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COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

ANNUAL FALL TOWN MEETING

Lawrence School

Lakeview Avenue

Falmouth, Massachusetts

TOWN CLERK: Michael Palmer

MODERATOR: David T. Vieira

Wednesday, November 13, 2013

7:00 p.m.

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

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

2                   THE MODERATOR:    Okay, would all Town  
3                   Meeting Members present please come forward, take  
4                   your seats.    Don't forget to check in with the  
5                   League of Women Voters.   Attendance will be  
6                   published in the Falmouth Enterprise.

7                   Our tellers this evening: in the first  
8                   division will be Mr. Netto; in the second  
9                   division will be Mr. Dufresne; and in the third  
10                  division will be Mr. Hampson.

11   [Pause.]

12                  THE MODERATOR:    Hopefully when we take  
13                  this quorum count we'll have a quorum.   Some of  
14                  you may have heard last night in the Town of  
15                  Truro they did not have their town meeting  
16                  because they could not get a quorum.   So the  
17                  Selectmen are deciding if they're going to hold  
18                  all the articles until the spring or if they're  
19                  going to post another warrant.

20                  But I'm sure, as a representative Town  
21                  Meeting, we'll have our quorum tonight.

22                  So, would all Town Meeting Members  
23                  present please rise for the establishment of the  
24                  quorum and the tellers will return a count.

1 [Pause.]

2 THE MODERATOR: Mr. Netto in the first  
3 division.

4 MR. NETTO: 46.

5 THE MODERATOR: 46.

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

8 MR. HAMPSON: 60.

9 THE MODERATOR: 60.

10 In the second division, Mr. Dufresne?

11 MR. DUFRESNE: 92.

12 THE MODERATOR: 92.

13 By a counted vote of 198, we have a  
14 quorum and the Town Meeting is in session.

15 All present please rise for the  
16 presentation of the colors by my alma mater, Cub  
17 Scout Pack 41.

18 [Pause.]

19 [The Pledge of Allegiance was taken.]

20 THE MODERATOR: At this time I'll  
21 recognize Joe Martinho for an invocation.

22 MR. MARTINHO: Lord, when it comes to  
23 meeting and communicating with each other, help  
24 us be good listeners. Help us to be open-minded,

1 putting aside our own agendas. Help us to be  
2 honest, without being insensitive. Help us to be  
3 respectful, without being too formal or  
4 artificial. Help us to question and challenge  
5 without being harsh.

6 Help us be aware that this is just one  
7 moment, just one meeting. And lastly, help us to  
8 remember that you, too, are always meeting and  
9 communicating with us. Amen.

10 THE MODERATOR: Please remain standing  
11 for a moment of silence in honor of our Town  
12 Meeting members who have passed since our last  
13 gathering.

14 [Pause.]

15 THE MODERATOR: Colors post.

16 [Pause.]

17 THE MODERATOR: Cub Scout Pack 41 from  
18 East Falmouth.

19 [Applause.]

20 THE MODERATOR: Last night I asked you  
21 all to swing by the Service Center the Sunday  
22 before Thanksgiving and drop off some fresh  
23 turkeys. What I should have told you to do is  
24 drop off some frozen turkeys. So I've just been

1 asked to make that correction.

2 So, if you are able to do that, please  
3 bring a frozen turkey, not a fresh turkey,  
4 although you could bring a fresh frozen turkey.

5 [Laughter.]

6 THE MODERATOR: Okay, Article 18 was  
7 the next one on our list, here. We, as you  
8 remember, didn't use the blanket last night, so  
9 we'll go right back to Article 18.

10 Madame Chairman.

11 CHAIRMAN MAGNANI: [No mic:] Mr.  
12 Moderator, I move that the Town [Inaudible].

13 Sorry. Mr. Moderator, move that the  
14 Town vote to transfer from the Waterways  
15 Improvement Account the sum of \$12,804 for the  
16 purpose of replacing the Falmouth Inner Harbor  
17 pump out station and equipment located on Robbins  
18 Road. Said funds to be expended under the  
19 jurisdiction of the Marine and Environmental  
20 Services Department.

21 THE MODERATOR: Okay, you've all heard  
22 the main motion; any discussion?

23 Mr. Anderson.

24 MR. ANDERSON: Gary Anderson, Precinct

1           7. In the explanation, it says that at times the  
2           Island Queen, I believe, uses this pump out  
3           station. Coastal Management suggested we seek  
4           funding from them. Are we going to get funding  
5           from them? Can somebody give an update. Thank  
6           you.

7                         THE MODERATOR: We have our  
8           Harbormaster here with us. Mr. Frazier.

9                         MR. FRAZIER: Good evening, Greg  
10          Frazier, Director of Marine Environmental  
11          Services. As of today we had not gotten word  
12          from CZM whether we'll get that grant, but we  
13          have an excellent opportunity. In fact, they  
14          were the ones that suggested that we actually  
15          apply for it to replace the CBA funding. So I  
16          expect that we will get that grant and that'll be  
17          a 75 percent reimbursement to the Town. We have  
18          to fund the full purchase price and then they'll  
19          reimburse us.

20                        This - that grant actually replaces the  
21          CBA grant and that station has been under the CBA  
22          grant since I've been here and, up until this  
23          designation as a No Discharge Zone, we were  
24          unaware that they would consider the Island Queen

1 pump out boat a commercial boat, and specifically  
2 asked us not to allow that pump out boat to use  
3 the pump out station, which goes directly against  
4 the No Discharge because that was part of the  
5 whole designation, was we were trying to get all  
6 boats, not just recreational boats, to stop  
7 discharging.

8 THE MODERATOR: Okay, further  
9 discussion? From the center.

10 MS. TOLENTINO: Stella Tolentino from  
11 seven. The Island Queen is not the only  
12 commercial vehicle in the harbor. There are  
13 other ferries and commercial vehicles, so what's  
14 the status? Is it for everybody or just for one?

15 THE MODERATOR: Mr. Frazier.

16 MR. FRAZIER: I'm sorry, I didn't  
17 actually hear the question. The difference  
18 between the commercial and the recreational -

19 THE MODERATOR: Are there other  
20 commercial vessels in Falmouth Harbor that would  
21 use this.

22 MR. FRAZIER: There are some commercial  
23 fishing vessels that pull up to the pump out  
24 station, but this is the primary one that uses

1 it, and they make three or four trips a day to  
2 the pump out station and I think Gerry - if  
3 Gerry's here, he was part of the team that worked  
4 together on the No Discharge Zone and, as you  
5 know, the only other entity in town that is  
6 exempted from the No Discharge Zone currently is  
7 the Steamship Authority, and even they are  
8 working towards retrofitting all their boats.  
9 They have an exemption now of a channel exemption  
10 to go over to the Islands, but that too will be  
11 going away. Eventually there'll be no discharge  
12 for any vessel, including the Steamship  
13 Authority.

14 THE MODERATOR: Mr. Donahue.

15 MR. DONAHUE: Mr. Moderator, through  
16 you. Bob Donahue, Precinct 3. Is there a charge  
17 for commercial vehicles and is there - I assume  
18 there's a charge for private vehicles. What is  
19 the difference? I would assume that their waste  
20 would be quite substantial compared to most of  
21 the boats that I've seen in Falmouth Harbor in  
22 the recent years. Thank you.

23 THE MODERATOR: Mr. Frazier.

24 MR. FRAZIER: The Town of Falmouth does

1 not now nor have we charged for pump out  
2 services, and that includes the pump out station,  
3 fixed station at the head of the harbor, or the  
4 Town pump out boat.

5 THE MODERATOR: Okay. Any further  
6 discussion?

7 Okay, the question will come on the main  
8 motion as recommended. All those in favor  
9 signify by saying aye.

10 [Aye.]

11 THE MODERATOR: All those opposed no.

12 [None opposed.]

13 THE MODERATOR: The ayes have it  
14 unanimous.

15 Article 19, Madame Chairman.

16 CHAIRMAN MAGNANI: Mr. Moderator, I  
17 move that the town vote to transfer \$8,500 from  
18 Certified Free Cash for the purpose of purchasing  
19 additional voting booths and related supplies.  
20 Said funds to be expended under the jurisdiction  
21 of the Town Clerk.

22 THE MODERATOR: Okay, \$8,500 from  
23 Certified Free Cash for additional voting booths  
24 and related supplies. Any discussion?

1                   Hearing none, then the question will  
2                   come on the main motion as recommended. All  
3                   those in favor, 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 20, Madame Chairman.

10                  CHAIRMAN MAGNANI: Mr. Moderator, I  
11                  move that the Town vote to transfer the sum of  
12                  \$30,000 from Certified Free Cash to fund the  
13                  removal of dangerous materials at Menauhant Beach  
14                  contingent on the approval of the Conservation  
15                  Commission. Said funds to be expended under the  
16                  jurisdiction of the Town Manager.

17                  THE MODERATOR: Okay, you've all heard  
18                  the main motion as recommended. Any discussion?

19                                       Mr. Finneran.

20                  MR. FINNERAN: Yeah, I just wondered  
21                  who's going to do this work and has it been bid?

22                  THE MODERATOR: Mr. Hoffer?

23                  MR. HOFFER: [No mic:] A private  
24                  contractor.

1 THE MODERATOR: Let's just do a mic,  
2 please, Mr. Hoffer.

3 MR. HOFFER: It has not been bid, but a  
4 private contractor will have to bid it out and  
5 for contractors that are knowledgeable in this  
6 type of work.

7 THE MODERATOR: Okay. Any further  
8 discussion?

9 MR. HARGRAVES: Thank you. Peter  
10 Hargraves, Precinct 9. Yesterday we approved  
11 Article 16, and it had \$400,000 for road  
12 maintenance, construction and sidewalks under  
13 direction of the Town Manager. This is  
14 additional funds, it seems, for the same type of  
15 activity, also under direction of the Town  
16 Manager, and I guess that these are remnants of a  
17 road bed that was previously worked, but the  
18 project was incomplete.

19 I would just like to know why we have a  
20 separate article to cover this when we've already  
21 approved \$400,000 for road maintenance.

22 THE MODERATOR: Ms. Harper.

23 MS. HARPER: This request came in later  
24 than the general Capital Plan is prepared. It's

1 a result of significant coastal erosion that's  
2 made these underground structures very apparent.  
3 It's a serious danger to public safety and it  
4 needs to be repaired.

5 THE MODERATOR: Okay, further  
6 discussion, Article 20?

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

10 [Aye.]

11 THE MODERATOR: All those opposed, no.

12 [No.]

13 THE MODERATOR: The ayes have it by a  
14 majority.

15 Article 21, Madame Chairman.

16 CHAIRMAN MAGNANI: Mr. Moderator, I  
17 move that the Town vote to raise and appropriate  
18 \$5,000 to fund the mailing of the beach sticker  
19 applications with the tax bill. Said funds to be  
20 expended under the jurisdiction of the Town  
21 Manager.

22 THE MODERATOR: Okay, further  
23 discussion on Article 21?

24 Mr. Netto.

1 MR. NETTO: I'm Joe Netto, Precinct 9.  
2 Mr. Moderator, in the explanation it says -  
3 excuse me, in the article it asks for money to  
4 fund the opening before Memorial Day, and then in  
5 the explanation it says no monies from this  
6 article will be used to fund the opening -

7 THE MODERATOR: That's correct. The  
8 motion is only taking the second part of the  
9 article to fund the mailing.

10 MR. NETTO: Should we then get rid of  
11 the beginning part of the article?

12 THE MODERATOR: That's your vote - no,  
13 because the article is the agenda item posted to  
14 the public, and then the motion is what we're  
15 going to take action on, and the motion is within  
16 the scope of the article. It's smaller than what  
17 was posted.

18 MR. NETTO: Thank you for the  
19 explanation. Thank you.

20 THE MODERATOR: Is there any further  
21 discussion on mailing of the beach sticker  
22 applications?

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

1 favor, signify by saying aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [None opposed.]

5 THE MODERATOR: The Ayes have it  
6 unanimous.

7 Article 22 is a petitioner article. The  
8 Board of Selectmen's recommendation is indefinite  
9 postponement.

10 Mr. Shearer, would you like to place a  
11 positive motion on the floor?

12 MR. SHEARER: Yes, I would like to.  
13 Dan Shearer, Precinct 6, and I'd like to amend  
14 the article, please, if you will, if you could  
15 follow me along.

16 I'd like it to read: To see if the Town  
17 Meeting will vote to ask the Town Manager to have  
18 the Town Finance Director and to ask the  
19 Superintendent of Schools to have the school  
20 Finance Director report to the Annual Spring Town  
21 Meeting on all current overrides, capital  
22 exclusions and debt exclusions. And from there  
23 it would be as printed.

24 THE MODERATOR: Okay, so it is what is

1 printed in the article, there, except for after  
2 the Town Manager telling the Finance Director,  
3 it's having the Superintendent have the School  
4 Finance Director report to and the language  
5 that's there.

6 Mr. Shearer.

7 MR. SHEARER: I put this article in  
8 because I get questions, when I was on the  
9 Finance Committee I got questions; now as a Town  
10 Meeting Member for many years, and people really  
11 don't understand what happens to overrides, debt  
12 exclusions and capital exclusions.

13 I believe those are not taxes; they are  
14 gifts from all of us. Gifts that are given to  
15 the Town for particular reasons and things that  
16 we want done, and I believe we need to be - a  
17 report being made that they have been done, what  
18 it's cost and what is going to happen to the  
19 money that if left over if there is any.

20 Many years ago we had a nice override,  
21 permanent, for the School Department, and every  
22 year for - it was for books, technology, school  
23 aids, teacher's aides, and staff for new  
24 positions, new ideas. And lately it's gone well

1 over half every single year to just payroll or  
2 staff, as they put it. No new positions.

3 A few years back we had - and I'll just  
4 take a couple, I could go on for quite a while if  
5 I went back the 18 years I've been up here doing  
6 this, that we had a nice study for the Waste  
7 Management Facility, and we had a capital  
8 exclusion of \$200,000 to improve it and to fix it  
9 and to make it safer. I think it was seven years  
10 ago. Where is that money? It has never been  
11 done and it's been taken out of our pockets. I  
12 was told in the office that yes, they have an IOU  
13 for it and part of it was taken to buy a truck.  
14 I don't think that's right. I think it's almost  
15 fraudulent.

16 And lately, now, I have been asked  
17 constantly and I have asked where is the \$2.2  
18 million from the high school that was left over.  
19 I have heard more stories about where it is,  
20 what's happened to it, and I don't get any  
21 answers.

22 And I think it's about time that we get  
23 reports on where these gifts that we give the  
24 Town go and how they work out. Thank you.

1 Please vote yes.

2 THE MODERATOR: Ms. Magnani.

3 MS. MAGNANI: Mr. Shearer -

4 MR. SHEARER: Yes.

5 MS. MAGNANI: I'm going to ask the  
6 Finance Director to answer your question about  
7 that infamous \$2 million that nobody knows where  
8 it is, okay?

9 MR. SHEARER: Good.

10 MS. MAGNANI: Jennifer.

11 MS. PETIT: Jennifer Petit, Finance  
12 Director. As I've stated in the past and have  
13 circulated a letter from bond counsel, is when  
14 Town Meeting voted the \$18 million to finish the  
15 high school project, we borrowed the money. We  
16 didn't bond the full 18, so we took two million  
17 to pay off the short term note. It was never  
18 taxed as the full amount and it's - and that's  
19 really what happened. So it's not an authorized  
20 and unissued. There isn't \$2 million. We  
21 borrowed it and we paid it back and then we  
22 bonded the rest.

23 THE MODERATOR: Okay, Mr. Shearer.

24 MR. SHEARER: Will we see any kind of a

1 return on our taxes, like is it going to -

2 THE MODERATOR: We never collected the  
3 money because we didn't -

4 MR. SHEARER: Well, we haven't  
5 collected a lot on the money. I mean, it still  
6 goes on for quite a few years.

7 THE MODERATOR: No, from the two  
8 million, we didn't -

9 MR. SHEARER: Well, how much do we  
10 still owe on the high school?

11 MS. PETIT: We didn't collect that two  
12 million. We didn't tax you on that two million.  
13 We taxed you on the interest on the two million  
14 and paid back the two million. It hasn't been  
15 taxed.

16 There's a debt exclusion and there's  
17 principal and interest that is owed on the high  
18 school with a numerous amount of other projects  
19 for debt exclusions.

20 MR. SHEARER: Okay, thank you.

21 THE MODERATOR: Mr. Hargraves.

22 MR. HARGRAVES: I'd like to ask the  
23 Moderator a question on procedure and then make a  
24 comment in support of the petitioner's article.

1 I assume you didn't have a discussion on the  
2 amendment because the petitioner rephrased the  
3 article, is that -

4 THE MODERATOR: That's not an  
5 amendment. He placed the main motion on the  
6 floor.

7 MR. HARGRAVES: Oh.

8 THE MODERATOR: And it was within the  
9 scope of the agenda item as posted in the  
10 warrant, so the main motion includes the changed  
11 language.

12 MR. HARGRAVES: Okay, thank you.

13 Frankly, just looking at this absent my  
14 experience with the collaboration in the group,  
15 here, and the spirit of cooperation, it's kind of  
16 disheartening to look at the explanation and one  
17 might even think that a body of Town government  
18 was stonewalling the request of a citizen by  
19 picking on a detail like that to recommend  
20 indefinite postponement. I really feel that -  
21 and so, the reason I asked about discussing this  
22 as an amendment is I'm concerned that there may  
23 still be some technicalities that prevent this  
24 article, even if we vote for it, from being

1 implemented. But I don't see why this  
2 information shouldn't be summarized as requested  
3 and presented to the citizens as a step towards  
4 more transparency and in government and how we  
5 spend our capital.

6 And so I would like to say that I think  
7 this is a good thing and we should get the  
8 language right so that it's legal and can be done  
9 whether - and in fact just direct the Town  
10 Manager to provide this information absent the  
11 how -

12 THE MODERATOR: Okay.

13 MR. HARGRAVES: - the what -

14 THE MODERATOR: So, so the legal  
15 language, Town Meeting doesn't have the right to  
16 direct the executive authority to do anything.  
17 We ask; which is what the language he uses here.  
18 It's a resolution asking them to do this. You  
19 have the power to raise and appropriate and to  
20 create Town bylaws, zoning and general. And to  
21 petition through the Board of Selectmen, request  
22 the petitioning of the state legislature for X.

