, for you folks.
19 It's going to impact you probably as much or more
20 than it'll impact myself and other builders in
21 the room. Because you're going to have to do
22 this and you're not going to have a choice.
23 Where now there are other remedies you can apply
24 for that are incentive-based. And I really

1 believe that this Stretch really is going down
2 the wrong road.

3 It really should be an incentive-based
4 program and in that respect a good program so
5 that if you want to put the money out and you
6 want to get some tax benefit from it, from the
7 fund that you all pay into now -- you look at
8 your electric bill, you're currently paying a
9 fee, probably ranges from \$5 to \$7 a month, that
10 goes into this fund because the utilities don't
11 want to upgrade and they don't want to put the
12 clean energy portions into their infrastructure,
13 so they're putting it on your backs.

14 And then the towns, as they adapt this,
15 are going to be able to utilize that money that
16 you've spent for their benefit while you reach
17 into your pocket and improve your home to
18 whatever degree that you must.

19 Yes, in a new home, if you go down the
20 whole road with a Hertz rater and so forth and
21 you've got a lot of patience and endurance, you
22 can do it. And you'll get some benefit in the
23 end, but remember that you're going to have to
24 put that money out up front.

1 When you buy a new vehicle, is there a
2 difference between making a \$400 and a \$450 a
3 month payment? I think most people would say,
4 "Yeah, there is. That makes a difference whether
5 I can afford to buy that vehicle or not."

6 So I don't take it light when my
7 mortgage goes up by \$50 a month for somebody
8 because they have to do this. And this is,
9 again, it's just one piece of legislation, if you
10 will, if we adopt this, that you're going to have
11 to abide by.

12 There are other things in the Code that
13 are mandated now. We just are finishing up on a
14 new home that just the fasteners to tie the house
15 down were \$15,000 to buy. Not install, just to
16 buy. Because it's mandated. The house is
17 probably going to be able to pass some of these -
18 maybe - it's not an Energy Star home, but it's
19 going to pass pretty much everything because the
20 homeowner elects to put in good insulation and
21 that sort of thing, but the key being that they
22 elect to do that, and I think that's the biggest
23 problem that I have with this and I have with two
24 more Stretch Codes coming down the pike. If you

1 have to sprinkler your home because of the next
2 Stretch or if you have to plywood or have to
3 drywall your basement ceiling because of the new
4 Stretch that they're trying to implement as well
5 because of some unfortunate incidents that have
6 happened across the country. And you know what
7 we do, we over regulate ourselves to accommodate
8 that.

9 And I could go on with examples that
10 you've all heard of recently where people did
11 things, you know, that you can't regulate for,
12 okay? Regardless of what the law says.

13 In going through my warrant the other
14 night, I pointed this out to several of you. I
15 just - I actually accidentally opened up to the
16 page and caught my attention: Is it necessary
17 under the Citizen's Checklist? And I went down
18 through that and I just took the minute to see
19 if, you know, to make sure that I'm on the right
20 page here, as well. And I have to be honest with
21 you: I had a hard time when I read through this
22 to see whether or not this Stretch passes muster
23 for our checklist.

24 You know, is it necessary? You know,

1 can you afford it? You know, what'll it do - you
2 know, what'll it ultimately cost, you know? What
3 does it do to people's basic civil liberties?
4 And so on and so forth. And, again, I'm coming
5 from the direction that I'm not against energy
6 efficiency by any means. I've done it, I built
7 probably the first two by six house in Falmouth.
8 I'm totally there. I just don't like to be told
9 that I have to do this.

10 I believe that government shouldn't tell
11 us that we have to. I really believe that they
12 should make it incentive-based. And don't be
13 fooled by the fact that we're going to be doing
14 this anyways come January because when the next
15 IECC Code is printed this coming year, that
16 Stretch Code is going to bump up another ten or
17 15 percent - we don't even know. There's no one
18 in the room that can tell us exactly how much
19 more energy efficient your home is going to have
20 to be if you adopt this tonight, when the next
21 round of the IECC comes out in January.

22 And, so there's a bunch of reasons why I
23 say that I just don't think that this is
24 something that is in the best interests of all.

1 Thank you.

2 THE MODERATOR: Okay, Ms. Putnam. Then
3 Mr. Murphy. And Mr. Bidwell.

4 MS. PUTNAM: Thank you, Mr. Moderator.
5 Rebecca Putnam, precinct 9. Through you, Mr.
6 Moderator, I would like to ask a few questions to
7 our Building Commissioner, Mr. Gore.

8 THE MODERATOR: Yes, go ahead.

9 MS. PUTNAM: Okay. My first question
10 to Mr. Gore is: currently, when a new home is
11 being built, what is the energy efficiency under
12 the Code Book 8 that we are currently under
13 require a home to be energy heat efficient for?

14 THE MODERATOR: Do you have a
15 microphone back there for - unless he wants to
16 come down.

17 MR. GORE: Would you repeat the
18 question again, please.

19 MS. PUTNAM: Currently, under our Code
20 Book 8 that we are now having to pull building
21 permits under, to build a new home, what is the
22 percentage of energy efficiency a home has to
23 retain heat at?

24 MR. GORE: The Building Code doesn't

1 spell out a efficiency rating. It simply gives
2 you a - you have two choices. You can either do
3 the res check. Or you can do the prescriptive
4 measure, which requires that you have R-38 in the
5 ceiling, R-21 in the walls, R-30 in the floor.
6 So you can do prescriptive or you can do the res
7 check, and usually you do the res check because
8 maybe you have too many windows and you're trying
9 to offset a wall that is - has too much glass in
10 it, so you offset that by using a res check,
11 putting more insulation in the ceiling or
12 elsewhere to try to offset that. Or you can just
13 simply use a prescriptive.

14 MS. PUTNAM: So there's no percentage
15 of saying like you have to. With the res check,
16 is there a percentage that you have to or a
17 rating that you have to meet?