23 Town Meeting, again and again, whether  
24 it's wind turbines, whether it's cranberries, or

1 whether it's financial reports, cannot direct the  
2 specific activity of the executive branch of  
3 government to do anything. So the language  
4 asking the Town Manager to do this and asking the  
5 Selectmen to do that is a resolution doing just  
6 that: asking the executive authorities to take  
7 some action that the Town Meeting, if it votes by  
8 a majority, feels would be appropriate action to  
9 take.

10 MR. HARGRAVES: Please excuse me for my  
11 bad phrasing.

12 THE MODERATOR: So that, but we're all  
13 set as far as the language, because it's a  
14 resolution asking them to take those steps.  
15 Okay?

16 So next I have Mr. Putnam.

17 CHAIRMAN PUTNAM: Good evening, ladies  
18 and gentlemen, Brent Putnam, Chairman of the  
19 Board. The Board voted indefinite postponement  
20 because we did not hear from Mr. Shearer. All  
21 of the petitioners are invited to come to the  
22 Board of Selectmen and make a presentation.  
23 Unfortunately for whatever reason, Mr. Shearer  
24 was unable to make our meeting that evening and,

1 absent any presentation from him, we did not have  
2 enough information to make a recommendation other  
3 than indefinite postponement.

4 On a personal level, I support Mr.  
5 Shearer's petition and I would recommend,  
6 personally, that you do vote for this.

7 THE MODERATOR: Okay, Mr. Shearer.

8 MR. SHEARER: I'm sorry I did not make  
9 the meeting, however I never got informed because  
10 you sent the letter to my street address in West  
11 Falmouth. We do not get delivery. I got the  
12 letter finally about two weeks after the meeting.

13 THE MODERATOR: Okay. Ms.  
14 Lichtenstein.

15 I've got you on the list. I've got Ms.  
16 Lichtenstein first; you're on the list.

17 MS. LICHTENSTEIN: Lesley  
18 Lichtenstein, Precinct 8. I support this and I  
19 think it's important to the people of the Town  
20 when they go to the ballot and we ask them to  
21 vote for things and people always ask me, "Well,  
22 didn't we just vote for that?" And remember  
23 back when our old fire chief used to come in and  
24 say, "See, this is what your money got us. It

1 got us this, this and this and now we need that"?  
2 If we see that, I think that the townspeople will  
3 be much more likely to say, "Yeah, we'll vote for  
4 that because we know what we're doing."

5 So I urge you to support this. Thank  
6 you.

7 THE MODERATOR: If you could just pass  
8 the mic forward, there, and then we're going to  
9 go into Mr. Alliegro, then Mr. Latimer.

10 MS. FINNELL: Margaret Finnell,  
11 Precinct 8. I strongly urge you to vote for this  
12 as amended. This is information that's very  
13 important for all the citizens and taxpayers of  
14 the Town to have. Thank you.

15 THE MODERATOR: Okay, Mr. Alliegro.  
16 You're all set? Okay.

17 Mr. Latimer. With a microphone,  
18 Richard.

19 MR. LATIMER: I move the question.

20 THE MODERATOR: You move the question,  
21 okay.

22 The motion to close discussion. All in  
23 favor, signify by saying aye.

24 [Aye.]

1 THE MODERATOR: All those opposed, no.  
2 [No.]

3 THE MODERATOR: The ayes have it;  
4 discussion is closed.

5 The question will come on the main  
6 motion as printed, but asking the superintendent  
7 to have the School Finance Director do that part  
8 of the report.

9 All those in favor of the main motion  
10 signify by saying aye.

11 [Aye.]

12 THE MODERATOR: All those opposed no.  
13 [No.]

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

16 Article 23. This was a petitioner's  
17 article; the recommendation of the Board of  
18 Selectmen is indefinite postponement. Mr.  
19 Finneran petitioned this.

20 A main motion.

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

22 THE MODERATOR: As printed. Okay.

23 Article 23, the main motion is as printed. Shall  
24 the Town Meeting vote to form an audit - a

1 Capital/Audit oversight committee made up of 50  
2 percent plus one members of the public (no  
3 municipal connections)?

4 Mr. Finneran.

5 MR. FINNERAN: Thank you, Sir. Thank  
6 you, Town Meeting Members. The purpose of my  
7 article is to give a little more public insight  
8 into what's going on here. It reads Shall - as  
9 he read it. I won't read it again.

10 In my problem with the first Capital  
11 Committee -- other than not getting appointed to  
12 it and a few other things that we'll not - not  
13 mention - is that - can you put the next slide on  
14 there?

15 The Capital Committee as formed really  
16 did not consider waste, fraud, abuse. They  
17 didn't consider theft. They didn't consider  
18 what I consider to be quite important: a town-  
19 wide purchasing agent. They didn't look at  
20 incompetence or corruption. And capital items  
21 that are clearly regular maintenance, routinely  
22 asked for as capital items.

23 These things all occur: the waste, the  
24 fraud, the abuse, theft. I'm sorry, but it's

1 true. I'm aware of it. A town-wide purchasing  
2 agent would not only give us more volume  
3 discounts, it would give us the advantage of the  
4 fact that everyone would know someone was looking  
5 over their shoulders. Waste, fraud, abuse and  
6 theft would most likely be cut by about 50  
7 percent overnight. I think incompetence is  
8 everywhere and no one's held responsible for it.  
9 Leadership should be, but it's not.

10 The Capital Committee basically looked  
11 at nothing but raising our taxes and fees. The  
12 main idea that they came up with was to reinstall  
13 the meters on Main Street. I mean, Main Street  
14 has finally come back after the years and years  
15 of empty buildings, poor - poor business or  
16 whatever. Now there - there's a complaint that  
17 there's not enough parking and they don't want  
18 the farmer's market there. Well, I think if you  
19 put the parking meters in there, you're just  
20 going to be killing yourself and it's - it's just  
21 the wrong way to go.

22 Can I have the next slide, please.  
23 This town is a hundred million dollar  
24 corporation. It really needs to be run like one.

1 Nobody should be beyond oversight. And I think  
2 we have a spending problem, as well as a capital  
3 problem. Outside review seems needed and I  
4 think it's evidenced by many of our capital  
5 projects: the high school, the Town Hall  
6 insulation, the dump debacle, the turbines, the  
7 water tower - which was a waste, the water  
8 quality, the lack of maintenance of many Town  
9 assets.

10 There is a - when I presented this  
11 article, I said that it was - I think I used a  
12 reference it was like an inside job. I think  
13 more fairly it was a lot of group-think. There  
14 were too many people inside the government that  
15 were involved in that and I don't think that they  
16 looked at things properly. And I'm going to  
17 show you some examples.

18 Next slide, please. There's an inside  
19 job. The sealer of weights and measures job.  
20 When this job became open, the husband of a Town  
21 employee was used as a placeholder. He was  
22 hired, but he never worked. The job was  
23 advertised as part-time, no benefits, and once  
24 the applicant that was hired, that was all

1 changed; the benefits were given.

2 Seven applicants applied. They were all  
3 deemed or judged unfit. When they had their  
4 interviews, they were asked whether they could  
5 lift a certain amount of weights. Like, five  
6 gallons of gasoline weighs 35 pounds. I mean,  
7 who can't lift 35 pounds?

8 There's a person in this room that  
9 applied for the job and they gave him the same  
10 run-around. They didn't think he was physically  
11 capable. I know the man personally; he goes to  
12 the gym every day. Also his age was brought up,  
13 which is actually, it's age discrimination and  
14 it's grounds for a lawsuit against the Town. He  
15 wasn't given the job. A former Selectman was  
16 given the job.

17 A resident of the Town asked me about  
18 the thing; I wasn't really that familiar with it,  
19 but I asked around and I found out how it went.  
20 I talked to -

21 THE MODERATOR: Mr. Patrick.

22 MR. FINNERAN: Pardon me?

23 MR. PATRICK: Mr. Moderator, point of  
24 order. I think this is beyond the purpose of

1 the article.

2 MR. FINNERAN: Really? It says right  
3 here: oversight. I think that's all within the  
4 realm of oversight. I think if there was some  
5 oversight, this wouldn't have happened.

6 THE MODERATOR: Okay, let's -

7 MR. FINNERAN: And it didn't happen in  
8 a vacuum, either.

9 THE MODERATOR: Okay, Mr. Finneran?  
10 Let's finish your presentation on the Capital and  
11 Audit Committee and then let's open it up for  
12 discussion.

13 MR. FINNERAN: Oh, well, I'm just  
14 addressing the comment.

15 This person that I knew spoke to - went  
16 to the Ethics Commission and -

17 THE MODERATOR: Mr. Finneran, let's  
18 talk about the need for the committee and not a  
19 specific case.

20 MR. FINNERAN: Okay. Well, the need  
21 for the committee is because this happened. The  
22 - whatever - you can put the next one on. If you  
23 don't want to look at it, that's fine. But  
24 there are some things that need to be looked at.

1 Obviously.

2 You can go on to that. You can go on to  
3 the next slide, if you like. If you don't,  
4 that's too much detail.

5 [Laughter.]

6 MR. FINNERAN: There's a parking space  
7 that this person has. It's not metered. It's  
8 not painted. It's in a small village. It's  
9 unfair, it's not right. It shouldn't happen. It  
10 needs to be looked at. With some oversight, such  
11 things shouldn't happen.

12 THE MODERATOR: Mr. Finneran, this is a  
13 Capital and Audit Committee.

14 MR. FINNERAN: And oversight.

15 THE MODERATOR: So let's talk - and  
16 oversight committee. Let's talk about the  
17 committee.

18 MR. FINNERAN: Okay, well, I think a  
19 committee's needed. And the oversight, a little  
20 oversight, and these things wouldn't happen. I  
21 mean, nobody deserves a free parking space.

22 You can go on to the next one. You've  
23 heard this from me before. This is about the  
24 Waste Management Facility, and I would just like

1 to close the loop on this. Right in the  
2 beginning, we were told that the dump was losing  
3 \$400,000. When we asked for accounting of that,  
4 we were given this sheet that charged off even  
5 the affirmative action; the entire affirmative  
6 action budget was charged to the dump.

7 Eventually, after numerous meetings, the  
8 amount that the dump was supposed to be losing  
9 was down to \$100,000 or just over. The 2.50 a  
10 bag fee was supposedly saving us \$80,000. But  
11 when I went to get the - calculate the sticker  
12 sales, it turned out that we were losing about  
13 \$210,000 a year. Now, that auditing, that  
14 accounting is completely wrong.

15 That - after that, we became aware that  
16 there were 104 hundred yard containers of scrap  
17 metal that went unaccounted for. I brought that  
18 to Town Meeting. Town Meeting asked Town Counsel  
19 to pursue it. Town Counsel brought it to court  
20 in Falmouth. I went and actually gave the court  
21 information; it never went anywhere. So, after  
22 several months, almost a year, I went to the  
23 Inspector General's Office with a complaint.  
24 They went to Town Counsel. Town Counsel re-

1 energized his efforts or whatever. They ended up  
2 going to mediation and we were awarded nothing.

3 Can you go to the next. At the same  
4 time, we were told the accounting at the dump, it  
5 was losing money. We were paying to have our  
6 recycles removed. Not only that, we're paying  
7 to have them taken away. We're paying to rent  
8 the container that they're in. There was a  
9 drastic increase in roadside dumping. There was  
10 never an accounting for municipal trash; a  
11 minimum of 30 percent of the volume. There was  
12 no flow control enforcement.

13 There was a pay-as-you-throw grant  
14 addressed to the Town Manager and we were told  
15 that it was for a study. Why?

16 The accounting is just completely wrong.  
17 For anyone to ever have told us that the dump was  
18 losing money, it's impossible to say. They  
19 didn't count the metal. They didn't count the  
20 recyclables, they didn't count the sticker sales.  
21 That would be the equivalent of somebody going  
22 into a grocery store, doing an accounting there,  
23 telling you they were losing money, but not  
24 accounting for the produce or meat. It just

1 makes no sense; it can't be done. Anybody with a  
2 pencil can figure that out.

3 That would be same as going in and  
4 auditing a liquor store and not counting the Bud  
5 Light and the vodka. It just doesn't make sense.  
6 And it took me a lot of years to figure out what  
7 was going on, but I think I finally did.

8 You can turn the next page. It's all  
9 about the pay as you throw on the curb. If we  
10 went to the 2.50 a bag, which was the plan, that  
11 would mean that the two and a half million from  
12 the budget that goes to the curbside would go  
13 back in.

14 THE MODERATOR: Okay. Mr. Putnam - I  
15 mean, Mr. Finneran. Let's open up for some  
16 debate. You're getting into things that this  
17 audit committee should do if it's formed. The  
18 question before Town Meeting is should we form an  
19 Audit/Oversight/Capital Committee.

20 MR. FINNERAN: I'm just trying to give  
21 evidence as to why we should.

22 THE MODERATOR: I understand, but the  
23 idea that there's an article that will allow us  
24 to go through every issue in Town government is

1 not appropriate. This article is to create the  
2 committee and these topics can clearly be subject  
3 matter of the Committee.

4 MR. FINNERAN: Okay. Well, basically,  
5 this turned out to be a proposition override  
6 without the override vote. It's not illegal;  
7 it's unethical. It should be held in check  
8 somehow. There needs to be oversight. This kind  
9 of thing should not go on.

10 And, I mean, does that appear to be  
11 honest to you? It certainly doesn't to me.

12 The next slide, please.

13 FROM THE FLOOR: No.

14 MR. FINNERAN: This is about the  
15 filtration plant which we're going to be asked to  
16 spend \$50 million for. I mean, if you could just  
17 go through that. This is from the cover sheet  
18 that presents the plan to the town. It basically  
19 says that no process is more important than the  
20 process before that.

21 And if you can go on. I'm sure you're  
22 bored with it already.

23 This is from the second paragraph that  
24 basically says the same thing: no process is more

1 important than the process in front of it.

2 You can go to the next slide. The DNR  
3 arranged to have the USGS come and survey our  
4 pond for free. They were going to conduct a  
5 survey and tell us how to clean the pond simply  
6 using hydrogen peroxide. When the DNR agent was  
7 gone, the DPW threw them out of the pond. This  
8 was all free work for the town.

9 THE MODERATOR: [Inaudible.]

10 MR. FINNERAN: \$50,000 worth.

11 THE MODERATOR: Okay, Mr. Finneran, the  
12 time for the opening presentation is expired.

13 You can request an additional amount of time -

14 MR. FINNERAN: Can I have another  
15 minute? I mean, it's -

16 THE MODERATOR: Okay, so one more  
17 minute is the request for an additional - for the  
18 presentation. All those in favor of an  
19 additional minute, signify by saying aye.

20 [Aye.]

21 THE MODERATOR: All those opposed no.

22 [No.]

23 THE MODERATOR: It is the opinion of  
24 the Chair that the no's have it and we'll begin

1 working through my list.

2 Mr. Putnam.

3 CHAIRMAN PUTNAM: Good evening, again,  
4 ladies and gentlemen, Brent Putnam, Board of  
5 Selectmen. Also the former chairman of the  
6 Capital Advisory Committee appointed by the Board  
7 of Selectmen at approximately this time last  
8 year.

9 The Board - there's an explanation  
10 there, but I wanted to provide a little bit of  
11 background about what the Capital Advisory  
12 Committee did because, if you hadn't seen the  
13 report that was presented in June, you may not  
14 have realized all the work that we did.

15 It was a committee formed of two members  
16 of the Board of Selectmen, two members of the  
17 Finance Committee, two at-large members, two  
18 individuals from the general public, and a  
19 representative from the Town Manager's Office.  
20 And, to the Town Manager's credit, oftentimes not  
21 only would Jennifer Petit show up, the Town  
22 Finance Director, but the Town Manager would show  
23 up as well.

24 They were open public meetings. They

1 were advertised. We often invited department  
2 heads, the public, to come in to share their  
3 thoughts, questions, concerns, whatnot.

4 The long and the short is the report,  
5 and of course the highlight of that report that a  
6 lot of people like to talk about is the parking  
7 meters. But there were other recommendations in  
8 there and other honorable mentions. But the  
9 Board focused on revenue - or, excuse me, the  
10 Committee focused on revenue generation for  
11 several reasons. One is that we did not have the  
12 experience or the time to audit or examine waste,  
13 fraud and abuse in all the Town departments to  
14 look for theft, incompetence, corruption.  
15 Whether these exist or not we cannot prove or  
16 disprove and we didn't have the time to go  
17 through those.

18 We also had to make some assumptions;  
19 one of them being that Town department heads are  
20 the best determiners, if you will, of how  
21 efficient their departments are, and if they have  
22 some ideas or suggestions or ways of making their  
23 departments more efficient, that they would be  
24 able to do that without the Board's input or

1 without Town Meeting's input immediately. And if  
2 it required some additional effort or approval  
3 from the Board or Town Meeting, that they would  
4 come to us for that, by default.

5 So we didn't necessarily try to seek out  
6 waste and ways of doing things more efficiently.  
7 And so the June report was focused entirely on  
8 revenue generation and opportunities, if you  
9 will.

10 As for Mr. Finneran's suggestion for a  
11 Capital slash Audit Oversight committee, well,  
12 the Finance Committee had a Capital Advisory  
13 Committee. Out of that was born the request that  
14 the Board appoint a Capital Advisory Committee,  
15 which as I just explained to you, that work was  
16 wrapped up in June and the report is publicly  
17 available.

18 Audit functions are handled by the Town  
19 Accountant's Office. There may be some merit in  
20 what Mr. Finneran is looking to do here, but I  
21 did want to make sure all of you understood what  
22 it was that the Capital Advisory Committee did.  
23 Thank you.

24 THE MODERATOR: Ms. Lowell.

1 MS. LOWELL: Vicki Lowell, Precinct 1.  
2 I just wanted to ask if this audit oversight  
3 committee would have subpoena power. I mean, I  
4 think we're getting into a whole legal quagmire  
5 here that this - any committee like this would  
6 have to have a lot of framework to work in or it  
7 would just be a witch hunt. Thank you.

8 THE MODERATOR: Okay. As the way it's  
9 written there, it doesn't establish any structure  
10 to the Committee, so.

11 MR. FINNERAN: No. I mean, why would  
12 it be necessary? I mean, if it came down to it,  
13 maybe it would be. But I mean, somebody should  
14 at least open these doors and look. There's a  
15 lot of things going on here that aren't nice and  
16 I think a lot of you know that, too.

17 To just assume that everyone is doing a  
18 great job is - is - it's just unacceptable. And  
19 we know that it's not true. And we're about to  
20 spend another hundred million dollars that we  
21 really don't have.

22 Does anyone here know how much we owe in  
23 unfunded liabilities just for retirement alone?  
24 It's \$144 million. That's 4400 for every man,

1 woman and child in this town. I mean, we need to  
2 get a handle on this. There's a lot of waste.  
3 There's a lot of fraud. There's a lot of abuse  
4 and there's a lot of overspending. Um -

5 THE MODERATOR: Mr. Antonucci.

6 MR. ANTONUCCI: Bob Antonucci, Precinct  
7 6. Accusations that are being made on this Town  
8 Meeting floor in my opinion are unacceptable.  
9 We're chastising people who work for this Town in  
10 a manner that we have no proof. Just because we  
11 see words up on the screen doesn't mean they're  
12 true. Let's stick to the article, but I really  
13 am uncomfortable with the accusations being made  
14 about our Town officials, our elected officials  
15 and Town Meeting Members.

16 I feel this Town is well run. There's  
17 enough checks and balances in this Town to ensure  
18 that we have proper accounting, proper auditing,  
19 and proper meeting state guides. To come to this  
20 meeting and make the accusations that we're  
21 hearing tonight is wrong. Let's correct that  
22 wrong. Let's vote this article down. Let's  
23 move on and let these guys do the job they're  
24 intended to do. Thank you.

1 [Applause.]

2 THE MODERATOR: Mr. Hampson.

3 Okay, let's go.

4 Mr. Hampson.

5 MR. HAMPSON: Usually we open this  
6 meeting with a prayer about understanding and  
7 things we do not want to say, and feelings and  
8 things like that. All of this has been breached  
9 in this. You can get and make your point without  
10 going through what he just did, and it's tough on  
11 some of us. I'm sure a lot of you feel the same  
12 way as I do. And our good friend here said  
13 exactly what I said. We don't have to go through  
14 this. And Mr. Finneran can act and do this in  
15 another way and be much more effective.

16 So let's just call the question, okay?

17 THE MODERATOR: Okay, Mr. Medeiros.

18 George, you know that my practice is  
19 after you speak you can't call the question. You  
20 have to raise for the purpose --

21 MR. HAMPSON: Thank you.

22 THE MODERATOR: -- of calling the  
23 question.

24 So Mr. Medeiros was next on my list.

1                   MR. MEDEIROS:   Robert Medeiros,  
2                   Precinct 7.  Mr. Finneran brought up a lack of  
3                   maintenance on facility assets, which is a big  
4                   interest of mine, particularly the fire - I'm  
5                   sorry, fire hydrants being in severe disrepair,  
6                   and the fact that we don't properly flush them.

7                   I believe a committee of this nature  
8                   would be a large tool in alleviating issues like  
9                   that, and I would urge you to vote yes.

10                  THE MODERATOR:   Mr. Latimer.

11                  FROM THE FLOOR:   Question.

12                  MR. LATIMER:   I agree with some of the  
13                  criticism here where Mr. Finneran's article is  
14                  way too comprehensive.  He talks about many  
15                  specific problems which I think would be more  
16                  appropriately addressed to the new committee that  
17                  Mr. Putnam described.

18                  I do want to speak on one point that he  
19                  made to which I can personally attest, and that  
20                  is the per bag charge at the dump, instead of the  
21                  way it used to be just paying -

22                  THE MODERATOR:   Okay -

23                  MR. LATIMER:   - for a sticker.  I just  
24                  want to address that -

1 THE MODERATOR: Yeah -

2 MR. LATIMER: - because it's an  
3 important -

4 THE MODERATOR: I want to go back to  
5 whether or not we should create the committee.

6 MR. LATIMER: Well, just let me -

7 THE MODERATOR: That's where I want  
8 this discussion to be.

9 MR. LATIMER: - finish the point. Let  
10 me just finish my point.

11 The last time I went to the dump, and  
12 this has to be five, six years ago, now, I was  
13 told my load of about 20, 25 bags was going to  
14 cost me close to \$80. I turned around, I went up  
15 to Bourne, and I weighed in and I weighed out; it  
16 cost me \$25. I haven't been back to the  
17 Falmouth dump since then and I haven't bought the  
18 sticker again. And I won't buy the sticker.  
19 Because that is just - you know, when the Town  
20 has the stuff hauled, they pay by the ton.

21 THE MODERATOR: Okay, okay.

22 MR. LATIMER: They don't pay by the  
23 bag. So we're being ripped off by that. Thank  
24 you.

1 THE MODERATOR: Okay, so the question's  
2 going to come on the main motion as printed. All  
3 those in favor signify by saying aye.

4 [Aye.]

5 THE MODERATOR: All those opposed no.

6 [No.]

7 THE MODERATOR: It's the opinion of the  
8 chair that the no's have it by a majority.

9 Article 24, this was a petitioner's  
10 article. The Board of Selectmen recommended  
11 indefinite postponement.

12 Mr. Finneran, would you like to place a  
13 positive motion on the floor?

14 MR. FINNERAN: I certainly would.

15 THE MODERATOR: As printed?

16 MR. FINNERAN: As printed.

17 THE MODERATOR: As printed. This is  
18 shall Town Meeting vote to ask Selectmen to  
19 reinstate Chairman Brent Putnam's public  
20 question/comment period.

21 Mr. Finneran.

22 MR. FINNERAN: This one was pretty  
23 simple to me, anyway. When we first had the -  
24 you can put the next slide up, if you want.

1                   When Chairman Putnam first had this  
2                   question/answer session, comment session or  
3                   whatever, it was universally welcomed by everyone  
4                   that I spoke to, and I speak to a lot of people.  
5                   And I think sometimes you people should speak to  
6                   people more, too.

7                   It's done in Sandwich, it's done in  
8                   Bourne, as well as many other towns, and it was  
9                   stopped just as soon as it was started. And,  
10                  again, that raised a lot of ire with people.  
11                  They thought that they had something decent going  
12                  and it was - the rug was pulled right out from  
13                  under them immediately.

14                  The public deserves open government and  
15                  as much as the Selectmen and the management do  
16                  not want it, it's a pretty part. I'd just like  
17                  for you to explain to me why we shouldn't be  
18                  doing that. I mean, it's - it's open government.  
19                  We lack it. No matter what people seem to think,  
20                  there's - as a friend of mine who used to sit up  
21                  there likes to say: we have transparency, but  
22                  it's behind closed doors. I think that this is  
23                  just a little thing to open the door a tiny crack  
24                  and I can't see why we wouldn't do it. But,

1 again, it's entirely up to you people.

2 THE MODERATOR: Okay, Mr. Shearer.

3 MR. SHEARER: Dan Shearer, Precinct 6.

4 When I got interested in government in this town  
5 somewhat, and relatively old, I guess, but our  
6 Selectmen used to have times when we could come  
7 in and talk to them. And one or two selectmen  
8 would be there and you could bring up a point,  
9 ask a question, or get some help. And now we  
10 really don't know exactly what's going on and  
11 there's no way of asking. And I think it is  
12 hurting the Town. I think it's not getting us  
13 all together and I think Mr. Putnam's idea was an  
14 extremely good one. Thank you.

15 THE MODERATOR: Okay, further  
16 discussion on the main motion. Yeah, Mr. Herbst  
17 and then Ms. Fenwick.

18 MR. HERBST: Ralph Herbst, Precinct 8.  
19 The Community Preservation Committee does this.  
20 It's the first item on our agenda at every one of  
21 our meetings. It says "Public Comment". And I  
22 have to agree that this is a good way to let the  
23 public express how they feel about any issue that  
24 they want to the Selectmen.

1           It seems to me as though the way this is  
2           worded it's not going to be debated when the  
3           person brings or says whatever they have to say,  
4           it's simply an expression of a concern that they  
5           want to bring forth, and it's very open.

6           If you have a concern like this of any  
7           sort and you send an email to the Selectmen or  
8           you talk to one of the individual selectmen,  
9           there's no real guarantee that that's going to be  
10          discussed or disseminated, that information  
11          disseminated amongst all of the Selectmen.

12          So I think this is a great idea, and it  
13          would certainly give Mr. Finneran an opportunity  
14          to say some of the things that he brought in the  
15          previous article in front of the Selectmen. So  
16          if they would put a time limit or something of  
17          that sort or entertain two or three comments from  
18          the public every time they meet, I think it would  
19          be very beneficial and very transparent. And I  
20          would vote for this.

21                   THE MODERATOR:    Ms. Fenwick.

22                   MS. FENWICK:     Judy Fenwick, Precinct 1.  
23           I think the method of this article is going about  
24           it the wrong way.    The School Committee and many

1 school committees in the state of Massachusetts  
2 have policies that they set. It's actually in  
3 our policy manual, with public comment being  
4 regulated in a way to be effective for both the  
5 speaker and for the committee to receive  
6 information. If you check the policy manuals of  
7 Bourne and Sandwich, since you've given them as  
8 examples, you'll probably find that it's a policy  
9 that's been set by the board.

10 So, I don't believe Town Meeting can  
11 legislate or recommend to the Board how they  
12 should function, but I would strongly recommend  
13 that the Board check into other municipalities  
14 and see what kind of policies they have about  
15 accepting public comment.

16 THE MODERATOR: Mr. Bidwell.

17 MR. BIDWELL: Good evening, Tod  
18 Bidwell, Precinct 4. Through you, Mr. Moderator,  
19 would one of the Selectmen just give an  
20 explanation as to why the process was stopped?

21 MR. FINNERAN: That's all I wanted.

22 THE MODERATOR: Go ahead.

23 MR. JONES: I'll have to admit one of  
24 my concerns is they will have exactly the kind of

1 report that Mr. Herbst was actually suggesting  
2 Mr. Finneran make at our meetings. The idea that  
3 he can stand up here, he can insult me as an  
4 elected official, I have no problem with that.  
5 But the insult that was directed to some  
6 fantastic Town employees, suggesting that we are  
7 rife with fraud, theft and corruption, I need to  
8 stand up for our employees who do a fantastic  
9 job.

10 We may have some issues and of course we  
11 want to look into that, and that was not the  
12 purpose of the Capital Advisory Committee. But  
13 we are a town that I am extremely proud of. I'm  
14 proud of the honest way it is run. I know the  
15 way our elected board works, that we are an  
16 honest group of people doing our best to serve  
17 you. And I know that we hire employees who do  
18 their best.

19 And to open up a forum where we can have  
20 that kind of diatribe vitriolic statements made,  
21 open forum, concerns me. The idea of having  
22 public comment and open period for five minutes  
23 for people to raise issues -- we can't discuss it  
24 because it's not on the agenda of the Selectmen.

1 We can only discuss things, by Open Meeting Law,  
2 that are on our agenda. But to have a period in  
3 which people can raise questions, have comments,  
4 I would have no problem with if we had a very  
5 strict policy that we would not tolerate that  
6 kind of treatment we got tonight.

7 [Applause.]

8 THE MODERATOR: Mr. Latimer. Let's  
9 go.

10 MR. FINNERAN: Can I respond to that?

11 THE MODERATOR: Mr. Latimer.

12 No.

13 Mr. Latimer.

14 I'll put you back on the list.

15 MR. LATIMER: Richard Latimer, Precinct  
16 1 and a member and former chairman of the  
17 Planning Board. I agree in principal with the  
18 intent of Mr. Finneran's proposal here to provide  
19 more openness. I'm not entirely persuaded by Mr.  
20 Jones's problem with vituperative comment,  
21 although I do think he was correct in pointing  
22 out that any comment received would have to be  
23 within the scope of what was put on the agenda,  
24 and it would be very difficult to control that.

1                   Now, I know that on the Planning Board  
2                   when we have a hearing, with notice, published,  
3                   and a public hearing, anybody who wants to come  
4                   and testify at the public hearing can do that.  
5                   I'm very uncomfortable if we're just simply  
6                   having a discussion, not a noticed hearing and  
7                   people then come and offer opinions when not  
8                   everyone in the Town was given an opportunity, as  
9                   with a published notice of hearing, to come and  
10                  similarly testify. That causes me great concern  
11                  and I would ask Mr. Duffy to comment on that.  
12                  Thank you.

13                   THE MODERATOR: Okay. Ms. Flynn.

14                   MS. FLYNN: Yes, thank you, Mr.  
15                  Moderator. Pat Flynn, Precinct 6.

16                   The Board of Selectmen has over time, at  
17                   least in the many years that I've been on the  
18                   Board, has not had a public comment period within  
19                   the agenda. The Attorney General's Office,  
20                   through the Open Meeting Law, provides guidance  
21                   to all boards, whether they're elected or  
22                   appointed, about public comment if they wish to  
23                   have public comment. It's really a Board  
24                   decision. It's the Board decides if they want to

1 include that in the agenda or not.

2 And I know I have been on boards that  
3 have public comment, and usually what happens is  
4 the comment period, the public comment period is  
5 set aside for usually ten minutes or 15 minutes,  
6 usually at the beginning of the meeting, and  
7 anyone who wishes to speak will have two minutes  
8 to make a comment. The boards cannot respond to  
9 the public comment, as was mentioned earlier by  
10 Selectman Jones, because if it's not on the  
11 agenda the Board cannot have a discussion. But  
12 it does provide the opportunity for any citizen  
13 to come before the board and make any comment  
14 they wish to make. And then, depending upon the  
15 comment, there is usually follow up, and then the  
16 Board, through their procedures and through their  
17 policies as Judy Fenwick said, have a method by  
18 which the person who makes that comment receives  
19 a response to that.

20 So, that's usually the way it goes.  
21 This Board has decided not to do that. It  
22 doesn't mean that it could not be considered at a  
23 future time, but at this time that is the current  
24 policy of the Board.

1 THE MODERATOR: Okay, Ms. Alliegro.

2 MS. ALLIEGRO: Mary Ann Alliegro,  
3 Precinct 7. Actually, the way this is written:  
4 voting to ask the Selectmen to reinstate, where  
5 we would have a public question and comment  
6 period, I think is fine and I think it would be  
7 good to vote for this. I think it would be very  
8 troublesome to think that our Selectmen, no  
9 matter what a citizen had to say, would not want  
10 to at least hear it and comment on it.

11 According to the United States of  
12 America and our Constitution, we do have a right  
13 to free speech. Everyone won't always be happy  
14 and sometimes there will be hard questions and  
15 hard comments, but I think it would be very  
16 important for all of our elected officials,  
17 including Town Meeting Members, to listen to  
18 those comments and to listen to the citizens of  
19 this Town. I think that's very important. Thank  
20 you.

21 THE MODERATOR: Okay, Ms. O'Connell.

22 MS. O'CONNELL: Yes, Maureen O'Connell,  
23 Precinct 4. I'm not a Constitutional scholar,  
24 but I think this has something to do with the

1 First Amendment. While I do respect what Madame  
2 Selectman Flynn and Selectman Jones have put  
3 forth, I think that, following up on what  
4 Selectman Flynn has stated, it would be a good  
5 idea and the proper thing to allow the people of  
6 the town, the elected officials, the employees  
7 and the people at home, now that we're televised  
8 with these meetings, to hear what the issues are  
9 or the concerns are of the people who pay the  
10 bills.

11 There was a - this - There was an -  
12 there is an MIT professor, Noam Chomsky, and he  
13 wrote a - he's fairly well known, and I just want  
14 to - this is a quote. It's very short. The  
15 smart way to keep people passive and obedient is  
16 to strictly limit the spectrum of acceptable  
17 opinion, but allow very lively debate within that  
18 spectrum and even encourage the more critical and  
19 dissident views. This gives people the sense  
20 that there's free thinking going on while all the  
21 time the presuppositions of the system are being  
22 reinforced by the limits put on by the range of  
23 that debate. Thank you.

24 [Applause.]

1 THE MODERATOR: Mr. Patrick. Mr.  
2 Patrick.

3 MR. PATRICK: Matthew Patrick, Precinct  
4 7. Just a clarification to the Board of  
5 Selectmen through you, Mr. Moderator.

6 The Selectmen do allow comment after  
7 each - or during each item on the agenda. I  
8 believe that's the way we did it when I was a  
9 selectman; I think that's how they still do that.  
10 Is that true?

11 THE MODERATOR: Mr. Chairman, can you  
12 explain the current policy?

13 CHAIRMAN PUTNAM: I'm dropping pieces  
14 of the microphone. Comment - public comment, it  
15 depends on the item. We - it's usually at the  
16 discretion of the Chair, and my practice while  
17 I've been Chair has been to look at items and  
18 determine whether or not public comment would be  
19 valuable to the Board or whether it would be  
20 necessary.

21 For example, when we're discussing items  
22 such as developing a policy on how the Board  
23 might conduct its own business, how we for  
24 example run a meeting, we generally don't accept

1 public comment in those situations because it's  
2 more Board business as opposed to something which  
3 is going to affect the general public.

4 If, on the other hand, there's an item  
5 on the agenda, for example wind turbines, that  
6 falls somewhere in between. We've had meetings  
7 with wind turbines where - or where the subject  
8 was wind turbines and the Board has decided not  
9 to take public comment at the time because we did  
10 not feel that there was a sufficient - that the  
11 issue had not been sufficiently framed yet, and  
12 perhaps to the point that Ms. O'Connell made,  
13 that we were trying to develop a solution or come  
14 up with an option that the people could comment  
15 on as opposed to being flooded with general  
16 comments.

17 At other times we would open up the  
18 floor to general comments.

19 And then there are some items - I could  
20 even tell you, for example coming up on the  
21 agenda: fee hearings, for example, where public  
22 comment is welcome and encouraged because  
23 obviously we want to get as much feedback as we  
24 possibly can. So it does depend on the agenda

1 item.

2 THE MODERATOR: The gentleman in the  
3 back row. The gentleman in the public section,  
4 there. I can't see who - yeah.

5 MR. DONALD: Mr. Malcolm - Malcolm  
6 Donald, Precinct 6. I'd like to follow up on  
7 this fellow's question to the Board through the  
8 Moderator. We didn't get an answer to the  
9 question. We got some verbiage, but we really  
10 didn't get an answer as to why the Board of  
11 Selectmen discontinued the practice.