18 MR. GORE: The res checks compares what
19 you're doing with a model home that's built into
20 the program. And as long as your house is more
21 efficient or is as efficient as that model that's
22 in the program, then you pass. If your house
23 doesn't meet that, then again you can mix and
24 match, you can add more insulation, eliminate,

1 you know, windows, so that you are able to meet
2 that model home that's in the program, that's
3 built into the program.

4 MS. PUTNAM: Okay, so currently we have
5 to meet certain - your home has to meet certain
6 heat requirements when you're pulling a permit
7 because of windows, as you said. You know,
8 people have more windows, less windows, so you
9 have to increase your insulation currently.

10 MR. GORE: Actually, what your - the
11 insulation is to resist the flow of heat. So
12 that's what the purpose of the insulation is, is
13 to prevent exfiltration of the heat out of the
14 home. So, the more R-value you have, the greater
15 resistance you have to the flow of heat. So
16 that's really what you're trying to do.

17 MS. PUTNAM: Okay. And, my next
18 question to you is is in April, is the state
19 going to be implementing its own Stretch Code for
20 energy efficiency on construction?

21 MR. GORE: No. What may happen is
22 they may adopt the new IECC energy code, and that
23 energy code is very close to what we're talking
24 about tonight for the Stretch Code.

1 MS. PUTNAM: So it's not the same code.
2 So we are going to be having the state already
3 increase our codes for efficiency coming soon,
4 within the next year, is that correct?

5 MR. GORE: That is very likely, yes.
6 The state is - they're keeping their cards close
7 to their vest as to whether or not they're going
8 to actually. But, yes, that is what's supposed
9 to happen. They are supposed to stay current
10 with the IECC code. So, yes, in 2012, they
11 should adopt the 2012 IECC, which will be more
12 energy efficient than the 2009 IECC that we
13 currently have. That will put us right in line
14 with the Stretch Code.

15 However, as indicated, the Stretch Code
16 would then stretch beyond that.

17 MR. PUTNAM: Okay, thank you. I would
18 have to say that since the state is already going
19 to be changing how we're going to be energy
20 efficient on new construction and remodeling
21 jobs, I feel that we should allow the state to go
22 ahead and do their process and we should vote
23 this down as a no. Thank you.

24 THE MODERATOR: Mr. Murphy.

1 MR. MURPHY: Mr. Moderator and Town
2 Meeting, I'd like to first say that I'm speaking
3 as a Town Meeting Member. The Board of Selectmen
4 did take a vote to support this, but I am
5 speaking as a Town Meeting Member to this
6 evening.

7 I'd like to - people ask me, "Why are
8 you so passionate on this issue?" The reason
9 that I'm passionate on this issue is because I'm
10 speaking for the little guy, the homeowner who
11 can't afford to make the extra investment in
12 those dollars. I'm speaking for the contractor
13 who's spoken to me and say, "You know, six years
14 ago we had a moratorium on building. We only had
15 200 home starts. We put a cap on it. Right
16 now, we only are building 40 or 50 new buildings
17 a year in this community. The economy's tough."

18 The Stretch Code itself is something
19 that each and every one of us can do, if we want
20 to. I find it ironic that the Stretch Code does
21 not affect Town buildings. They'll take the
22 money - we'll take the money that we would get
23 for the grant to impose the Stretch Code, but
24 none of these Town buildings have to meet the

1 Stretch Code if we build those buildings or make
2 additions to them. I find that ironic that the
3 Town wants to impose upon its own people, it's
4 own citizens, it's own community a mandate - not
5 - this is something you can do yourself if you
6 want to.

7 I was faced with a choice a year ago
8 about putting in a new hot water heater. I chose
9 the most efficient one. But, you know what?
10 Twenty years ago when I was starting my family,
11 living on the Cape, I don't know if I would have
12 had that option. Because that hot water heater,
13 even though it has a payout for me over the next
14 ten years, that hot water heater actually still
15 costs me \$800 more than one that I could have
16 replaced it with. With a new family, I don't
17 know if I could have done that. Or my elderly
18 mom before she passed away could have done that.
19 That's why I'm talking to you tonight, folks.

20 The Stretch Code is about a bunch of
21 different little things, and I'm not going to
22 prolong this because I've worked it and I've beat
23 the bush on this, folks.

24 First of all, the reason they have a

1 Stretch Code is so that once they get enough of
2 the communities, 50 percent of the communities,
3 they will make that into a code. There's a
4 reason why there are only two communities on Cape
5 Cod that currently have it. Mashpee and the
6 Town of Truro. And Mashpee's Town Meeting didn't
7 impose it; their Board did.

8 I'm going to say to you, folks, that
9 sometimes, just sometimes, you don't always have
10 to be on the cutting edge. This Town has always
11 been about renewable energy when we could afford
12 it. But, you know, we were on the cutting edge
13 with windmills and how far has that gotten us
14 lately?

15 The truth be told, we don't always have
16 to be on the cutting edge. Each and every one of
17 us and each and every one of the people we
18 represent has an opportunity to do the Stretch
19 Code, without being told to do the Stretch Code.

20 The last thing I want to tell you folks
21 is that once you adopt the Stretch Code, the Code
22 continues to stretch. It continues to stretch.
23 That means that what we adopt tonight may be
24 different in a year because once the code is that

1 way, they stretch it even further.

2 We have no knowledge. The only way that
3 we can get away from the Stretch Code is opting
4 out at Town Meeting. We know how hard that is,
5 folks, don't we? How hard will that be for each
6 and every one of us to come back and say, "You
7 know what?"

8 And then we're worried about
9 dilapidating buildings? People will be, you
10 know, faced with the choice of whether they're
11 going to have to put in the hot water heater or
12 whether they have to put in an energy efficient
13 hot water heater.