12 THE MODERATOR: Mr. Putnam.

13 CHAIRMAN PUTNAM: Well, I guess I'm  
14 being drawn into this. I was reluctant to speak  
15 because my name has been mentioned here, but the  
16 Board voted - and I will note that I was the  
17 dissenting vote - the Board voted not to continue  
18 these sessions.

19 Some of the reasons that were raised  
20 were, as has been mentioned here earlier, is that  
21 there is public comment that is generally allowed  
22 on other items and that some members of the Board  
23 felt that that was sufficient.

24 Some members of the Board raised

1 concerns about, as has also been discussed here  
2 this evening, that members of the public might  
3 say things that are objectionable or insulting to  
4 members of the Board or other members of the  
5 Town, and again, those were some of the answers  
6 that were given by members of the Board in  
7 deciding against this.

8 THE MODERATOR: Okay. Ms. Kozens-  
9 Long.

10 MS. KOZENS-LONG: Quite frankly right  
11 at this second I don't know if I support this  
12 article or I don't. However, I don't think we  
13 should hide behind the Open Meeting Law. Open  
14 Meeting Law says that you can't make a - discuss  
15 to vote a decision.

16 My question is maybe that you should  
17 look at the policy for the Board of Selectmen so  
18 that - because it's not always an opinion or a  
19 comment. It could be an issue to request that an  
20 agenda item be put on from the Board of  
21 Selectmen. That it's not 100 percent driven from  
22 the Manager's Office and what the Board of  
23 Selectmen's agenda looks like.

24 I know, years of volunteering with the

1 Town, it's not always easy to get the attention  
2 of the Board of Selectmen when you need to go in  
3 front of them. And it's not always critical and  
4 it's not always an off opinion, but a suggestion,  
5 an idea, an improvement to the community, and get  
6 the community involved. We talk about  
7 participation and volunteerism, but if you can't  
8 get to your Board of Selectmen who represent you  
9 and want you to represent them, it's really tough  
10 not having that open idea.

11 But maybe that the Board of Selectmen  
12 maybe take a look at a policy and maybe a couple  
13 of rules as to how you act in the Board of  
14 Selectmen's room if that's necessary.  
15 Unfortunately I guess it - it might be, but it's  
16 something to think about and I think that the  
17 Board of Selectmen, even tonight, just with the  
18 conversations here, might - might want to put  
19 that on the agenda?

20 FROM THE FLOOR: Move the question.

21 THE MODERATOR: Okay, Mr. Wilber.

22 MR. WILBER: Jude Wilber, Precinct 8.

23 I was Chairman of the Planning Board and, without  
24 an agenda, there's no meeting. You have to have

1 an agenda. And the agenda is set by the  
2 Chairman, through working with the administrator  
3 of the particular board. And anyone can petition  
4 to be put on an agenda if they have a specific  
5 issue.

6 I suggest that there's compromise here  
7 that say, once a month, twice month, an agenda  
8 item is put on which includes this sort of  
9 comment to the Board. And that that agenda have  
10 an agenda within it: one, two, three, four, five,  
11 these people have asked to say - make a comment  
12 concerning this, this, this, this, this, and we  
13 will give them each five minutes.

14 The Board doesn't necessarily have to  
15 react to this. They don't have to give an  
16 answer, they don't have to supply a solution to a  
17 problem, but they are taking input. That input  
18 is being received by them. It is being broadcast  
19 on television and, if it's important, I have  
20 faith that the Board will pick it up and return  
21 at some point with their opinions on this, or  
22 what to do or what can - they can do, or what  
23 someone should do.

24 In many cases, I think it's very easy -

1 it's been my experience it's very easy to sit in  
2 the seats, in the cheap seats, and take potshots  
3 at the people at the big table. Okay? And it's  
4 awful hard, then, if the people at the big table  
5 are not prepared for this, to appear like they  
6 know what's going on. It's not fair. It's not  
7 Kosher, it's not ethical. Okay?

8 So I suggest that you consider, once a  
9 month, an agenda item which has an agenda within  
10 that agenda item, to deal with this sort of  
11 public comment on a very short basis without any  
12 necessarily response at that time by the  
13 Selectmen. Thank you.

14 THE MODERATOR: Okay, with that, by a  
15 call fo the Chair, all those in favor of the main  
16 motion as printed, signify by saying aye.

17 [Aye.]

18 THE MODERATOR: All those opposed, no.

19 [No.]

20 THE MODERATOR: It's the opinion of the  
21 chair that the ayes have it by a majority. Is  
22 there a challenge? Hearing none, a majority.

23 We'll go on to Article 25.

24 Article 25 was an indefinite

1           postponement recommendation by the Board of  
2           Selectmen. This is a petitioner's article by Mr.  
3           Donald. Mr. Donald, a positive motion.

4                       MR. DONALD:     Malcolm Donald, Precinct  
5           6. Article 25 came about as a result of -

6                       THE MODERATOR:   We need a main motion  
7           from a Town Meeting Member for Article 25. Do  
8           you have someone to make a main motion?

9                       MR. DONALD:     I don't have anybody.  
10          What do I need to make a main -

11                      THE MODERATOR:   Mr. Waasdorp.

12                      MR. WAASDORP:   [No mic. Inaudible.]

13                      THE MODERATOR:   As printed.    Okay, Mr.  
14          Waasdorp has placed a main motion as printed.

15                      Mr. Donald.

16                      MR. DONALD:     Okay, thank you.    Thank  
17          you very much.

18                      Article 25 came about as a result of the  
19          Nimrod fiasco. Under the current bylaw,  
20          demolition of a landmark of Falmouth's historical  
21          involvement in the War of 1812 was approved for  
22          demolition before the general public was even  
23          aware that a demolition application had been  
24          filed.

1                   How could this have happened? The  
2                   current bylaw needs strengthening, but I must  
3                   concede that this article needs refinement. I  
4                   thank the Board of Selectmen in their wisdom to  
5                   refer this change to both the Falmouth Historical  
6                   Commission and the Planning Board. I look  
7                   forward to working with both those bodies to  
8                   craft a bylaw change to prevent other historic  
9                   artifacts from Falmouth's inventory of historic  
10                  buildings from being removed from the earth.

11                  I believe that everyone can understand  
12                  that people come to Falmouth not only for its  
13                  beaches and its road race, but also for the  
14                  historic character of the town. Destroy that  
15                  character and we lose a significant part of the  
16                  attraction responsible for our economic vitality.

17                  I hereby withdraw my article and look  
18                  forward to appearing before you in April with a  
19                  bylaw change ready for your consideration.

20                  THE MODERATOR: Okay. We don't have a  
21                  formal process for withdrawal, so I'm just going  
22                  to take a main motion. The petitioner would like  
23                  you to vote no.

24                  All those in favor signify by saying

1 aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [No.]

5 THE MODERATOR: It is the opinion of  
6 the Chair that the no's have it and we'll  
7 dispense with it and go on to Article 26.

8 Article 26, this is another petitioner's  
9 article. The Board of Selectmen are  
10 recommending indefinite postponement.

11 Mr. Adelman was the petitioner. Do we  
12 have a positive motion from a Town Meeting  
13 Member? And the motion?

14 MS. BUMPUS: I have an amended motion  
15 that Michael has, and we have a slide for it.

16 THE MODERATOR: Okay. Is there a -

17 MS. BUMPUS: I've been asked to -

18 THE MODERATOR: Is there a copy for me,  
19 or?

20 MS. BUMPUS: I didn't hand you one last  
21 night.

22 THE MODERATOR: Okay.

23 MS. BUMPUS: You can have mine in a  
24 moment, I'm sorry.

1 Catherine O'Brien Bumpus, Precinct 1.  
2 I've been asked to put an amended motion on the  
3 floor, and then Susan Houghton will speak to  
4 this. She is a Precinct 1 resident but is not a  
5 Town Meeting Member.

6 The amended motion will be to see if the  
7 Town will vote to request that the Falmouth Board  
8 of Selectmen ask the Woods Hole and Martha's  
9 Vineyard Steamship Authority to avoid in town  
10 heavy and noisy exceeding 10 dB(A) over ambient  
11 noise levels per 310 CMR 7.10 vehicular traffic  
12 using its ferry service, except those vehicles  
13 required for emergency and official government  
14 purposes, e.g., fire trucks, police, civil and  
15 national defense vehicles, ambulances, tow  
16 trucks, etcetera, between the hours of 9:00 p.m.  
17 and 7:00 a.m. every day, due to such traffic  
18 noise causing sleep disturbances to the residents  
19 along that thoroughfare and during these hours,  
20 or do or take any action on this matter.

21 Susan.

22 THE MODERATOR: Okay, so the main  
23 motion as presented is asking them to go. I just  
24 want to make sure that we're clear that this is

1 one of those resolution type things where we're  
2 getting the will of Town Meeting to ask someone  
3 to do what we don't have the authority to require  
4 them to take an action in this arena.

5 MS. BUMPUS: Right. Yes.

6 THE MODERATOR: Okay. Yeah.

7 MS. HOUGHTON: I'm Susan Houghton,  
8 Precinct 1. And the residents along the road  
9 corridors that approach the Woods Hole-Martha's  
10 Vineyard Steamship Authority, they're awakened by  
11 noise of heavy vehicles, typically more than two  
12 axles, almost every night and no later than 4:00  
13 a.m. each morning. This has caused a lack of  
14 sleep that adversely impacts their health and  
15 effectiveness of their work, and study, in the  
16 case of students for the latter.

17 The noise from these vehicles often  
18 exceeds the Department of Environmental  
19 Protection Regulations 310 CMR 7.10 by exceeding  
20 ten decibels or pure sound in two adjacent octave  
21 bands by the three or more decibels above ambient  
22 and at the nearest inhabited buildings.

23 In addition to the noise issue, I'd like  
24 to bring up one other issue that affects me as a

1 15 year resident on Woods Hole Road, and as an  
2 R.N. This is regarding the safety issue that  
3 surfaces almost daily along that Woods Hole Road  
4 corridor. With so many 18 wheelers heading to  
5 supply the Vineyard with flammable crude oil,  
6 with flammable gasoline, these trucks are  
7 massive. Combine these 18 wheelers with one  
8 slight mishap with a deer - and I was fortunate  
9 to meet our good Chuck Martinson of the DNR who  
10 came to my yard looking for a deer that had been  
11 hit on Woods Hole Road just a few days ago. He  
12 enlightened me into understanding that it's a  
13 very massive crossing point for deer.

14 So, combine that - these 18 wheelers  
15 with deer or with pedestrians or with bicyclists,  
16 you can only imagine the outcome.

17 I personally witnessed a near fatality  
18 in front of the Sea Education Association when I  
19 - when a young student - this is less than a year  
20 ago - when a young student pulled out in front of  
21 an 18 wheeler. And before my eyes I saw just  
22 about a fatality with the skill of that driver  
23 was remarkable and that he was able to miss.

24 You can ask anyone on Martha's Vineyard

1 and they can tell you what happened two years ago  
2 to a young mother riding a bike with her family  
3 and she lost control of that bike and there an 18  
4 wheeler was coming around the corner. These are  
5 real scenarios, happening almost daily on Woods  
6 Hole Road.

7 The scale of the truck traffic on this  
8 road is no longer sustainable, as it might have  
9 been 20 years ago. The number of trucks has  
10 increased dramatically, the size of the trucks  
11 has increased dramatically, the noise of the  
12 trucks have increased dramatically, and the risk  
13 to human safety has also increased. And at a  
14 time when the Woods Hole-Martha's Vineyard  
15 Steamship Authority is proposing to double the  
16 size of its lot in Woods Hole and add a third  
17 slip for the boats, it just leaves you wondering.

18 Please vote for this article and I  
19 really appreciate your time in listening.

20 THE MODERATOR: Mr. Dufresne.

21 MR. DUFRESNE: Adrian Dufresne,  
22 Precinct 2. Before we get into any extended  
23 dialogue on these types of things, I would ask if  
24 we could get the Chief of Police down here to

1 explain the regulatory process. Woods Hole Road  
2 is a state highway that provides provisions and  
3 livelihoods for the people of Martha's Vineyard,  
4 and I don't think we have the authority - this  
5 body has the authority to regulate a state  
6 highway.

7 So I would ask if the Chief of Police  
8 could come down and give us the opinion that I  
9 think we'd like to hear from before we vote on  
10 this.

11 THE MODERATOR: Okay, and Andy I just  
12 want to call your attention to - I'd want to call  
13 your attention to the main motion. So that, the  
14 main motion is asking the Selectmen to talk to  
15 the Steamship Authority. It's - you know, that's  
16 different than the original printed article that  
17 tried to seek a regulatory relief that we don't  
18 have the authority to do. I just want to make  
19 sure -

20 MR. DUFRESNE: My question - my  
21 comments is I believe if we heard from the Chief  
22 of Police -

23 THE MODERATOR: We can hear from the  
24 Chief of Police. I just want to make sure you

1 know that that's the motion up there. We're not  
2 regulating anything on Woods Hole Road with this  
3 motion. We are, again, asking the Board of  
4 Selectmen to talk to the Steamship Authority -

5 MR. Dufresne: Yes, I understand.

6 THE MODERATOR: - about taking some  
7 action.

8 But, the Chief, if you want to address  
9 that. And Chief, when you come down, I just  
10 want to editorialize for a moment.

11 We are the legislative body of the Town  
12 of Falmouth. And over my 15 years this month,  
13 as Town Moderator, I have seen us become two  
14 things: the legislative body, which is what we  
15 are, and a community forum to vent our  
16 frustration with the executive branch of  
17 government. And I want us to be very careful of  
18 balancing our responsibilities to be that  
19 legislative branch of municipal government, and  
20 losing the desire and the will of the people to  
21 preserve this form of government.

22 When I wrote my letter in 1998 to then-  
23 Chairman Flynn to express my interest to be Town  
24 Moderator, they said, "Why? We're going to put

1 your name in nomination." I said it was to  
2 preserve the form of government, of a  
3 representative Town Meeting and an executive  
4 branch. And so I just want to, for the  
5 petitioners of this and all articles, to really  
6 think about when you submit a petition to Town  
7 Meeting, does it belong, first, at Town Meeting  
8 or does it belong first as a request for action  
9 to the Board of Selectmen, and then maybe the  
10 Board of Selectmen don't make a move on that and  
11 so then you come to the legislative body to  
12 express a larger desire for the Selectmen to go  
13 that way.

14 My concern, really, is that we will come  
15 to Town Meeting and have a warrant full of things  
16 that we want the Board of Selectmen to do, and we  
17 will lose quorums, we will lose - we already have  
18 some precincts that don't have enough Town  
19 Meeting members because folks are not running for  
20 Town Meeting.

21 And so I just wanted to editorialize a  
22 little bit about that. I'm not saying these  
23 things don't belong here at all. I'm saying we  
24 need as a community to really look at what this

1 forum is for and balance our ability to preserve  
2 it.

3 Mr. Chief of the Police Department.

4 MR. DUNN: Edward Dunn, Chief of  
5 Police. Woods Hole Road is a state highway.  
6 Locust Street, Palmer Ave., all that, which  
7 connects to Route 28, it's all state highway.  
8 The Falmouth Police Department has the right to  
9 enforce rules and regulations under the CMRs on a  
10 state highway. And, as we do anywhere else in  
11 the Town of Falmouth, but that road is governed  
12 by the state.

13 THE MODERATOR: Mr. Dufresne.

14 MR. DUFRESNE: Could you explain to the  
15 petitioner of this article what the legal -

16 FROM THE FLOOR: We can't hear you.

17 MR. DUFRESNE: Say again?

18 FROM THE FLOOR: Speak up.

19 THE MODERATOR: They can't hear you.

20 [Laughter.]

21 MR. DUFRESNE: You know, this is the  
22 first night I put my hearing aids in and I can't  
23 hear myself.

24 But, anyway, what the legal speed limit

1 is on a state highway, the Woods Hole Road.

2 MR. DUNN: The speed limit on that  
3 particular road is regulated by the state.  
4 Route 28, as you know, coming into Falmouth, is  
5 55 miles an hour. It does change as it comes  
6 into Palmer Ave., but all those signs and  
7 everything as far as the speed, is regulated by  
8 the Commonwealth of Massachusetts.

9 THE MODERATOR: Okay, further  
10 discussion on this article? Mr. Donahue.

11 MR. DONAHUE: [No mic:] Through you,  
12 Mr. Moderator -

13 THE MODERATOR: Yeah, with a  
14 microphone, please. With a microphone, please,  
15 Mr. Donahue.

16 MR. DONAHUE: Bob Donahue, Precinct 3,  
17 through you, Mr. Moderator, to the Chief of  
18 Police. Can't we request that the speed limit on  
19 that highway be changed to the - where it is on  
20 Palmer Avenue and can't we request that these  
21 kind of vehicles be limited somehow?

22 There should be some kind of - this is  
23 an only access to Woods Hole, that I'm aware of,  
24 unless you're going to kind of go through County

1 Road, is it? I'm trying to remember the streets  
2 that - the back roads to go into Woods Hole. But  
3 I would think we should be able, if we can  
4 eliminate - if we can ask the state to regulate  
5 the speed limit through Main Street to 20 miles  
6 an hour, then we should be able to ask them to  
7 put the speed on that road maybe down to 30 miles  
8 an hour and regulate times of trucking, of that  
9 kind of a vehicles on the road. Thank you.

10 THE MODERATOR: Chief Dunn, could you  
11 just briefly touch on the Chapter 90 provisions  
12 for the setting of a state highway speed.

13 CHIEF DUNN: Again, anything to do with  
14 state highways has to be regulated through the  
15 state so you'd have to petition the state for  
16 that, as far as the speed limits. The speed  
17 limit, they do surveys, that's how they come up  
18 with the speed limits, and again you'd have to  
19 petition the state to do that type of survey.  
20 That's nothing the Town can do because it's a  
21 state road. We don't own that road, the  
22 Commonwealth of Massachusetts owns it.

23 THE MODERATOR: Mr. Nickerson, I think  
24 I had a hand up there. And then in the center.

1                   MR. NICKERSON:     Notwithstanding the  
2                   state control of the highway, I think if this  
3                   thing was approved, I think we'd end up with  
4                   significant problems. I'm in Woods Hole  
5                   regularly before 7:00 a.m. and there are a lot of  
6                   Stop & Shop trucks waiting to get on that ferry,  
7                   the first ferry in the morning. And I think  
8                   they'd have to be there first of all to get their  
9                   product over there, number one, and number two to  
10                  beat all the other tourists and other kinds of  
11                  passengers that are bringing their cars over.

12                  If this - if the trucks were restricted  
13                  from going on Woods Hole Road, the alternatives  
14                  would be Sippiwisset and Quisset Road and I think  
15                  the other one would be Surf Drive, Nobska and  
16                  Church Street and I think the bike path bridge  
17                  over that Nobska Road section wouldn't allow the  
18                  trucks to go through.

19                  So, there isn't another alternative  
20                  route. This is the only way they can get down  
21                  there and those trucks have to get down there.

22                  THE MODERATOR:    Okay, in the center.

23                  MS. MURRAY:     Kathleen Murray, Precinct  
24                  1. I live on Woods Hole Road and I'm against

1           this article. One reason could be if the  
2           Selectmen did make this request, we could have  
3           double the traffic during the daytime and I'm not  
4           sure anybody here really wants that.

5                        THE MODERATOR:    Okay.

6                        Mr. Netto.

7                        MR. NETTO:     Call the question.

8                        THE MODERATOR:    Okay, we have a motion  
9           to move the previous question. All those in  
10          favor, signify by saying aye.

11                                       [Aye.]

12                        THE MODERATOR:    All those opposed no.

13                                       [No.]

14                        THE MODERATOR:    The ayes have it and  
15          we'll move the question.

16                        The question will come on the main  
17          motion as presented in the overhead slide to ask  
18          the Board of Selectmen to talk to the Steamship  
19          Authority about the Woods Hole Road.

20                        All those in favor of that motion,  
21          signify by saying aye.

22                                       [Aye.]

23                        THE MODERATOR:    All those opposed.

24                                       [No.]

1 THE MODERATOR: It's the opinion of the  
2 Chair that the no's have it by a majority and the  
3 article fails.

4 Article 27 is a petitioner's article.  
5 There is a recommendation by the Board of  
6 Selectmen for indefinite postponement. This was  
7 petitioned by Ms. Driscoll.

8 Would you like to place a positive  
9 motion on the floor?

10 MS. DRISCOLL: Yes, as printed.

11 THE MODERATOR: As printed. At this  
12 time I'll recognize the Zoning Board for a  
13 disclosure.

14 MR. MCNAMARA: Thank you, Mr.  
15 Moderator. Matt McNamara, Precinct 7, Chairman  
16 of the Zoning Board of Appeals.

17 As we did at our last Town Meeting,  
18 these two petitioner's articles relate to the  
19 wind turbines; the Zoning Board of Appeals has  
20 two pending appeals regarding these turbines.  
21 There are four members of the Zoning Board of  
22 Appeals that are also Town Meeting Members. I  
23 wish to disclose that we will not be  
24 participating in the deliberation or vote on

1 these matters. Thank you.

2 THE MODERATOR: Okay, Article 27 as  
3 printed. Ms. Driscoll.

4 MS. DRISCOLL: Good evening and thank  
5 you. I'm Kathy Driscoll, Precinct 7.

6 Tonight we are presenting a mitigation  
7 fund related to the Wind Turbines. It is as  
8 printed in your warrant book. This mitigation  
9 fund is - this is a non-binding article to  
10 encourage the Board of Selectmen to create this  
11 fund on behalf of those neighbors that have  
12 expressed impacts from the wind turbines.

13 The mitigation fund will have a no tax  
14 impact to the citizens of Falmouth and will allow  
15 the Board of Selectmen to operate the turbines  
16 accordingly and not in a deficit, but most  
17 importantly as I indicated, that the neighbors  
18 would have a protocol and a fund to help with  
19 impact issues.

20 The Board of Selectmen or their designee  
21 will determine the appropriate process to work  
22 with individual homeowners on the mitigation  
23 needs.

24 State law does allow for an

1 owner/operator of an issue, whether it be a sound  
2 or another impact, to mitigate. Mitigation is to  
3 make something less severe and to assist with a  
4 process of allowing that process to be in place.  
5 The current operating protocol that was voted on  
6 September 16<sup>th</sup> does not allow for any other  
7 mitigation other than the curtailment process  
8 that is in place, so there would be no other  
9 funds, no other ability to provide mitigation.

10 Some of the mitigation options, and  
11 these are just some things that have been, you  
12 know, talked about during the Wind Turbine  
13 Options Process, some other public meetings: home  
14 buyout, noise easements, paying tax - or tax  
15 abatements, paying electricity bills, landscape  
16 improvements, speciality blinds for flicker.  
17 None of these things would be available or are  
18 available under the current operating protocol  
19 because those funds are not there. That  
20 operating protocol is considered a break even.  
21 It pays the bills for the operation and  
22 maintenance of the turbines.

23 No one size fits all. It's not going to  
24 make everybody happy, but at least we are making

1 this attempt - this process forward to establish  
2 a fund where monies would be available to work  
3 with individual homeowners on their impacts.

4 How much can be designated? First we  
5 need to pay the bills, the operation, maintenance  
6 and debt on there, and then there would be  
7 available funds from the net revenues for the  
8 mitigation account.

9 This article is asking for ten percent  
10 of those revenues, but it could be established by  
11 the Board of Selectmen on whatever they deem  
12 appropriate.

13 Okay. This slide right here, the Town  
14 administration, Town Manager and his staff,  
15 worked very, very hard over the summer and into  
16 the fall establishing about eight different  
17 operating protocols. What you see here are four  
18 of those operating protocols that actually  
19 allowed for mitigation. These were operating  
20 scenarios that allowed for the generation to  
21 cover all of the expenses for the wind turbines  
22 and to provide mitigation for those neighbors  
23 with an impact.

24 Next slide. The Town Manager

1 recommended the actions during the meetings.  
2 This is in a report presented to the Board of  
3 Selectmen on September 13<sup>th</sup>, okay, to determine  
4 what the total hours of operation, to engage a  
5 facilitator, create this fund, request a Special  
6 Town Meeting - this would have been something  
7 that we could have been doing anyway, this week.  
8 To authorize the Town Manager to continue  
9 negotiating relief.

10 Next slide. Town Counsel's guidance  
11 followed the same thing, okay, to allow for  
12 broad-ranging opportunities for the community  
13 interest to handle potential liability, all these  
14 lawsuits that we keep hearing about. This is  
15 working with the neighbors to be able to mitigate  
16 their impacts from the turbines.

17 We've heard over many years the things  
18 that have been happening here in town. I have  
19 been a supporter of the wind turbines since the  
20 questions first came up to Town Meeting many  
21 years ago. I think it's been seven or eight  
22 years, now, that we've been talking about  
23 installing the wind turbines, operating the  
24 turbines.

1 I've listened to neighbors. There are  
2 many, many neighbors in this - in and around the  
3 wind turbines, whether they be on Blacksmith Shop  
4 Road, Craggy Ridge, Route 28A, and some of the  
5 other streets and neighborhoods around the wind  
6 turbines. You know, over 170 homes. Some have  
7 no impact, some have an impact but it - they're  
8 fine with that. But then we do have our  
9 neighbors that do have a significant impact.

10 The vote on September 16<sup>th</sup> and on  
11 September 30<sup>th</sup> to run the turbines for 16 hours a  
12 day for each turbine was called a mitigation. It  
13 allows for overnight - or, does not allow for  
14 overnight operation of the turbines. There's  
15 been even some issues with that. But without -  
16 but under a break-even scenario, we're still  
17 going to be dealing with those issues that the  
18 neighbors have been talking about for the last  
19 three years.

20 I ask that you vote yes on Article 27 so  
21 that we can establish this mitigation fund and  
22 begin moving forward to help our neighbors with  
23 the impacts that they have been dealing with.  
24 Thank you.

1 THE MODERATOR: Mr. Putnam.

2 CHAIRMAN PUTNAM: Brent Putnam,  
3 Chairman of the Board of Selectmen. The Board of  
4 Selectmen has voted to recommend indefinite  
5 postponement for both petitioned articles 27 and  
6 28 relating to the Town Wind Turbines.

7 The Town is currently involved in  
8 complex and sensitive matters relating to the  
9 ongoing operation of these turbines. These  
10 matters have significant legal ramifications for  
11 the Town and its taxpayers. Given these  
12 circumstances, it is not appropriate for the  
13 Board to consider any other action which may be  
14 advocated by Town Meeting at this time. This  
15 includes the Article 27 proposal for establishing  
16 a mitigation fund from wind turbine revenues as  
17 well as the next article, Article 28, which  
18 proposes expanding the operating hours of the  
19 turbines.

20 Upon the Board working through all  
21 challenges and issues and ultimately determining  
22 a definitive direction, which would involve the  
23 action of Town Meeting, we anticipate a further  
24 discussion at that time. In the meantime, we

1 appeal to you, to Town Meeting, for your patience  
2 and your support.

3 And finally, contrary to what's been  
4 published, the Board has not voted to make any  
5 change to the operating hours of the turbines.  
6 They continue to operate as noted from 5:00 a.m.  
7 to 9:00 p.m. daily. Thank you.

8 THE MODERATOR: Okay, Dr. Clark.

9 DR. CLARK: Hello, I'm Peter Clark,  
10 Precinct 1. I had crafted an amendment because  
11 I support this article.

12 I spoke at the April Town Meeting  
13 against the dismantling of the turbines because I  
14 wanted to see a balance between our ethical  
15 commitments to the nation and world broadly and  
16 also to our neighbors. And the fact that the  
17 turbines are there and operating meets part of  
18 that, but it doesn't meet my concern that the  
19 Town must make a good faith effort to deal with  
20 the concerns of the neighbors. And of course  
21 they're not all the neighbors. They're very  
22 individual and unique needs and concerns.

23 And so I'm very concerned to support the  
24 effort to find ways to mitigate. And I'm very

1 concerned that the Town is only doing that  
2 through the revenues collected by the turbines,  
3 which of course are zero unless the turbines are  
4 run at a point where they're making some money.  
5 Which means we're making, except 40 hours, we're  
6 making no other mitigation efforts. Perhaps in -  
7 - behind important legal maneuvers that's  
8 happening, but we're making no public signal that  
9 the Town recognizes that there are some impacts  
10 and wants to do something about them.

11 I had submitted an amendment that  
12 actually tried to kick-start the process by  
13 making money available from Certified Free Cash,  
14 and the Town Meeting Moderator has told me that  
15 is outside the scope of the article because the  
16 article was not presented as a fund-raising  
17 article, and I'll accept that and perhaps he  
18 wants to say more about that.

19 But it still leaves open the need, as  
20 far as I'm concerned, to make some very direct  
21 and positive steps to try to meet the needs of  
22 those individuals to preserve that balance that I  
23 wanted to see between our ethical commitments to  
24 our neighbors and our ethical commitments to the

1 world as a whole and the nation as a whole.

2 The Town Manager's suggestions for a  
3 facilitator that could be used under general  
4 funds still leaves open the potential for the  
5 Board of Selectmen and the Town to make some very  
6 direct steps to tap expertise on this issue. As  
7 I've talked with you, some of you at least, and  
8 some other townspeople about the issue, everyone  
9 is in awe of the complexity of trying to grapple  
10 with mitigation. It is complex. But we should  
11 not hide behind the fact that it is complex.

12 These kinds of complex issues have been  
13 solved in a number of communities over a number  
14 of issues. There are experts that we can call on  
15 to help us frame a protocol for applying, for  
16 assessing those applications and for resolving  
17 those applications. It has been done, and we can  
18 do it here, too.

19 So, I will accept the limitation I had -  
20 the amendment had asked for up to \$40,000 out of  
21 a mitigation fund to be made available for  
22 tapping that expertise to start the process, and  
23 then to grow it from there. As it is, there is  
24 no financial way to help people who want

1 conditions mitigated. The Energy Stabilization  
2 Fund gets its money from the income from the  
3 production or from sales of the RECs, but the  
4 first uses of that money have to be for paying  
5 off expenses. So that leaves nothing available.  
6 Which I think is very unfortunate in terms of our  
7 need as a community to balance the needs of the  
8 world, the needs of our community and the needs  
9 of the neighbors.

10 I support this article. I wish it had  
11 some money to kick-start the process.

12 THE MODERATOR: Okay, Mr. Moriarty.

13 MR. MORIARTY: Good evening, everyone.  
14 My name's Dave Moriarty, Precinct 6. I do not  
15 support this article.

16 As you've heard earlier, the Town has  
17 put itself in a very serious legal, financial  
18 bind here. We have no idea how much this turbine  
19 fiasco is going to cost us. This could get into  
20 the hundreds of millions of dollars. There's  
21 been a ruling in Superior Court, Barnstable. The  
22 judge is not happy with the Town. He's not happy  
23 with their decision to turn the turbines on even  
24 more, extending operation after knowing what they

1 know.

2 It just doesn't make any sense, Folks.  
3 If we're serious about our neighbors, if we're  
4 serious about being good neighbors, if we want  
5 our children to get sleep at night, if we want  
6 them to get a decent shot at an education to go  
7 forward with their lives, if - we need to not  
8 support mitigation.

9 The only mitigation for infra sound is  
10 distance, and unfortunately either the turbines  
11 have to be curtailed or the neighbors have to be  
12 moved. There's no mitigation for infra sound.  
13 It was studied by NASA. They spent \$20 million  
14 on this. They tried this experiment in Boone,  
15 North Carolina in 1979. What Boone, North  
16 Carolina, decided to do and the Department of  
17 Energy and NASA, is take the turbines down. And  
18 that's what they did. And that's how they  
19 mitigated their situation.

20 So, in lieu of what's going on - and you  
21 can't say you didn't know because I stood up here  
22 four years ago and explained to you what was  
23 going to happen. Of course nobody out there  
24 believed me, but here I am four years later and

1 it's all come true and it's going to get even  
2 more expensive. So, please, let's use our common  
3 sense this time, okay? Let's hope that we did  
4 our due diligence. I know you all did your  
5 homework, you went home, you looked up infra  
6 sound on the Internet. You know what it is. You  
7 know there's no way of mitigating infra sound.

8           So, why don't we be good neighbors? Why  
9 don't we decide to do the right thing and, you  
10 know, do we really want a judge deciding how much  
11 money we need to pay these people? I don't think  
12 so. I don't think it has to go that far and I  
13 think we can do the right thing here and save the  
14 taxpayers of Falmouth a lot of money. All you  
15 folks watching at home: we don't have to lose  
16 \$200 million. We don't have to let the judge  
17 impose, you know, reparations. We don't - how do  
18 you - how do you - ohhhh.

19           You know, what's - how much do you pay a  
20 family? What's the price you pay on a child  
21 losing their opportunity for an education?  
22 What's that worth? I wouldn't - I wouldn't want  
23 to be on the other side. So I say - I say we  
24 vote this down. I say we do it now and we let

1 cooler heads prevail. Because this is only going  
2 to get more expensive as we go down the line.

3 And we - and it's unnecessary. We can't  
4 afford this, folks, and this is getting a little  
5 - a little out of hand and that's all I have to  
6 say. Thank you very much, for your  
7 consideration.

8 THE MODERATOR: Mr. Stetcher.

9 MR. STETCHER: Bernie Stetcher,  
10 Precinct 3.

11 We're talking about mitigation. The  
12 Selectmen have been working, what, three years  
13 now with an arbitrator and they've gotten just  
14 about nowhere. We're now in court. The judge is  
15 deciding it. We're sort of forcing the Board to  
16 decide if they're going to go back to the  
17 original hours rather than the extended hours.

18 The people that I can see that are  
19 affected by this don't want mitigation. Money  
20 isn't going to pay them off. It's impossible. I  
21 say vote this thing down.

22 THE MODERATOR: Okay. I had a  
23 gentleman in the center back. Did you move from  
24 the center?

1 MR. SCHMIDT: Yes.

2 THE MODERATOR: Okay. If you get my  
3 attention, if you could stay where you're at so I  
4 don't lose you. Okay, go ahead.

5 MR. SCHMIDT: Hello, Edward Schmidt,  
6 Precinct 8. I'm here to speak because I'm very  
7 much in favor of this Article 27 as well as  
8 Article 28 to follow.

9 I feel this way because I'm convinced  
10 that unless and until some kind of mitigation is  
11 offered for the turbine neighbors, this problem  
12 that we've all been debating for several years  
13 now will never be solved. We've got to do  
14 something.

15 I also look at both of these articles,  
16 27 and 28, as articles which support the  
17 neighbors of the turbines. And I think up until  
18 this point in time I don't think anything  
19 specific has been put on the table for them to  
20 react to one way or the other, and I think that  
21 needs to be done.

22 And Mr. Moriarty brought up the concept,  
23 you know, of letting a judge make decisions for  
24 Falmouth. I'd agree with him that that is not a

1 very good idea and I ask all of you to think  
2 which do you believe is preferable, to control  
3 our own destiny or leave it to a judge in which  
4 this case will - in which case I think we will  
5 all have to live with whatever he decides.

6 Personally, I think we ought to control  
7 our own destiny; this article will do that.

8 And one other additional point, here,  
9 would be by creating a dedicated fund for  
10 mitigation purposes, funded by turbine revenues,  
11 I think we can avoid the necessity of going to  
12 the voters to ask their approval and I think  
13 that's a good idea to try and avoid that because  
14 that process, as we have learned, is not without  
15 risk. We learned that last May when the voters  
16 rejected a proposal to fund the removal of the  
17 turbines.

18 Now, while Article 27 is not specific as  
19 to the types of mitigation, I would certainly  
20 hope that the Board of Selectmen will put on the  
21 table a full range of options so each of the  
22 neighbors can choose what is best for their own  
23 situation. It's up to the neighbors to choose to  
24 accept or not to accept, but I think they ought

1 to be given that option.

2 I would suggest, however, that the  
3 options include a generous buyout, a very  
4 generous buyout offer for those who feel they  
5 cannot live with the turbines, so that they have  
6 a chance to move and get on with their lives.

7 Another option might be for the Town to  
8 pay for soundproofing improvements to homes.

9 And, as an aside, I recently bought a new  
10 dishwasher and my wife and I are both amazed at  
11 the technology today that can really trap sound  
12 and make something so quiet we can't hear it.