14 I say, folks, let our folks - let our
15 citizens, let the people you represent make the
16 choice, because candidly the only thing in this
17 right now is a little bribe from the state for
18 the Town to take this. You're not going to make
19 our Town buildings any more efficient by adopting
20 it. Thank you and I hope you vote no on this.

21 [Applause.]

22 THE MODERATOR: Mr. Bidwell. Okay,
23 let's go. Mr. Bidwell and then Mrs. Augusta.

24 MR. BIDWELL: Just to confirm through

1 you, Mr. Moderator. Todd Bidwell, precinct 4.
2 If we do adopt the Stretch Code, indeed we will
3 automatically stay with the Stretch Code and any
4 advancements to it, we will automatically be set
5 at that standard, is that correct? Unless we
6 opt out of the Stretch Code? I just want to -

7 THE MODERATOR: That's my
8 understanding. Mr. Duffy, right? Once you're
9 in you're in until you opt out?

10 MR. BIDWELL: Does Mr. Gore know the
11 answer to that?

12 FROM THE FLOOR: Yes.

13 MR. BIDWELL: The answer is yes?

14 MR. GORE: Yes, the answer is yes.

15 MR. BIDWELL: Okay, thank you.

16 FROM THE FLOOR: Question, question.

17 THE MODERATOR: You're all set with
18 that one? Okay. Mrs. Augusta.

19 We're almost there. We've got a couple
20 more.

21 MS. AUGUSTA: Just quickly. I agree
22 with the previous speakers; I just wanted to
23 point out that my son and his wife recently
24 completed an Energy Star certified home this past

1 year, and the estimated cost, up front costs far
2 exceed what are being - what were referred to of
3 \$3,000, far exceeded it. This was a young couple
4 that chose to do this with this home. This home
5 was currently featured in an article in the Cape
6 Cod Builders and Remodelers Association. It was
7 the right thing for them to do.

8 But I worry about the young couples that
9 can't do it right now, and to be mandated to do
10 something like this, a lot will not be able to
11 afford their own home in Falmouth.

12 THE MODERATOR: Okay, Mr. Moriarty.

13 FROM THE FLOOR: Question.

14 MR. HAMPSON: Mr. Moderator.

15 THE MODERATOR: Yes, go after eleven.

16 MR. HAMPSON: George Hampson, precinct
17 5. It comes to that hour, folks. We have to
18 extend this to finish Town Meeting. So I
19 recommend that, please, so we can save money.
20 Thank you.

21 THE MODERATOR: Okay, the question will
22 come to extend after eleven o'clock. All those
23 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. By two-thirds.

5 MR. MORIARTY: Hello everyone again,
6 Dave Moriarty, precinct 6. I believe you know
7 how I feel about this. I was pretty clear about
8 it last year. My thoughts on it haven't changed
9 one bit.

10 And, you know, as you've heard already
11 from previous speakers here tonight, that this is
12 not a benefit for anyone in this room. This
13 could cause a lot of hardship for a lot of
14 people.

15 I mean, it's optional. Any builder in
16 town, you can pick up the phone call, any builder
17 in this room, any builder in town, they will do
18 whatever you want as much as you want. We should
19 always keep the option for the homeowner. We
20 should never give our options to a committee, to
21 the state.

22 I mean, obviously, look what happens.
23 If we adopt the Stretch Code, and Falmouth
24 becomes a green community, what - what - you

1 know, that gives them the right to put wind
2 turbines on other municipal land and other park
3 lands. Now, do we want to open ourselves up for
4 that? I think not.

5 So I say when it comes to adopting the
6 Stretch Code, I think we all know what the right
7 thing to do here is, and we know what the right
8 thing to do is for the next generation. The
9 people coming up in Falmouth today have no money.
10 Do you remember how it was back in the '60's?
11 Remember when everybody was poor, everybody had a
12 farm in their back yard? Everybody helped each
13 other out? Do you remember that? Well, let's go
14 back to that, because this is really getting a
15 little out of control. The bureaucracy around
16 here is just a little too thick for me. Thank
17 you.

18 THE MODERATOR: Okay, Ms. Driscoll,
19 something new?

20 MS. DRISCOLL: Yes. Kathy Driscoll,
21 precinct 7. You know, to answer Dan Shearer's,
22 my understanding is the rule of thumb is anything
23 greater than 30 percent on a renovation. Then
24 you would need to comply with the Stretch Code.

1 So, if you're looking a room, it's
2 anything greater than 30 percent of the square
3 footage of the building. So, and then you would
4 comply with the Stretch Code. You are allowed -
5 you can tweak that in your own bylaws with the
6 Stretch Code, but that's my understanding.

7 I'm actually standing here before you, I
8 want to say thank you to the Energy Committee for
9 working on this and working for a proponent -
10 being a proponent for the Green Communities Act
11 and becoming a Green Communities. But I'm going
12 to ask you to vote down on this. I think, again,
13 our town boards and our Board of Selectmen
14 working with the Energy Committee to accept the
15 new standards that are coming into place, they
16 are going to be here whether it's April, after
17 July, those new energy efficiency standards are
18 going to be with us.

19 However, we as a Town Meeting body need
20 to be mindful of that money that will not be
21 coming into our Town through the Green
22 Communities Program and how we can be, you know,
23 smarter in the way that we do things with our
24 Town buildings and making them more efficient

1 with our spending of money across the town that
2 we're not getting to put into some of these
3 energy projects. Thank you.

4 THE MODERATOR: Okay, is there anything
5 new from someone who's in favor of this?

6 FROM THE FLOOR: No.

7 THE MODERATOR: Mr. Dick, are you in
8 favor of this? You want the question, okay.

9 Mr. Patrick, are you in favor of this?
10 Because every speaker I've had has been against
11 this. If there's something new with somebody
12 who's in favor of it, then.