13 A third option, very simple, is it might  
14 be something as basic as providing for the  
15 installation of window shades or blinds to  
16 prevent flicker during those weeks of the year  
17 when the angle of the sun is such that it creates  
18 an annoyance.

19 It's been more than three years that  
20 this Town has been debating a lot of options. I  
21 think it's time we finally put together some kind  
22 of a specific offer for the benefit of the  
23 neighbors. And if you agree with that I think I  
24 would like to ask you to support both Article 27

1 and Article 28. Thank you.

2 THE MODERATOR: Okay, Mr. Heath. And  
3 then I've got Mr. Patrick.

4 MR. HEATH: [No mic:] Austin Heath.

5 THE MODERATOR: With a microphone.

6 MR. HEATH: The Moderator gave a nice  
7 little talk a few minutes ago about what was our  
8 powers as this body in the legislature. The  
9 Chairman of the Board Brent Putnam laid out the  
10 fact that we are in litigation. This is a very  
11 serious matter. There's a lot of things going  
12 on that we don't know and probably shouldn't know  
13 in negotiations.

14 That I think it's inappropriate for us  
15 to take any action or even a vote just to vote  
16 indefinite postponement because there comes a  
17 time when there are people that we elect to do a  
18 job and we have to let them do it. We can't all  
19 be in on any settlement agreement. We can't all  
20 go down to the courthouse and demand time. And  
21 anything we say here is advisory and that's about  
22 it.

23 We can't direct them of what to do.  
24 There's no money involved; we can't set up a

1 fund. When we debated this in April, we spent a  
2 long time on it. It didn't resolve anything. In  
3 that case, money was involved and required a 66  
4 percent vote. We did not get the 66 percent vote  
5 and the motion was defeated. But 63 percent of  
6 Town Meeting voted to take them down, and I  
7 believe we should take them down. But at this  
8 time there's no real sense in us spending the  
9 rest of this evening on this subject, because we  
10 simply don't have the authority to do anything  
11 that means anything no matter what we vote.

12 I would hope someone will call the  
13 motion and I would hope we'd vote for indefinite  
14 postponement. This just isn't the right forum,  
15 it's not the right motions. I'm not even going  
16 to discuss the motions, but I don't think either  
17 of them will work.

18 We should leave this in the hands of the  
19 people we elected and just hope to come of it  
20 okay. Thank you.

21 THE MODERATOR: Okay, Mr. Patrick.

22 MR. PATRICK: Thank you, Mr. Moderator.  
23 Matthew Patrick, Precinct 7. And I think a lot  
24 of good points have been made by previous

1 speakers. Dr. Clark, especially. Mr. Schmidt,  
2 as well.

3 I think this is the first thoughtful  
4 proposal that has been given to anybody in the  
5 town to help the residents that are burdened by  
6 the noise from the wind turbines. I think  
7 mitigation has to happen. I've been talking  
8 about that since this problem began. We have to  
9 get serious and really start working on  
10 mitigating the impact from the wind turbines.

11 I support this article, but I can see  
12 technically that it might have a problem. And  
13 I'd like to offer an amendment that would - and I  
14 have this in writing, I can give it to you. But  
15 it would strike the first few words of that - of  
16 the opening paragraph: "To see if the Town will  
17 vote to establish" and replace it with: "Ask  
18 Selectmen to consider establishing".

19 [Pause.]

20 MR. PATRICK: So what this does, it  
21 makes it advisory. It makes it clear that it's  
22 advisory. You could almost say that it's  
23 advisory now but I think it makes it clear that  
24 it is, and I think it's a good directive to give

1 to the Board of Selectmen. They should start  
2 thinking about this seriously. We should form a  
3 committee and make this happen. And it can  
4 happen during or as the court case is evolving  
5 and I think the judge would be - clearly, he  
6 would be happy to know that this was in the  
7 process.

8 I'd also like to make a point that there  
9 are a lot of people that are impacted up there.  
10 Not all of them are as desperately impacted as -  
11 as the 12 families. So there may be other  
12 families up there that could live in this area,  
13 live in their present home with some mitigation.

14 Thank you, Mr. Moderator.

15 THE MODERATOR: Okay, so I just want  
16 to very quickly do the amendment. The amendment  
17 is to just change the language, "Vote to  
18 establish", make it "Ask the Selectmen to  
19 consider establishing". So let's just focus on  
20 that. Discussion on that amendment.

21 Okay - yeah, on the amendment, yes.  
22 Hargraves.

23 MR. HARGRAVES: Peter Hargraves,  
24 Precinct 9.

1 I like the amendment. I appreciate what  
2 the Selectmen were trying to explain to us with  
3 as much as they could disclose about the position  
4 it puts us in when offering mitigation on  
5 something. It's acknowledging in a sense that  
6 there's a problem when all along we're saying  
7 there isn't one, because we're running the  
8 turbines.

9 Now, let me be clear I'm in support of  
10 both these articles as a humanitarian measure and  
11 from a practical business sense to maximize the  
12 use of our resources and generating revenue, but  
13 at the same time to respect the issues that those  
14 more directly impacted because of their proximity  
15 have. And so mitigation to me seems like a very  
16 fair offer and whatever form that takes, it could  
17 be, as the presentation said, not one size fits  
18 all.

19 So, the reason that I support these  
20 articles in spite of my concern from a legal  
21 understanding of what the Selectmen said is I  
22 have come, and one of my motivations for being at  
23 Town Meeting and my first Town Meeting is, and  
24 I'll say very plainly that I don't trust the

1 Selectmen on this issue. They've shown a  
2 remarkable lack of leadership and inability to  
3 listen to the citizens of the Town. When Town  
4 Meeting said we're not going to spend this money,  
5 they said, "We'll go to the ballot." The voters  
6 said, "We're not going to spend this money," and  
7 now they seem to be headed on a predetermined  
8 outcome which is not consistent with my beliefs  
9 about what a fair and responsible stewardship of  
10 our resources, our capital money, and how we run  
11 our town in a democracy.

12 So, I support any amendment that will  
13 not disadvantage the Town in the present court  
14 proceedings but will send a clear message and  
15 hopefully the Selectmen will be listening this  
16 time and will hear and understand what the  
17 citizens really want, where in a democracy you  
18 cannot please everyone but the majority must  
19 prevail.

20 THE MODERATOR: Okay, so the question  
21 will come on the amendment to just change the  
22 language in the opening sentence. All those in  
23 favor of the amendment 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 and we've made the little language  
5 change, there.

6 So back to the discussion on the main  
7 motion as amended. Ms. Putnam was next on my  
8 list.

9 MS. PUTNAM: Good evening, Rebecca  
10 Putnam, Precinct 9.

11 I think that if we vote this particular  
12 article we are really setting ourselves up in  
13 front of this particular lawsuit that has been  
14 found to have merit according to a judge. I  
15 think we really have to let this play out through  
16 the judicial system and, whatever we want, there  
17 is a judge that is going to make a ruling  
18 regardless of what this body wants, and we have  
19 to at this point let them do their job and let  
20 the Board of Selectmen do their job. Thank you.

21 THE MODERATOR: Okay, Mr. Anderson.

22 MR. ANDERSON: Gary Anderson, Precinct  
23 7. Through you, Mr. Moderator, I have a question  
24 for Mr. Duffy and/or perhaps Ms. Petit.

1           The amendment as well as the underlying  
2           recommendation or the article suggests that a  
3           mitigation fund be established as part of the  
4           Energy Stabilization Fund.    The Stabilization  
5           Fund, if I'm not mistaken, is established by the  
6           legislature for specific purposes.    When we set  
7           up this Energy Stabilization Fund at Town  
8           Meeting, or requested the legislature to do it,  
9           it was for specific purposes, and you cannot go  
10          outside those purposes.

11                 Would this mitigation fund be permitted  
12           under the language that this stabilization fund  
13           was created, number one?    And, number two, it  
14           requires a two-thirds vote to take money out of a  
15           stabilization fund.    Are we setting ourselves up  
16           for more argument and rancor within the Town  
17           Meeting body?    Thank you.

18                         THE MODERATOR:    Mr. Duffy.

19                         MR. DUFFY:    Well, Mr. Anderson is  
20           correct that the article does reference an energy  
21           stabilization account, and they normally require  
22           a two-thirds vote to put money in and to take  
23           money out and there are usually, on stabilization  
24           funds, limitations on what the money's going to

1 be used for, and this article doesn't say. So  
2 yeah, we could be looking at some problems trying  
3 to deal with that.

4 THE MODERATOR: Okay, Ms. Siegel.

5 MS. SIEGEL: Deborah Siegel, Precinct  
6 6.

7 Aside from the fact that I think this is  
8 all moot because of the legal situation, I'd like  
9 to know if the people who wrote this article have  
10 talked to the abutters who are affected by this  
11 and asked them how they feel about - about this,  
12 because I suspect that they haven't. Thank you.

13 THE MODERATOR: Ms. Driscoll.

14 MS. DRISCOLL: Myself and other people  
15 that were helping to develop this petitioner's  
16 article have spoken with many, many people in the  
17 neighborhoods. There have been - I sat on the  
18 Wind Turbine Options process with some neighbors.

19 But, like I said, there are over, you  
20 know, 170 homes within one-third of a mile. Not  
21 just, you know, the eight, ten, twelve home -  
22 residents that we usually hear from.

23 I have, you know, friends up there. I  
24 have acquaintances and hopefully people I don't

1 know to be friends and acquaintances, as well,  
2 that have - that I have spoken with, that other  
3 people have spoken with. As I indicated, there  
4 are many, many people out of those 170 that have  
5 never stood up and said anything.

6           There are some people that have said,  
7 "Oh, yeah, I do have flicker, but it's not a  
8 problem." Or, "Oh, I hear them, but it just  
9 kind of goes away after a little while," or, "Oh,  
10 I hear it, but I also hear the highway; it  
11 doesn't bother me." Or - and some people have  
12 expressed that they do have a concern, but they  
13 don't know what process or protocol they can  
14 follow to be able to - to receive some kind of  
15 mitigation from the Town.

16           These lawsuits have really hindered the  
17 Town to be able to work with other people in  
18 these neighborhoods.

19           I do understand that we have several  
20 homeowners that have active lawsuits against the  
21 Town that ties the hands from working with - that  
22 ties the hands of those homeowners from working -  
23 or with the Town from working with those  
24 homeowners because of that lawsuit - those

1 lawsuits.

2 The purpose of the mitigation fund is to  
3 be able to start. It is to show that good faith  
4 effort. It's to show the good faith effort of,  
5 you know, our Town Meeting as well as, you know,  
6 reenforcement of the votes that have been taken  
7 last May, last April, over the last several years  
8 to the court system that we want to do something.

9 THE MODERATOR: Okay, Mr. Latimer.

10 MR. LATIMER: Richard Latimer, Precinct  
11 1. I'm going to start with a brief anecdote and  
12 I'm not going to speak very long, but I have  
13 several points I want to make.

14 I've spent a couple of weeks over the  
15 past two years up in Prince Edward Island. There  
16 are wind turbines all over the place, big ones.  
17 Right next to farm houses. I see nothing in the  
18 Charlottetown or Summerside newspapers about wind  
19 turbine syndrome or civil or human rights  
20 violations, some of the absurdities we've heard  
21 here.

22 But, talking with people, because I, you  
23 know, generally am interested in this issue,  
24 talking with people, the buzz is, well, some

1 people have complaints about the noise but  
2 they're satisfied when the power company pays  
3 them money. Now, this is pretty much what polls  
4 all over the world have shown, that when people  
5 are compensated for having to live near these  
6 turbines the complaints generally decrease  
7 markedly. And I'm supporting this article  
8 because that's exactly what this is talking  
9 about, is to build up a fund for compensating the  
10 people who have some legitimate complaints.

11 Now, as has been pointed out, not  
12 everybody complains. There's the squeaky wheels  
13 that have been complaining very loudly, as I  
14 mentioned, with absurd claims about human rights  
15 violations, symposiums at the public library  
16 about that. But there are legitimate concerns.  
17 The large turbine next to your house can be  
18 disconcerting, sure. There may well in fact be  
19 some susceptibilities by some people, but not  
20 everybody, to this infra sound.

21 What all of this amounts to is something  
22 that can easily be compensated under a rational  
23 system of compensation. In fact, that's what we  
24 have. I mean, we've heard Mr. Moriarty wildly

1 talking about \$200 million. Well, you know, I  
2 practice in Barnstable Superior Court and I just  
3 wish you could get that kind of money out of a  
4 Barnstable jury or judge for what is essentially  
5 a nuisance case or a - actually an effective  
6 taking.

7 In fact, one of the plaintiffs in one of  
8 those cases, I forget his name off the top of my  
9 head, has recently said he would be happy if the  
10 Town would pay him the assessed \$380,000 value of  
11 his house so that he could leave. And I agree  
12 with that. That - that's a rational, sensible  
13 approach to this. That is what this proposed  
14 fund will enable the Town to do when it comes  
15 time to do it.

16 There's no reason to delay creating such  
17 a fund. The claim that this will somehow  
18 adversely affect lawsuits is absurd. If  
19 anything, it will find some favor with the judge  
20 if the judge is told the Town is seriously,  
21 through Town Meeting, considering creating a fund  
22 not simply to satisfy the plaintiffs but also to  
23 cure the problem for other people who may not  
24 feel the need to file a lawsuit but who may have

1 some issues.

2           Someone just told us that, well, this  
3 Town Meeting voted by 63 percent, not quite the  
4 two-thirds necessary to tear the turbines down.  
5 Yeah, but the voters of this town, the people who  
6 we represent - we don't represent us, our own  
7 biases. We represent the voters of this town,  
8 that they voted overwhelmingly not to waste money  
9 just to waste more money by tearing the turbines  
10 down. Those voters deserve the opportunity to  
11 vote on a question of whether we are going to go  
12 through mitigation procedures. Whether we're  
13 going to - or for us to vote on that, as to  
14 whether we're going to spend money to mitigate.

15           There are many options here. One that  
16 I have proposed is buyouts, voluntary buyouts.  
17 Now, again, the one gentleman whose name escapes  
18 me right now has said that he'd be willing to  
19 sell for the assessed value of his house. I  
20 would be surprised if there weren't others who  
21 will be in the same boat.

22           There are less drastic means than  
23 buyouts. We could do changes in the way people's  
24 houses - pay for improvements to people's houses.

1 There's a wide -

2 THE MODERATOR: Okay -

3 MR. LATIMER: I'm going to be very  
4 brief. There's a wide range of options that we  
5 could do.

6 But I want to say that there's a wide  
7 range of options that we would have, but tearing  
8 the turbines down is not. Not move the  
9 turbines, move the people who want to be moved to  
10 -

11 THE MODERATOR: Okay, we're not talking  
12 about that, Richard. We're talking about whether  
13 or not to start a mitigation fund, okay?

14 MR. LATIMER: What?

15 THE MODERATOR: We're talking about  
16 whether or not to ask the Selectmen to start a  
17 mitigation fund. I'm not going to get into  
18 whether - the debate, again, about taking them  
19 down.

20 MR. LATIMER: Okay, but the mitigation  
21 fund would provide the means to do that. And  
22 that's why I support it.

23 THE MODERATOR: Okay -

24 MR. LATIMER: And I also want to point

1 out one other thing. We have the option of  
2 taking. Mr. Murphy last year said Falmouth  
3 doesn't do takings. Well, we do. You enjoy  
4 going to Old Silver Beach? That was a taking.  
5 And the Town won in court. They lost on the  
6 issue of the value, but it was a taking and it  
7 was upheld by the court.

8 The parking lots at the Woods Hole  
9 Railroad right of way was also a taking. Henry  
10 Ballantine, a former member of this Town Meeting,  
11 I believe, sued the Town because his bid for the  
12 property was overdone by the Town's taking the  
13 property. Again the Town won basically on the  
14 taking issue.

15 THE MODERATOR: Okay.

16 MR. LATIMER: We have - yes, yes, Andy,  
17 I will be quiet.

18 THE MODERATOR: Okay -

19 MR. LATIMER: I just wanted to point  
20 out that that is an option -

21 THE MODERATOR: All right, Mr.  
22 Latimer.

23 MR. LATIMER: That it's an option we  
24 should not have to pursue.

1 THE MODERATOR: Okay.

2 MR. LATIMER: We should pursue -

3 THE MODERATOR: All right, here we go.

4 Here we go. The question will come on the main  
5 motion as amended. All those in favor signify  
6 by saying aye.

7 [Aye.]

8 THE MODERATOR: All those opposed no.

9 [No.]

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

12 And we'll take a 20 minute break.

13 [Whereupon, recess taken.]

14 THE MODERATOR: All Town Meeting

15 Members present please come forward so we can re-  
16 establish the quorum.

17 [Pause.]

18 THE MODERATOR: Here we go. Quorum  
19 count. All Town Meeting Members present please  
20 rise for the establishment of the quorum and the  
21 tellers will return a count.

22 I want to remind all guests at Town  
23 Meeting that only Town Meeting Members are  
24 allowed to vote. Okay? That's on voice votes

1 and standing votes. So if you are a guest at  
2 this meeting in the back, you are not allowed to  
3 vote during a voice vote, or a standing vote.

4 Okay.

5 [Pause.]

6 THE MODERATOR: In the first division,  
7 Mr. Netto.

8 MR. NETTO: 47.

9 THE MODERATOR: 47.

10 In the third division, Mr. Hampson.

11 MR. HAMPSON: 57.

12 THE MODERATOR: 57.

13 In the second division, Mr. Dufresne.

14 MR. DUFRESNE: 80.

15 THE MODERATOR: Eight zero?

16 MR. DUFRESNE: Eight zero.

17 THE MODERATOR: Eight zero, 80.

18 By a counted vote of 184 we have a  
19 quorum and we're back in session.

20 Based on the last voice vote that we  
21 took before the break, I am getting reports from  
22 folks that were in the back that there were folks  
23 voting on the voice vote. And because of that,  
24 we are going to just take a vote, a standing

1 vote, on the last article. And if this becomes  
2 a problem, then I've got a constable and the  
3 police chief back there to keep an eye on it. If  
4 we see that this is a problem again, we will then  
5 close the bottom of the auditorium only to Town  
6 Meeting Members at the next Town Meeting and all  
7 guests will be in the balcony.