13 MR. PATRICK: Yes, I'm in favor of it.
14 Matthew Patrick, precinct 7. And I just would
15 draw your attention to the handout that was given
16 on this, and then five, page one. Will it save
17 money to comply with the Stretch Code? And as
18 an example they use a 2,700 square foot, three
19 bedroom, single family home. The up-front extra
20 cost is \$8,100 for the Stretch Code. In a 30
21 year mortgage, that amounts to \$510 a year. The
22 savings per year is \$1,360 in lower utility
23 bills.

24 That's a savings of \$830, or net annual

1 savings of \$830 a year.

2 I live in an 1820 home and I insulated
3 it to the maximum. I just got - paid for my oil
4 bill, the first oil bill, and it was over a
5 thousand dollars for this oil bill. And I'm
6 going to have to fill that up a couple of times
7 this winter. So, this does make a difference.
8 It's a matter of affordability for people to live
9 in it.

10 And this is, as Mr. Gentile said, this
11 is where the world is going. How long are we
12 going to be able to expect to pay \$3.85 for a
13 gallon of oil? Who knows what it's going to be
14 in five or ten years? What happens when it hits
15 \$5 a gallon? The people who own homes like this
16 will be very happy that they made that decision.

17 So, I just think, you know, don't worry
18 about what the Town gets. Think about what this
19 means to our housing stock and this housing
20 stock's going to last well into the future and
21 the new stuff should be as energy efficient as
22 possible. Thank you.

23 THE MODERATOR: Okay, the question will
24 come on Article 46 as printed. All those in

1 favor, signify by saying aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [No.]

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

7 [Applause.]

8 THE MODERATOR: Article 48. The Chair
9 of the Board of Selectmen for the main motion.

10 CHAIRMAN FLYNN: Yes, Mr. Moderator, I
11 move Article 48 as printed, and I would like to
12 say a few words about it, please.

13 THE MODERATOR: Okay, Article 48 as
14 printed. This is laying out roads. Madame
15 Chairman.

16 CHAIRMAN FLYNN: Yes. This petition
17 from the Ashumet Valley Homeowner's Association
18 came to us through the Road Program several years
19 ago and, as you well know, over the past several
20 years we have not been able to take any steps to
21 fund the taking of private roads because we
22 didn't have the funding to do it.

23 You may remember last year that Town
24 Meeting voted a million dollars to put into the

1 Road Program so that we could begin to take these
2 roads.

3 So, over the past ten years, the town
4 has been working very closely with the Ashumet
5 Valley Homeowner's Association because they have
6 had a petition in the works for a very long time,
7 and finally that came to fruition this year. So,
8 I know that some of the members are here who
9 would like to urge you to vote in a very positive
10 way to accept the taking of the four roads that
11 you see named in the article.

12 As recently as last night, we heard from
13 another resident who has some concerns about the
14 cost, and the cost is high, but then the cost is
15 always high when the Town has to estimate the
16 cost per homeowner. Because if the cost - if the
17 actual cost exceeds the estimated cost of any
18 road under the taking, then the Town has to pay
19 the difference. So the Town is very, very
20 conservative in its estimates and how it
21 determines what the actual costs would be. But,
22 in the end, that cost is always considerably less
23 than the amount that is proposed.

24 So, there are some other homeowners

1 here, but I think that the time and effort that
2 the homeowners have put into this and the time
3 and effort that the town has made to help them do
4 this, I would ask that you vote favorably on this
5 article.

6 THE MODERATOR: Okay, discussion on
7 Article 48?

8 Mr. Cummings.

9 MR. CUMMINGS: Jim Cummings, precinct
10 8. The chief of police is here. He got me my
11 cruisers and a new contract; maybe I should have
12 him talk for me, but.

13 This is my first town meeting, and I was
14 a little surprised a couple weeks before I even
15 went to orientation or a precinct meeting I had a
16 phone call from a constituent in precinct 8 and
17 it was on this article. He's a resident of the
18 neighborhood, he's lived there quite a long time.
19 He explained basically what was going on as far
20 as the road taking.

21 Selectman Flynn was correct: this has
22 been going on for a long time, but the petition
23 hasn't been going on for a long time. The
24 petition was passed around in 2004 and it was

1 signed in 2004. I went on and looked, I went to
2 the Clerk's Office, I looked at the petition just
3 to educate myself about what was going on and
4 then I called Mr. Marks, who was the person that
5 originally called me and I told him I had some
6 concerns about the petition.

7 The intent of some of the petitioners is
8 vague or not noted. There was also some people
9 on the petition that limit their acceptance of it
10 to the original cost estimate which was \$1200 in
11 total per property owner.

12 Mr. Marks said he wasn't going after
13 this in that light. His objection was that this
14 petition was passed around and signed in 2004.
15 The projected cost at that time was \$1200 per
16 property owner. Now, this year, we are - you
17 know, last year we started taking some roads.
18 This year, we're continuing that. The estimated
19 cost, as Selectman Flynn noted, are always
20 inflated just to be - but, the actual costs that
21 are presented, and this is the printout; this
22 came out September 2nd, 2011: betterment per lot:
23 \$15,390. The original estimate was \$1200, and
24 that was seven years ago.

1 Now, I could say as a homeowner in the
2 town I live on a private road right now. If I
3 signed a petition and thought the cost was going
4 to be \$1200 and then seven years later that
5 petition came up and the cost had inflated, I
6 think I at least should have the chance to have
7 that petition resubmitted, recirculated. That's
8 all Mr. Marks wants the opportunity to do.

9 He's had a very limited time to
10 recirculate the petition. Not all the property
11 owners live in the property. There's several
12 rentals. There's also summer residents and
13 there's some questions about contacting property
14 owners who have out of town addresses. He's
15 tried very hard and he's had a pretty good
16 response with people who do not support this
17 betterment at this time because of the costs.