8 It's absolutely unacceptable for  
9 visitors to this forum to breach the rules of  
10 this forum. I want that very clear. You do not  
11 have a Constitutional right according to the  
12 Massachusetts Supreme Judicial Court to speak  
13 before this body, but our Town has a bylaw that  
14 if you're a citizen, resident or taxpayer we give  
15 you the privilege to speak before this body. You  
16 are to speak through the Constitutional rights of  
17 your elected officials and those are the Town  
18 Meeting Members that have the right to vote and  
19 to make amendments.

20 So, at this time we will take a standing  
21 count on Article 27. This was to ask the  
22 Selectmen to establish the mitigation fund. All  
23 those in favor of Article 27, signify by standing  
24 and the tellers will return a count.

1 [Pause.]

2 THE MODERATOR: In the third division,  
3 Mr. Hampson.

4 MR. HAMPSON: 18.

5 THE MODERATOR: 18.

6 In the first division, Mr. Netto.

7 MR. NETTO: Six.

8 THE MODERATOR: Six.

9 In the second division, Mr. Dufresne.

10 MR. DUFRESNE: 22.

11 THE MODERATOR: 22.

12 All those opposed signify by standing  
13 and the tellers will return a count.

14 [Pause.]

15 THE MODERATOR: In the third division,  
16 Mr. Hampson.

17 MR. HAMPSON: 40.

18 THE MODERATOR: 40.

19 In the first division, Mr. Netto.

20 MR. NETTO: 38.

21 THE MODERATOR: 38.

22 In the second division, Mr. Dufresne.

23 MR. DUFRESNE: 57.

24 THE MODERATOR: 57.

1 By a counted vote of 46 in favor and 135  
2 opposed, the motion does not pass.

3 Article 28. Article 28 is another  
4 petitioner's article. The recommendation of the  
5 Board of Selectmen is indefinite postponement.

6 Ms. Driscoll, would you like to place a  
7 positive motion on the floor?

8 MS. DRISCOLL: I place the motion as  
9 printed.

10 THE MODERATOR: As printed, Article 28,  
11 this is to operate the Town turbines by the  
12 manufacturer's specifications.

13 Ms. Driscoll.

14 MS. DRISCOLL: Good evening, Town  
15 Meeting, thank you. Cathy Driscoll, Precinct 7.

16 I've been asked to bring this  
17 petitioner's article to you to ask that we  
18 support operating the turbines per manufacturer's  
19 specifications, and ask the Board of Selectmen to  
20 consider the - what would be the full time or  
21 operate the operational standards of the  
22 turbines.

23 I mentioned in the last article that  
24 back in September when the Board of Selectmen met

1 to determine what the operating protocol would be  
2 for the turbines, the Town administration  
3 provided around eight different operating  
4 scenarios. What you are looking at are four of  
5 those scenarios. The other four that I'm not  
6 showing you all have the turbines operating at a  
7 deficit.

8 The Board of Selectmen, under the  
9 special legislation related to the installation  
10 of the wind turbines, do not allow them to  
11 operate the turbines at a deficit. So, what  
12 we're presenting here today is asking that the  
13 Board of Selectmen essentially reconsider their  
14 September 16<sup>th</sup> vote and look toward operating the  
15 turbines at their manufacturer's specification.  
16 Turning the turbines on and off at the pre-set  
17 times can have some issues with the longevity of  
18 the turbines.

19 There are other ways to be able to meet  
20 the needs of the concerns of the neighbors  
21 through some specialized curtailment. It's  
22 called smart operation; that, when it is either  
23 high winds or wind direction, wind speeds, that  
24 those are the times when those largest number of

1 concerns from the neighbors arise; that those  
2 would be the times in which the turbines could be  
3 curtailed, or, as you see here in these different  
4 scenarios that were presented to the Board of  
5 Selectmen. Once again, with an opportunity for  
6 the ability to do mitigation, which was a strong  
7 recommendation by administration and town  
8 counsel, and also through, you know, the recent  
9 court case of talking with the neighbors and  
10 trying to come to a determination.

11 One of the aspects of the wind turbine  
12 project is to be able to generate those revenues  
13 to be able to not only pay for wind - the debt on  
14 Wind I, but it is also under Wind II where  
15 there's still a question about whether or not  
16 Wind II, the loan, will be turned into a grant.  
17 Under current operating standards, we could  
18 venture to say that we're going to have to repay  
19 the loan on Wind II rather than having that  
20 turned over into a grant.

21 A letter that was received by the Board  
22 of Selectmen last April from -- I think it's on  
23 one of the next slides - from the Massachusetts  
24 Water Pollution Control Abatement Trust, said

1 that if that turbine does not operate according  
2 to the standards of that pilot project for energy  
3 - energy efficiency and renewable energy at  
4 wastewater treatment plant, then the monies that  
5 went toward installing Wind II would end up being  
6 a loan and would need to be repaid.

7 Wind II could be turned into a grant if  
8 it is operational.

9 If I could have you go back a moment.

10 If you - and I know this is hard for  
11 some of you to see based on the angle, but this  
12 is available on the Falmouth Wind Turbine page on  
13 the website, Town of Falmouth website. It's a  
14 report by the Town administration dated September  
15 13<sup>th</sup>.

16 Under one of these conditions, Wind II  
17 could operate 24/7. Wind I could operate for 16  
18 hours a day, which is what its current operation  
19 is. Under this, there would be an 84 percent  
20 production, with revenues over time of almost \$2  
21 million. Okay. This is revenues. Again, we  
22 can decide -- this goes into the Renewable Energy  
23 Stabilization Account -- what we can do with this  
24 money towards other energy projects, whether it

1 be the increased electrical costs under - through  
2 the Wastewater Treatment plant, whether it's the  
3 increased energy costs for the new water  
4 filtration program that's being proposed.

5 But there's also some flexibility.  
6 There's been question about the number of  
7 operating hours for Wind I of being eight hours.  
8 There is room for that 16 hours to be 14 hours.  
9 So that you could meet greater than eight hours  
10 of overnight curtailment. There is flexibility  
11 here that was not really vetted through during a  
12 lot of the process. It was talked about, it was  
13 reported, but when the vote came down to just  
14 operating both turbines 16 hours at a break even  
15 -- it's really not a break even. Because the  
16 energy and the electricity at that wastewater  
17 treatment plant is expected to increase. So that  
18 means that it's not going to be sustainable in  
19 the time that is coming.

20 Your vote tonight will just encourage  
21 the Board of Selectmen to go back and look at the  
22 operating hours as well as the potential for  
23 revenue. And I know you voted down Article 27,  
24 but it still gives - leaves us an open door with

1 lawsuits and legal situations that we would have  
2 funds available should we need them. Thank you.

3 THE MODERATOR: Okay, Ms. Moffitt.

4 MS. MOFFITT: Good evening. Rebecca  
5 Moffitt, Precinct 3. I just want to speak to you  
6 tonight. I want to give you some information  
7 that possibly hasn't been talked about.

8 It's been three years since the turbine  
9 operation has been interrupted and not allowed to  
10 run in the manner that they were manufactured.  
11 This has happened at the request of neighbors who  
12 have felt a change in their health. In three  
13 years, they have shared their stories with the  
14 Town of Falmouth of not being able to function as  
15 they had done previously to the arrival of the  
16 turbines.

17 It's been three years of protest to the  
18 Board of Selectmen, the Board of Health, the  
19 Zoning Board of Appeals. It's been three years  
20 of telling their story that includes the wind  
21 turbine operations process that did not come to a  
22 consensus. It's been three years of writing to  
23 the newspaper, sending emails, attending  
24 meetings. This is what I know.

1                   The Selectmen voted to curtail the  
2                   turbines three years ago in hopes that the state  
3                   would provide financial assistance to help pay  
4                   for the resources that are lost with the  
5                   turbines. There's been no evidence that the  
6                   state will share some of their revenues and  
7                   resources for our turbines.

8                   So today we have many lawsuits. We need  
9                   to respond to them and the turbines need - that  
10                  are not running is not according to the  
11                  manufacturer's recommendation. We need 24/7 as  
12                  far as the manufacturer is concerned.

13                  Clean energy, alternative energy and  
14                  climate control are all part of the purpose of  
15                  the turbines. Falmouth is a town to favor clean  
16                  energy, climate control and alternative energy.

17                  We've talked about a mitigation fund to  
18                  give assistance to the families. In September,  
19                  the Board of Selectmen voted to run the turbines  
20                  at - for 16 hours and that eliminated our  
21                  mitigation fund.

22                  I am asking for an increase in the hours  
23                  of operation to 20 hours so that we can have a  
24                  fund available to assist our neighbors. The

1 fund would allow the purchase of homes so that  
2 our neighbors can have their holidays and  
3 grandchildren and families together. Some of  
4 the most negative actions for Falmouth could be a  
5 possibility if the turbines run for less than 20  
6 hours a day.

7 I will quote our Town Manager in his  
8 affidavit to the court, that the Town has a - if  
9 the Town has a permanent shutdown, the cost of  
10 lost RECs is \$2,054,808. The Town will be  
11 required to make all of these payments from  
12 general revenue. From the taxpayers, as there is  
13 no revenue from the sale of electricity and the  
14 RECs to make these payments.

15 The Massachusetts Water Pollution  
16 Abatement Trust, or known as the Trust, will not  
17 allow the Town for forgiveness on our ARRA loan.  
18 A-R-R-A. The Town cannot borrow to repay  
19 indebtedness as the state of Massachusetts  
20 prohibits it.

21 Now let's talk about Vestus, the  
22 manufacturer of the turbines. Our turbines are  
23 designed and manufactured to run continuously.  
24 The Town contacted Vestus concerning the turbines

1 not running continuously and Vestus did not have  
2 any information to give us that that has not been  
3 an issue for them. The Town Finance Director  
4 has project \$6,531,824 as a deficit if the  
5 turbines are shut down. If this happens, there  
6 will be glaring deficits and will eliminate  
7 current programs and services that are not  
8 provided.

9 There will be a preparation for this  
10 imminent financial crisis. Also on the horizon  
11 is our bonding. Municipal bond rating agencies  
12 review a town's projected revenue, operating  
13 budget, available reserves and to determine the  
14 municipal bond rating for borrowing purposes.  
15 I'm asking each one of you to consider the effect  
16 on our town if the turbines are running less than  
17 20 hours a day. They serve a municipal purpose.  
18 Thank you.

19 THE MODERATOR: Ms. Peterson. And  
20 then Mr. Netto.

21 MS. PETERSON: Laura Peterson, Precinct  
22 3.

23 I'd like to thank Kathy Driscoll and  
24 others who brought this towards - for us for our

1 review. I don't usually stand up here to speak  
2 to all of you. I usually stand over there in my  
3 corner, but I think it's important that I look at  
4 all of you in the face and I tell you that I'm  
5 someone who cares about Falmouth and I'm a caring  
6 person and I support Article 28. And the reason  
7 why I can stand here and look at all of you and  
8 say that is because, without the revenues, with  
9 the loss of revenues by not running the wind  
10 turbines, we're going to have to cut into  
11 programs that make Falmouth the exceptional  
12 community that it is. A community that I'm  
13 really proud of, and that I work very hard for to  
14 make sure that we have what we need for our  
15 citizens, including students, including the  
16 elderly.

17 I would love to get a center for a  
18 Senior Center for the elderly, but that's going  
19 to require money.

20 And the reason why I also wanted to talk  
21 about Article 28 is because we had 6,001 voters  
22 vote in May in support - actually not in support.  
23 Not in support of taking down the wind turbines.  
24 So are you telling me that they voted to leave

1           them up and not have them run? That makes no  
2           sense to me. And I can't faithfully represent my  
3           precinct or two-thirds who voted without asking  
4           that question.

5                        So, I wanted to bring that before you.  
6           I think it's something we need to think about. I  
7           think it's also something that you need to see  
8           that I'm committed to Falmouth like so many  
9           others in this room and so many others, you know,  
10          throughout the whole town.

11                       But the things that we do that make  
12          Falmouth special require money. And I'm  
13          concerned that without the funds from these  
14          turbines it's going to affect our standard of  
15          living here in Falmouth and I think it's  
16          something that we should consider, because  
17          Falmouth can still be a caring place as long as  
18          we go back to the mitigation funds where we're  
19          helping these people get the support that they  
20          need, and I'm hoping that you will vote in favor  
21          of Article 28. Thank you.

22                       THE MODERATOR: Okay, Mr. Netto.

23                       MR. NETTO: Joe Netto, Precinct 9.

24                       I come to the podium because this is not

1 for or against the wind turbines, I think, and  
2 obviously the petitioner's article here is asking  
3 for the full operation. And I'm asking you to  
4 vote on this article where the - forget about if  
5 you're for turbines or against them because I  
6 think - and I'll ask Town Counsel through the  
7 Moderator his legal opinion. But since this  
8 article in the warrant booklet was published,  
9 we've had a judge, as Mr. Moriarty has reminded  
10 us. I'm sure we all read in the paper.

11 And, if I'm not mistaken, the Board of  
12 Selectmen have not had a meeting since the judge,  
13 correct, Mr. Putnam? That's not - you haven't  
14 had a meeting since the judge gave the ruling?  
15 You have? Have you come up with a decision?

16 THE MODERATOR: Mr. Putnam.

17 MR. NETTO: Because I think it would be  
18 pertinent to this article, then.

19 THE MODERATOR: Mr. Putnam. Can you  
20 just -

21 CHAIRMAN PUTNAM: If I may, I've got a  
22 few -

23 THE MODERATOR: Yeah, can you speak  
24 from there or?

1 CHAIRMAN PUTNAM: I'd prefer down  
2 there, if you don't mind.

3 THE MODERATOR: Okay. I mean, we  
4 might as well stop renting these mics. Go ahead.

5 [Laughter.]

6 MR. NETTO: I'm glad I asked the  
7 question, then, because I guess we've got a  
8 decision.

9 CHAIRMAN PUTNAM: Brent Putnam,  
10 Chairman of the Board. I apologize, Folks, I  
11 much prefer to address you from down here than  
12 from on high. A pet peeve, I guess, but.

13 First of all, I'd like to make it clear  
14 - and while I appreciate Ms. Moffitt's position,  
15 I want to make it clear that it is her position  
16 and not the position of the Board.

17 And I'd also like to correct a few  
18 things that have been said.

19 A few speakers have talked about what  
20 essentially are a parade of horrors and  
21 financial crises that we're suddenly facing, and  
22 that is not the case. The ARRA grant is not a  
23 loan that is going to become a grant; it's a  
24 grant that the state has threatened to turn into

1 a loan. And one of the reasons why the Board  
2 voted to increase the operation of the turbines  
3 from 12 to 16 hours a day was to help satisfy the  
4 state's concerns that the turbines were not being  
5 operated enough.

6 We are currently - and again, I stated  
7 earlier, that these are some sensitive issues.  
8 To answer Mr. Netto's question, yes, we had an  
9 executive session earlier this evening. We're  
10 going to be having another executive session next  
11 Monday. We are working on this thing week in and  
12 week out.

13 The Town Manager's Office is in constant  
14 contact with the state trying to work out the  
15 details of the ARRA grant, trying to work out the  
16 situation with the renewal energy credits. At  
17 this point, there is no parade of horrors. It  
18 is a delicate balance.

19 We have to on the one hand be  
20 considerate of the neighbors, and we're trying to  
21 help them out, we're trying to address their  
22 concerns, but of course there is a financial  
23 impact, and that's where we are today with the 16  
24 hour a day operation. It is a zero sum game.

1                   There was a slide from the presentation  
2                   showing the numbers; could we get that back up  
3                   there? Because I'd like to show, folks - it was  
4                   said that energy costs are going to increase and  
5                   we're going to go in the red. In fact, the slide  
6                   shows you the opposite. And we had this  
7                   information, and what you don't see on the slide  
8                   - or you don't see on the slide is there were  
9                   other options that were also presented to the  
10                  Board, and each and every option, ladies and  
11                  gentlemen, as time goes on and the loan for the  
12                  Wind I is paid down, the revenues go up. Even  
13                  for the 16 hour a day operation.

14                  That's why we chose the 16 hour a day  
15                  operation, it's revenue neutral. It's not going  
16                  to put us in the red; it's not going to give us a  
17                  load of cash as some of these things do. It was  
18                  a compromise position in order to try to address  
19                  concerns and not put the Town in the red.

20                  I can't stress enough that we are  
21                  working on this and there are a lot of issues to  
22                  be resolved and a lot of difficult questions that  
23                  need to be answered. But there's also a lot of  
24                  misinformation that's being presented and I

1 really don't have enough time, I don't think we  
2 all have enough time here to go over some of the  
3 things that are being said and some of the  
4 information that's being tossed around.

5 We simply ask as we did before, we're  
6 recommending indefinite postponement on this  
7 article. Thank you.

8 THE MODERATOR: Mr. Netto.

9 MR. NETTO: So the answer to my  
10 question have you voted to abide by the judge's  
11 decision of 12 hours, can we be privy to that  
12 now?

13 CHAIRMAN PUTNAM: I will give you the  
14 same answer that I said before, Joe. Contrary to  
15 published reports, the Board has not voted to  
16 make any change to the operating hours of the  
17 turbines. We do not have a decision from any  
18 judge at this time.

19 MR. NETTO: Well, in ending, then,  
20 again, I think when these articles get presented  
21 to us, we are now in a legal process. And,  
22 again, whether you are for or against the  
23 turbines, I don't think any of us, as Town  
24 Meeting Members, would want to vote to jeopardize

1 the Town of Falmouth's legal position.

2 And my attitude now towards all of these  
3 turbine articles is to indefinitely postpone them  
4 and not jeopardize the people's position that are  
5 on the stage. They're the ones who are dealing  
6 with the legal process. I'm sure there's things  
7 that they know that they can't tell us because of  
8 the legal process. And if Town Meeting votes  
9 yes or no on certain articles, that that could  
10 lead and jeopardize our position.

11 I think now it's a neutral position.  
12 That's my personal vote, is I will vote nothing.  
13 And I'm not a person that doesn't like to do  
14 nothing. But I think this is out of our hands,  
15 now. And we have to respect it.

16 David and I had a conversation up there  
17 after the last meeting, and we both came to that  
18 agreement. No matter what side you're on, now,  
19 it's in the legal process.