18 He's simply asking for more time, I
19 think. He has stated to me very clearly: if the
20 will of the neighborhood in 2011 is to go
21 forward, or 2012, is to go forward with the costs
22 that are projected, then he fully supports the
23 democratic process and he will pay the
24 betterments.

1 I find no reason why we can't hold off
2 and bring this back in the spring with a new
3 petition from 2011 from the neighborhood so we
4 know that the will of this neighborhood is that
5 they actually want to pay these projected costs.
6 I think that's more than fair.

7 THE MODERATOR: Okay, Mr. Putnam.

8 MR. PUTNAM: Brent Putnam, Board of
9 Selectmen, precinct 9 Town Meeting Member. I'm
10 going to second this speaker's comments. Mr.
11 Marks did in fact come before the Board of
12 Selectmen and quite frankly put some sufficient
13 doubt in my mind to make me want to change my
14 vote as a member of the Board.

15 He pointed out to us, last evening, that
16 he has 38 No signatures at this time. Now, mind
17 you, there are 89 homes in this neighborhood, so
18 that's almost half. More importantly, he stated
19 to us that 22 of those 38 flipped: 22 people who
20 have looked at the costs now and said, "You know
21 what? I don't want to do this."

22 He noted also that, since the original
23 petition, there are three deceased, four moved,
24 two foreclosures, and let's not forget that one

1 of the roads that we're suggesting be taken was
2 never part of the original petition. As noted,
3 I don't think it would hurt for us to wait until
4 the spring, get some clarity as to who exactly
5 would like this done, and then re-visit this
6 then.

7 Now, you may hear some arguments about
8 how bad these roads are, deplorable, whatnot, but
9 the reality of the situation is that, no matter
10 how bad the roads are, they're private roads.
11 And if the individuals who live on these roads,
12 they are the technical owners of these roads.
13 And if, as is seems to be the case at this point
14 in time, if they don't want us to take the roads,
15 we shouldn't be taking them. No matter what
16 condition they're in, it's their road.

17 THE MODERATOR: Ms. Flynn.

18 CHAIRMAN FLYNN: Thank you, Mr.
19 Moderator. There are just a couple of things
20 that I think need to be clarified for you. When
21 we talk about petitions and what they mean, back
22 in the '90's, when the Board of Selectmen decided
23 to even begin a road program, we decided that the
24 best way to do this and to find out whether or

1 not people really wanted to have their roads
2 improved, was to offer them the opportunity of
3 having it done with a hundred percent betterment
4 and, if they wanted to do that, then they could
5 send in a letter or a petition to let the Board
6 know that they had more than 50 percent of the
7 people who live - who are abutters to that road
8 and who are willing to pay the hundred percent
9 betterment and then the Board would put those
10 names of the roads on the list and we would take
11 them one by one.

12 So the petitioners themselves have
13 really no legal standing at all. They were only
14 a measure for the Board to determine which roads
15 would get done first. Whether, if there was any
16 amount of money written on a petition, that would
17 not have been the actual estimate of the cost,
18 because the estimate isn't done until the Board
19 decides that it wants to move the project forward
20 and then the project goes to the DPW and to the
21 Town Engineers to come up with an estimate. You
22 would not find an estimate on a petition because,
23 as I said, the petition has no legal standing.

24 There are some very important points

1 made, however, tonight, because I do know that
2 there are some people who now that the years have
3 gone by have decided that maybe they are not
4 interested in doing this.

5 So, your job tonight is to decide
6 whether or not you want to vote for the taking.
7 It's up to the Board of Selectmen to decide
8 whether or not the project gets done.

9 Now, the taking, we obviously need the
10 taking in order to do that, but you can still do
11 the taking and the Board can decide not to it, if
12 in fact it turns out that there are significant
13 number of people who now at this point in time
14 are not interested.

15 THE MODERATOR: Okay, Ms. Houle. With
16 the microphone there behind you.

17 MS. HOULE: Thank you. Louise Houle,
18 precinct 8. I have five people from that area
19 who have contacted me over and over and over
20 again. They are so frustrated, waiting all these
21 years to have their roads done, and they were
22 pleading with me to please speak for them and say
23 that their association has met on this and they
24 want to go forward and they've waited a long time

1 for this and been put at the end of lists and
2 when they get up to the beginning they're ignored
3 and so forth.

4 So I'm speaking for them and they're hoping
5 that you will support them. Thank you.

6 THE MODERATOR: Okay. In the aisle to
7 my right.

8 MS. BATES: Joan Bates, Redlands Road,
9 precinct 8. I happen to be co-president of the
10 Ashumet Valley Property Owners Association for my
11 pain, as well.

12 I want to tell you that some of the
13 information that you've been told tonight is
14 incorrect, even from people who perhaps think
15 they do know.

16 And, in point of fact, our original
17 petition, there is not one petition there are
18 four petitions. The first two were for Regis and
19 Redlands Roads, and those were in 2004-2005. We
20 submitted them in 2006. Eventually, the
21 community decided that they would consider them;
22 there were not funds available. They pushed us
23 off the warrant in 2008.

24 We came back and were told if we wanted

1 to get our roads taken, we had to also include
2 Austin Stokes Drive, which is a back, main entry
3 road to our development. You can see it right
4 there, it's that long line that points right at
5 Ashumet Pond. The reason that we're concerned
6 about that road particularly is that it is in
7 especially poor condition. It drains directly
8 onto Courier River, as my friend Bob Martin calls
9 it, and then directly into Ashumet Pond. We
10 have a serious issue with drainage into the pond
11 which will be corrected by this process.

12 We also decided that, since we only have
13 two abutters on Shepard Place and it was the one
14 remaining non-Town road that would not be taken
15 if we didn't include it in 2008 or '9, that we
16 asked those folks, the two abutters on Shepard
17 Place, which incidentally overlaps Fordham Road
18 and Club Valley Drive, Town roads, that it should
19 be included as well. Those two abutters agreed.

20 So we have four individual petitions
21 that were approved by more than a majority by
22 each of the folks living on those roads at 2004
23 or 2005 or 2008 or 2009. Most of the abutters
24 still live there. Some of them have moved away.

1 We followed the Town process to get this
2 done. I want you to know we spent a lot of money
3 on engineering, which we needed to do for each of
4 the four roads individually. We had to go back
5 and forth between the DPW and the engineering
6 company that we hired to get it correct, paying
7 additional funds to get those corrected
8 engineering funds done. So, the Town isn't
9 paying for the engineering plans, the Association
10 paid for it. Not the individual abutters, but
11 the Association.

12 Ashumet Valley Property Owners consists
13 of 207 members, many of whom already live on Town
14 roads. We have the distinct, I think,
15 relationship with the community in that we have
16 actually paid to work on Town roads with funds
17 from our community fund. We are now seeking the
18 help of the Town in getting our roads accepted
19 because we have no option. The roads are
20 deteriorating. We don't own those roads.
21 Period. We don't own those roads. We need help
22 in getting them corrected, and the only way for
23 us to do that, ever, is to have the Town take
24 them. We could never afford to charge each of

1 the 89 abutters to get the roads done by who?
2 Lawrence Lynch? They're going to lend us money?
3 You know, over a million dollars to pave those
4 roads? I don't think so.

5 We followed the process. We did what
6 you asked. We're seeking Town Meeting support
7 now in getting our roads accepted. There will
8 always be people who are unhappy about it, I
9 recognize that fully. I live on Redlands Road.

10 Ashumet Pond is important to us; we have
11 a beach there; it's one our primary amenities of
12 the community. I love driving down and looking
13 at it every day, walking the route and seeing it.
14 We need to protect that pond. Our community has
15 done a great deal in that direction. Members of
16 our Ashumet Valley Property Owners Association
17 actually raised money and got a brown field study
18 to help get that Ashumet Pond cleaned up. If you
19 don't know it now, I'm telling you.

20 And it's just a very important issue for
21 us. We have no alternative but to seek relief
22 from the Town through this process, and we're
23 asking for your support on it.

24 THE MODERATOR: Okay, Mr. Boyer.

1 MR. BOYER: Mr. Moderator, Peter Boyer,
2 precinct 5. I favor what the previous speaker
3 has said. I thought there was a much more
4 divided interest in this. The one issue that
5 puzzles me is whether or not if this were to be
6 delayed, their place in line would be held for
7 the spring or even further on, or would the money
8 be spent elsewhere?

9 THE MODERATOR: Ms. Harper?

10 MS. HARPER: I want to make a couple of
11 comments and then answer the question.

12 The comments are that I have had the
13 pleasure over the last seven years of working
14 with three presidents of the Ashumet Valley
15 Association on this project. With Bob Martin,
16 with Ralph Herbst, and with Joan Bates. The Town
17 of Falmouth has invested hundreds of hours in
18 effort to develop the cost estimates, to drive
19 the roads, to do the design work to lead to what
20 are very significant estimates of the repair work
21 necessary on those roads.

22 This neighborhood association is
23 tremendously invested in this process. Over the
24 last year, myself as assistant town manager

1 attended the neighborhood association meeting
2 where there were at least 30 members. I believe
3 our Director of Public Works within the last year
4 and a half attended a neighborhood association.
5 More recently, the director of Assessing was
6 invited and attend a neighbor Association
7 meeting. They've been very committed to the
8 outreach process and to engaging, and I truly
9 mean engaging the public resources to make sure
10 they are getting the very best value that they
11 can, and we've really invested a tremendous
12 amount in this neighborhood.

13 I feel terribly because, in 2008, we had
14 a handful of roads and a handful of neighborhoods
15 that were taken. We've taken hundreds of roads
16 through this very same process in the last 15
17 years. And this neighborhood association was
18 bumped off the warrant because we didn't have
19 enough money.

20 So we came back and asked this very same
21 body to appropriate \$1 million for the purpose of
22 taking Ashumet Valley Roads only. At that time,
23 the Board of Selectmen determined that there
24 would be no more road takings except in under the

1 100 percent betterment program because the
2 program is full. We have more money out than
3 we're getting in. At some point, we'll reopen
4 again, but this is the last project on the list.

5 So, the answer to the question is that
6 those funds are reserved for this neighborhood.

7 THE MODERATOR: Okay, Mr. Goulart.

8 MR. GOULART: Richard Goulart, precinct
9 9. I don't live in that neighborhood, but I'm
10 hearing this go round and round. Now, I hear
11 there was one petition, now I'm hearing there was
12 four petitions over seven years. Did all the
13 same people get involved in those petitions over
14 the seven years?

15 The road is already all engineered, as
16 they said. We have nothing to lose by letting
17 them circulate one petition, get in touch with
18 all the property owners in that area. If I lived
19 there, that's what I would certainly be looking
20 for.

21 You're looking at an abatement. You're
22 not looking at this to be added - 12 or 1500
23 dollars to be added to your tax bill so you can
24 break it up four times a year. It's a check,

1 once a year. It's going to come - correct me if
2 I'm wrong, it's in January. "We want a check for
3 \$1500; send it in to the Town." Think about
4 that.

5 I think that they need to get back
6 together, now that they said they have all the
7 plans drawn and everything is done, get back
8 together, get all the people in the association
9 together and get the vote, one way or the other.

10 I think that would be more than enough -
11 more than fair for everybody that's involved.
12 Thank you.

13 THE MODERATOR: Okay, Mr. Marks. Is
14 that Mr. Marks in the back?

15 MR. MARKS: First of all, Ms. Flynn,
16 every time you talk, you confuse me more and more
17 because you've got me confused: if these Town
18 Meeting Members vote against this, is it a no, or
19 does it still come back to you? Because you're
20 confusing me on that, I'm not quite understanding
21 how that works.

22 But, the other uncertainties that I keep
23 having with my conversations with the Board is
24 I've heard zero percent, I've heard two percent,

1 I've heard five percent. Then I've heard
2 sometimes the roads come in at 50 percent less
3 than what they're - there's way too many
4 uncertainties here to move forward on this. I
5 mean, just too many, too many.

6 You've got 22 people, as Mr. Putnam
7 said, that just flip-flopped. We have 38 people
8 that I've got in the people that have called,
9 written me letters, signed - signed petitions
10 saying no. That's 38 people that can't afford
11 \$1500. And you're going to say to me it's not
12 15, but it's the only fact. It's the only piece
13 of paper I have to look at, unless you can show
14 me another one.

15 And, on the 20th year, it's 800. So,
16 let's call it 1150 on the average, per year.

17 Now, if there's anybody here that works
18 for the Town, I know that you have furlough days
19 and God, you hate 'em. You take \$1500 away from
20 my friends in my neighborhood a year, you're
21 taking a week and a half pay, on the average.
22 They did a little computer thing, found out the
23 average income of East Falmouth, so I'm just kind
24 of throwing that number out there, and I could be

1 wrong, but you're asking for a week and a half's
2 pay from these people, and there's people here in
3 this town that have to take a couple furlough
4 days and they're flipping out.

5 What do you think it's like for these
6 families, for you, the Town of Falmouth, to take
7 away \$1500 from these people?

8 And, the word "deplorable" has been used
9 on these roads. I invite everybody here to take
10 a ride in our neighborhood and try to find which
11 is the Town road and which is the bad road.

12 And-and-and just try it out. The word
13 "deplorable" is a very vague word. It doesn't
14 have - like, does deplorable, from zero to ten,
15 what does that mean?

16 I would like to see this done the right
17 way. This is America, I understand that. A
18 majority vote. Not from 2004. You can't bill
19 the three people that passed away on my road that
20 voted yes. I don't think they'll pay.

21 These 33 people are talking about not
22 paying. So, my question also I have to the Board
23 of Selectmen is: if they don't pay and you lien,
24 who makes that bank payment? How does that work?

1 Because I'm telling you that out of these 33
2 people - the 38 people that said no? They're not
3 going to pay.

4 And then we've been told that, you know,
5 that when you sell your house you can cut a deal
6 with the person that buys your house: they'll buy
7 your betterment. Well, I don't believe that one
8 and I also don't believe in the tooth fairy.
9 You're going to sell your house, no one's going
10 to want to buy your betterment.

11 I mean, these are some of the things
12 that this board in Ashumet Valley is saying to
13 these people. And they're not hard facts.
14 They're just speculation, just like the
15 speculation of zero percent, two percent, five
16 percent and the speculation that Seatucket came
17 in 55 percent under budget. Not the same animal.
18 Not the same animal as Ashumet Valley; hence the
19 word valley.

20 This road is up and down, extensive
21 drainage, I don't think it's apples to apples and
22 I ask for these Town Meeting Members: please,
23 please, vote no on this.

24 THE MODERATOR: Okay, Madame Chairman.

1 MR. MARKS: Put yourselves in our
2 place, please.

3 THE MODERATOR: Madame Chairman, if you
4 could address the questions?

5 CHAIRMAN FLYNN: Yes, if a property
6 owner under the betterment does not make the
7 betterment payment, then the Town would place a
8 lien on the property for that amount.

9 MR. MARKS: [No mic: inaudible.] If the
10 betterment - if you don't pay the payment, how
11 does that payment get paid?

12 FROM THE FLOOR: [Inaudible.]

13 MR. MARKS: No, no, no, how do you -

14 THE MODERATOR: They're going to put a
15 lien on the property.

16 MR. MARKS: No, I understand that, but
17 Falmouth is going to take a loan, correct, on
18 this? So, if all these people don't pay and you
19 lien on their homes, how is that payment made to
20 the bank? Who pays that payment?

21 THE MODERATOR: Are we borrowing to do
22 the actual road work?

23 MS. HARPER: Yes.

24 THE MODERATOR: Okay, so this is going

1 to require two-thirds.

2 MS. HARPER: Yes, I understand the
3 question, Mr. Moderator. The Town would have to
4 pick up the difference. However, we have a
5 Revolving Fund that's established to pay off the
6 loans and so a part of that would be covered by
7 the betterments paid off by other folks who have
8 participated in the betterment program. But if
9 there's a deficit between what's available to
10 appropriate to fund the bond payment, then the
11 taxpayers would have to pay the difference.

12 MR. MARKS: Remember, everybody, that
13 you're taxpayers.

14 Also another concern of mine that Mr.
15 Putnam touched on - one more thing, and I know
16 everybody wants to go home and I understand. Mr.
17 Putnam touched on this briefly: we have another
18 thing coming up here with the Town sewer. So,
19 now you're going to grab me for \$1500 or \$1150 or
20 whatever it might be per year, and in the very
21 near future, we're going to be paying for another
22 betterment of our sewer tax.

23 So, it doesn't just stop with this 1150;
24 it just keeps going on and on. Thank you.

1 THE MODERATOR: Okay, Mr. Herbst.
2 Pointer. Could we borrow that?

3 MR. HERBST: Sorry, folks, I started
4 this meeting last night and it looks like I'm
5 going to finish it tonight. I ask you to just
6 spend a few more minutes and listen to what I
7 have to say.

8 I've been the vice president, president
9 of my association and I am now the Roads Chairman
10 and I have been since I was no longer the
11 president.

12 When I was the chairman of the
13 homeowners Association, we entered into an
14 agreement with the Town to make improvements on
15 Town roads. I did this with Bill Owen. We put
16 in - we paid for the materials to put in drainage
17 on some of the Town roads because the Town didn't
18 have the money. We put it in here, over here and
19 over here.

20 That was the beginning of a relationship
21 that we established with the Town. We also asked
22 the Town if they'd put in street lights on our
23 private roads. They wouldn't do that, so we put
24 them in on these roads here for our own safety.

1 This road right here is a main artery
2 leading into the Association. It is a private
3 road. There are two people that live on that
4 road. It is deplorable. The rest of the roads
5 are poor. The association has paid. I know
6 personally because I negotiated the contracts
7 with Lawrence Lynch and New England Seal Coating
8 to maintain the roads as best we could in the 25
9 years that I've lived there.

10 My home is right here on Regis road, so
11 I'm a person that's going to be facing this
12 betterment.

13 I believe - it's always my understanding
14 that a betterment was a lien, is that correct,
15 Mr. Frank Duffy?

16 MR. DUFFY: Yes.

17 MR. HERBST: So, there's already a lien
18 on your property when you enter into a
19 betterment, so there's no issue about whether or
20 not the bank's going to get paid.

21 We've been working on this situation
22 ever since I moved into the association. This
23 road right here was a private road in the
24 beginning, before I moved there, and the

1 Association asked the Town to take it because
2 they didn't want to deliver mail on the road and
3 they didn't want to pick up kids with the school
4 buses. So the Town took it, at no cost to the
5 people in the Association at the time.

6 This situation is not asking the people
7 to pay for something they're not going to benefit
8 by. This is called a betterment. A betterment
9 means that the money spent betters something. It
10 doesn't deteriorate something. It betters the
11 value of your home.

12 I don't want to pay this kind of money,
13 but I'm going to do it because when I consider
14 the amount of money it is versus the value of my
15 home, it is a small percentage, and I believe
16 that I will recuperate that betterment by having
17 my home more desirable when it comes time to sell
18 it. That's just logic.

19 But, take it one step further, if I
20 don't better this road, am I going to be able to
21 sell my home at all? Or am I going to have to
22 sell it for a lot less? Is a real estate agent
23 going to want to show my home? Versus somebody
24 who lives on a decent road? Same price? Show my

1 home? Lousy road? "Show me something else."

2 Our homeowners association has worked
3 long and hard with the Town on a lot of issues.
4 Joan Bates mentioned the fact that we actually
5 got a loan from the EPA and we're part of the
6 situation where we took - the Town took the
7 government to task to clean up Ashumet Pond. We
8 got that loan from the EPA, our tiny little
9 homeowners association, because we were
10 incorporated. And we incorporated to protect the
11 officers that spend countless hours without pay
12 for the betterment of everybody in this
13 Association.

14 THE MODERATOR: Okay, we ready?

15 MR. HERBST: These - these - one more
16 comment, please, I'm sorry.

17 FROM THE FLOOR: Question.

18 MR. HERBST: I just want to tell you
19 that we followed all of the rules to get this
20 done. And we need your support. The majority of
21 the people here are willing to pay and I've asked
22 Mr. Bailey, the Town Assessor, to make a comment
23 or two about how people who say they can't afford
24 it will have options to pay for it over time.

1 And I would ask that Mr. Bailey be recognized.

2 FROM THE FLOOR: Question, question,
3 question.

4 THE MODERATOR: Mr. Bailey, can you
5 real quickly just say what the recourse is if you
6 can't pay the bill?

7 MR. BAILEY: The recourse if you don't
8 pay the bill is the same recourse if you don't
9 pay your taxes. You know, ultimately the Town
10 takes your property.

11 There are provisions for elderly people
12 to defer this betterment. But there's very
13 limited, very limited relief for people who are
14 not elderly. You know, this betterment, once
15 it's apportioned, becomes part of your tax, goes
16 on your tax bill every year. You pay it.

17 You can pay it, you know, in - you can
18 take out a home equity loan, pay it in advance, I
19 mean, there are that type of options. But as far
20 as the government is concerned, there are very
21 limited options.

22 THE MODERATOR: Okay, the question will
23 come on Article 48 as printed. All those in
24 favor, 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 is that the ayes have it by a majority.
6 Is there a challenge?

7 [No audible response.]

8 THE MODERATOR: Okay, hearing none, the
9 article passes by majority.

10 Article 49. Mr. Chairman.

11 CHAIRMAN ANDERSON: Mr. Moderator, I
12 move that all articles considered in this Town
13 Meeting be funded as voted for a total of
14 \$4,633,061.49.

15 THE MODERATOR: Okay, you've all heard
16 the main motion, to fund this meeting for
17 \$4,633,061.49. All those in favor, signify by
18 saying aye.

19 [Aye.]

20 THE MODERATOR: All those opposed, no.

21 [None opposed.]

22 THE MODERATOR: The ayes have it
23 unanimously.

24 Madame Chairman for notification of our

1 next Annual Town Meeting.

2 CHAIRMAN FLYNN: Mr. Moderator, the
3 Spring Annual Town Meeting will be held on April
4 2nd, 2012.

5 THE MODERATOR: Okay, the next Town
6 Meeting will be April 2nd, 2012.

7 Mr. Chairman.

8 CHAIRMAN ANDERSON: Mr. Moderator,
9 ladies and gentlemen, I move the November, 2011
10 Town Meeting be closed.

11 THE MODERATOR: You all heard the main
12 motion, to close the meeting. All those in
13 favor, signify by saying aye.

14 [Aye.]

15 THE MODERATOR: Opposed, no.

16 [None opposed.]

17 THE MODERATOR: The ayes have it.

18 We're adjourned.

19 [11:40 p.m., whereupon meeting adjourned.]

20

21

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23

24

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth Annual Fall Town Meeting, taken by me on November 8, 2011. To the best of my ability the within transcript is a complete, true and accurate record of said Town Meeting.

In witness whereof, I have hereunto set my hand and Notary Seal this 15th day of December 2011.

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

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