20 So, again, whether for it or against it,  
21 I would urge you to vote for indefinite  
22 postponement of this. I personally are not  
23 taking any vote that's going to, if we have to  
24 use that terminology, pick a side. And let our

1 elected Board of Selectmen with the legal  
2 counsel, and the legal system, solve this problem  
3 for us, because now it's out of our hands. Thank  
4 you.

5 THE MODERATOR: Okay, Ms. Bumpus.

6 MS. BUMPUS: I respectfully ask that we  
7 call the question.

8 THE MODERATOR: Okay, we have a motion  
9 to close discussion, move the previous question.  
10 Two-thirds.

11 All those in favor signify by saying  
12 aye.

13 [Aye.]

14 THE MODERATOR: All those opposed no.

15 [No.]

16 THE MODERATOR: It's the opinion of the  
17 Chair that the ayes have it by the two-thirds and  
18 discussion is closed.

19 Discussion will then come on the main  
20 motion, the main motion as printed. All those in  
21 favor, signify by saying aye.

22 [Aye.]

23 THE MODERATOR: All those opposed no.

24 [No.]

1 THE MODERATOR: It's the opinion of the  
2 Chair is that the no's have it by a majority and  
3 I so declare.

4 Article - Mr. Latimer.

5 MR. LATIMER: [No mic:] I make a motion  
6 for reconsideration Article 27.

7 THE MODERATOR: Based on what  
8 substantially new information that wasn't  
9 available at the time of the vote?

10 With the microphone. What's the  
11 substantially new information not available?

12 MR. LATIMER: To clarify through Town  
13 Counsel what has been misrepresented about the  
14 legalities of the pending lawsuit. Some of it  
15 coming from Mr. Moriarty about \$250,000 million.  
16 The plaintiffs aren't even seeking damages. What  
17 the plaintiffs in those cases are seeking -

18 THE MODERATOR: Richard, your argument  
19 is not substantially new information that wasn't  
20 available at the time of the debate. The  
21 lawsuit hasn't changed. Nothing's changed in the  
22 last 40 minutes -

23 MR. LATIMER: Oh, I -

24 THE MODERATOR: - other than my

1           patience.

2                   MR. LATIMER:    I've spoken with some  
3           people who didn't understand that.

4                   THE MODERATOR:    Okay -

5                   MR. LATIMER:    Who didn't understand  
6           those issues.  Because -

7                   THE MODERATOR:    Well, I understand that  
8           the motion to reconsider is not in order.

9                   Article 29.  Article 29 is a  
10          petitioner's article.  The Board of Selectmen is  
11          recommending indefinite postponement.  This was  
12          petitioned by Mr. Kisiel and he is not here with  
13          us tonight, so Mr. Hampson, are you going to make  
14          a position motion on Article 29?

15                   MR. HAMPSON:    Mr. Moderator, I made a  
16          boo-boo.

17                   THE MODERATOR:    Okay.

18                   MR. HAMPSON:    I was presented by Mr.  
19          McGrath an addendum to this article and I  
20          misplaced it.

21          [Laughter.]

22                   MR. HAMPSON:    So, what I'm asking is is  
23          it all right for him to present -

24                   THE MODERATOR:    Town Meeting has to put

1 a main motion on the floor, and if he's going to  
2 change the wording, I need a copy. Otherwise,  
3 I'm going to take IP and we're going to vote on  
4 it right now.

5 The petitioner wanted this before Town  
6 Meeting; he should have made sure that the motion  
7 was in the hall during Town Meeting.

8 Does someone have the motion in writing?

9 MR. MCGRATH: It was in it.

10 THE MODERATOR: At this point the Chair  
11 would entertain a motion from the Board of  
12 Selectmen for indefinite postponement.

13 Mr. Chairman.

14 CHAIRMAN PUTNAM: Mr. Moderator, the  
15 Board moves indefinite postponement.

16 THE MODERATOR: You've all heard the  
17 main motion: indefinite postponement. All those  
18 in favor, signify by saying aye.

19 [Aye.]

20 THE MODERATOR: All those opposed no.

21 [No.]

22 THE MODERATOR: The ayes have it by a  
23 majority.

24 Article 30. This is a Board of

1 Selectmen for the main motion.

2 CHAIRMAN PUTNAM: Mr. Moderator, the  
3 Board moves that the Town vote to transfer \$2500  
4 from the Building and Fire Code Receipts Reserved  
5 for Appropriation Account to the Fire Department  
6 Wage and Salary Line Item 12 --01 - excuse me -  
7 01220-5110 for the purpose of paying the Fire  
8 Prevention Hearing Officer. Said funds to be  
9 expended under the jurisdiction of the Fire  
10 Chief.

11 THE MODERATOR: Okay, the main motion  
12 is as recommended in the warrant booklet. Any  
13 discussion?

14 Hearing none, the motion will come as  
15 recommended. All those in favor, signify by  
16 saying aye.

17 [Aye.]

18 THE MODERATOR: All those opposed no.

19 [No.]

20 THE MODERATOR: The ayes have it by a  
21 majority.

22 Article 31. This begins the Community  
23 Preservation Committee articles.

24 Madame Chairman.

1 CHAIRMAN HANEY: We recommend Article  
2 31 as printed.

3 THE MODERATOR: Move as recommended.

4 Okay, the main motion, Article 31, as  
5 recommended. This is for the Lawrence Academy  
6 building, a sum of \$210,000 from Fiscal Year 2014  
7 Community Preservation estimated revenues for  
8 funding a capital improvement to the roof and the  
9 cupola.

10 Any discussion on Article 31? Mr.  
11 Dufresne.

12 MR. DUFRESNE: I'm strongly in favor of  
13 this project. Adrien Dufresne, Precinct 2.

14 My concern is it presently has an  
15 asphalt roof, am I - ? Yes.

16 MS. HANEY: Yes, it does.

17 MR. DUFRESNE: Is it mandatory that it  
18 become a wood roof and does that affect the  
19 insurance policy on the building?

20 THE MODERATOR: Ms. Haney.

21 MS. HANEY: I -

22 MR. DUFRESNE: If it changes to a wood  
23 roof, usually the insurance cost goes up.

24 MS. HANEY: That I don't know, but the

1 plan is to do a wood roof.

2 MR. DUFRESNE: But is it mandatory  
3 under the use of the Community Preservation  
4 monies?

5 MS. HANEY: The Secretary of the  
6 Interior's standards recommends it.

7 MR. DUFRESNE: It must be -

8 MS. HANEY: Yes.

9 MR. DUFRESNE: - wood. I hope we vote  
10 this article.

11 THE MODERATOR: Okay. Further  
12 discussion? Back right.

13 MR. PETERSON: Tom Peterson, Precinct  
14 1. I also have a question about the roof. I'm  
15 not a roofing expert, but in my job I've been on  
16 a number of roofs in the course of my lifetime.  
17 And I don't see the need for a wood shingled roof  
18 on that roof.

19 First of all, it costs about at least  
20 two or three times as much as an ordinary asphalt  
21 roof. They don't last any longer. And that  
22 particular roof, you can't even see it until  
23 you're standing way back in the parking lot at  
24 Peg Noonan Park on the east side, and on the west

1 side you can't see it at all because it's covered  
2 with trees. So I can't see the advantage of  
3 putting this historically correct wood shingled  
4 roof on it where you can't see it and there's no  
5 real benefit to the Town. And I'm just - I think  
6 we ought to look into spending our money more  
7 wisely on the roof.

8 THE MODERATOR: Ms. Haney.

9 MS. HANEY: I understand your comment  
10 and I could see that if you think about it in one  
11 way, but this is the Community Preservation  
12 Committee. We don't have money to repair  
13 buildings just because the roof needs replacing.  
14 We have to do things in a way that's going to  
15 preserve the historic nature of the building.  
16 That's the law.

17 THE MODERATOR: Okay. Mr. Donahue.

18 MR. DONAHUE: Bob Donahue, Precinct 3.  
19 Through you, Mr. Moderator, to -. How old is  
20 this building, first of all? I'm relatively  
21 new; I didn't even know it existed, but how old?

22 MS. HANEY: It's at least 200 years  
23 old.

24 MR. DONAHUE: Okay, so 200 years ago

1 they used wood on the roof. So I guess we're -  
2 we're hooked into it if we had - you're saying  
3 that by law we have to put a wood roof on, is  
4 that what you're saying?

5 MS. HANEY: The Community Preservation  
6 Act requires that we use the Secretary of the  
7 Interior's highest standards.

8 There can be an argument made for an  
9 asphalt roof. However, in this case, this  
10 building is a very historic building, and we're  
11 losing our buildings in this town. We plan to  
12 put a Preservation Restriction on the outside of  
13 the building and it will preserve it.

14 MR. DONAHUE: How long - one last  
15 question, excuse me.

16 MS. HANEY: Uh-huh.

17 MR. DONAHUE: How long has the current  
18 asphalt roof and previous roofs been on it? Do  
19 we have an history on?

20 MS. HANEY: I don't have a history and  
21 nobody seems to know how long that asphalt roof  
22 has been there, but it was a wood roof before  
23 that, in all of the older pictures.

24 MR. DONAHUE: Oh.

1 Thank you, Mr. Moderator.

2 THE MODERATOR: Okay, Ms. Hayward.

3 Over on the right, Ms. Hayward.

4 MS. HAYWARD: Nancy Hayward. I'm a  
5 member of the Falmouth Historical Commission.

6 This building is the Chamber of Commerce  
7 building. This is listed on the Cultural  
8 Resources Inventory. This is a Town-owned  
9 building and the money from the CPC comes to help  
10 keep this as an historically appropriate building  
11 by putting this cedar shingle roof on the  
12 building.

13 I certainly hope that you will help the  
14 Town keep its quality and appropriate appearance  
15 of one of its more historic buildings, thank you.

16 THE MODERATOR: Mr. Brown.

17 MR. BROWN: So the asphalt roof is 25  
18 or 26 years old and it had an asphalt roof on it  
19 before that.

20 THE MODERATOR: Okay, any further  
21 discussion, Article 31?

22 Okay, the question will come on the main  
23 motion. All those in favor, signify by saying  
24 aye.

1 [Aye.]

2 THE MODERATOR: All those opposed, no.

3 [No.]

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

6 Article 32, Madame Chairman.

7 CHAIRMAN BUCKLAND: Mr. Chairman.

8 CHAIRMEN HANEY: Mr. Chairman.

9 THE MODERATOR: Mr. Chairman, I'm  
10 sorry.

11 CHAIRMAN BUCKLAND: We're splitting up  
12 responsibilities. Ken Buckland, Precinct 2, Co-  
13 Chairman of the Community Preservation Committee.

14 I move Article 32 as recommended.

15 THE MODERATOR: I'm sorry for my  
16 ignorance. Who is the actual chair? Are you  
17 co-chairs, considered, or?

18 CHAIRMAN BUCKLAND: Co-chairs, yes.

19 THE MODERATOR: Okay. I'm sorry.

20 I thought Ms. Haney was the - the chair  
21 of the committee. So this is -

22 CHAIRMAN BUCKLAND: Maybe she should  
23 be.

24 THE MODERATOR: No, I just -

1 [Laughter.]

2 THE MODERATOR: I guess I should have  
3 known before coming to Town Meeting that we had  
4 co-chairs versus a chair, so I apologize.

5 So -

6 CHAIRMAN BUCKLAND: Quite all right.

7 THE MODERATOR: - the main motion is as  
8 recommended. This is to vote to appropriate  
9 the sum of \$50,000 from the 2004 Community  
10 Preservation estimated revenues for the design,  
11 engineering, permitting and ecological  
12 restoration and access improvements to Little  
13 Pond Conservation Area.

14 THE MODERATOR: Discussion on Article  
15 32?

16 Hearing none, then the question will  
17 come - Mr. Finneran.

18 MR. FINNERAN: The ecological  
19 restoration, does that mean any part of this is  
20 going to revert back to the swamp that it was and  
21 it may mitigate some of the nitrogen that flows  
22 through there?

23 CHAIRMAN BUCKLAND: That's quite  
24 possible, in the plan that's being done.



1 Article 33, Mr. Chairman?

2 CHAIRMAN BUCKLAND: I move Article 33  
3 as recommended.

4 THE MODERATOR: Okay. As recommended.  
5 This is to vote to appropriate the sum of \$64,406  
6 from Fiscal '14 Community Preservation estimated  
7 revenues for the purpose of renovating the East  
8 Falmouth Elementary School playground and to  
9 comply with the Americans With Disability Act.  
10 Any discussion on Article 33?

11 CHAIRMAN BUCKLAND: If I could start,  
12 first?

13 THE MODERATOR: Yes, Mr. Chairman.

14 CHAIRMAN BUCKLAND: Just to let Town  
15 Meeting know, as you probably recognize there are  
16 quite a few recreational articles - recreational  
17 projects that come before the CPC, and for the  
18 use of the CPA funds this year. That's because  
19 of a change in the state law that says that you  
20 can use - that you can use the CPA funds for the  
21 purpose of improvement of recreational - outdoor  
22 recreation.

23 It's also because Heather Harper, the  
24 Assistant Town Manager, spent some time with a

1 group of people that she pulled together a team  
2 to list out what the capital improvement projects  
3 would be - would be appropriate for recreational  
4 needs and the needs of the community.

5 These are the first of those projects  
6 coming through. Right now, it's an eight year  
7 plan. I don't mean to steal thunder from  
8 Heather, but it's the kind of plan that we like  
9 to see because then we understand what the long-  
10 term improvements might be for the use of CPA  
11 funds, in particular for recreational projects.

12 THE MODERATOR: Okay, Ms. Putnam.

13 MS. PUTNAM: Rebecca Putnam, Precinct  
14 9.

15 I just want to say I hope you all are in  
16 favor of this. The PTO at the East Falmouth  
17 Elementary School, which my sister has been  
18 heavily involved with this playground, they  
19 raised over a hundred thousand dollars in a year  
20 and a half to do the main playground, and this is  
21 for the preschool portion that still needs to be  
22 renovated. So I hope that you all are in favor  
23 of this and vote it. Thank you.

24 THE MODERATOR: Okay, any further

1 discussion on Article 33?

2 Seeing none, the question will then come  
3 on the main motion as recommended. All those in  
4 favor, signify by saying aye.

5 [Aye.]

6 THE MODERATOR: All those opposed, no.

7 [None oppose.]

8 THE MODERATOR: The ayes have it  
9 unanimous.

10 Article 34, Mr. Chairman.

11 CHAIRMAN BUCKLAND: I move Article 34  
12 as recommended.

13 THE MODERATOR: As recommended. This  
14 is to vote to appropriate the sum of \$196,948  
15 from the Community Preservation Undesignated Fund  
16 Balance for the purpose of making improvements to  
17 the Sandwich Road Field Complex, and to comply  
18 with the Americans With Disabilities Act.

19 Any discussion on Article 34? Mr.  
20 Stetcher.

21 Yeah, I'll add you on the list, Andy.

22 Mr. Stetcher and then Mr. Dufresne.

23 MR. STETCHER: I don't want to speak  
24 for or against this. I just want to bring

1 something to the attention of Town Meeting.

2 Tonight we're going to be voting for or  
3 against \$250,000 for the athletic fields at the  
4 High School. This is going to be \$196,948 for  
5 the paving, more or less, of the parking lot.  
6 Excuse me. And we've already voted \$200,000 for  
7 lights at the Administration Softball Field. So  
8 we come up with \$576,948 so far that we're going  
9 to be deciding tonight, and I just want the Town  
10 Meeting Members to realize we're spending a lot  
11 of money on athletic fields and recreation.  
12 That's all.

13 THE MODERATOR: Okay. Mr. Dufresne.

14 MR. DUFRESNE: Adrien Dufresne,  
15 Precinct 2.

16 Just a quick question. There are no  
17 structures. Could you explain very briefly what  
18 the \$196,948 is going to do for the fields?  
19 Because the fields are already completed to my  
20 knowledge, they're already fenced off, to my  
21 knowledge, and I'm very familiar and I'm a strong  
22 supporter of fields for the purpose. But what  
23 costs 196?

24 THE MODERATOR: Mr. Buckland.

1 CHAIRMEN BUCKLAND: Good question. The  
2 - the - the cost is - is associated with a  
3 parking lot, improvements to the landscaping  
4 around the parking lot, then the grading. The  
5 ADA accessibility, the Americans With  
6 Disabilities Act accessibility, and a basketball  
7 court.

8 MR. DUFRESNE: Thank you.

9 THE MODERATOR: Mr. Anderson.

10 MR. ANDERSON: Gary Anderson, Precinct  
11 7.

12 First I would like to express my thanks  
13 to the CPC. Over the many years, they have done  
14 a lot of hard work, a lot of diligence, and  
15 certainly appreciate their efforts.

16 Having said that, I have a question or a  
17 request of the CPC, and it applies to Article 34,  
18 35 and 38, and on an ongoing basis any other  
19 articles.

20 By way of reference, in each spring we  
21 have an Article 4 in the warrant which is a  
22 standard article, and it says, "To see if the  
23 Town will authorize the Board of Selectmen to  
24 apply for and accept state or federal grants they

1       deem beneficial to the Town, provided that the  
2       Board of Selectmen shall hold a public hearing  
3       prior to the Board's acceptance of any such grant  
4       if said grant requires the Town to meet future  
5       conditions or requirements, including anticipated  
6       future costs to the Town."

7                 In the explanation of that, there is a  
8       standard explanation by the Finance Committee.  
9       It says, "The Finance Committee is concerned  
10      about equipment or programs that are obtained  
11      through grants which cost nothing at the outset,  
12      but eventually will cost taxpayers money in  
13      future years. These anticipated costs should be  
14      projected at the time the grants are accepted by  
15      the Board of Selectmen in order to forecast needs  
16      that will be included in the budget."

17                I would request that the CPC do a  
18      similar analysis when they are evaluating the  
19      projects. The reason being is we are looking at  
20      fields, we are looking at basketball courts;  
21      Article 35 is for a skate park facility. And I  
22      would ask Mr. Jack of the DPW if he has  
23      anticipated in his costs or in his future budgets  
24      what will be the maintenance of these new things

1 that we're getting. Thank you.

2 THE MODERATOR: Okay, want to comment,  
3 Mr. Buckland?

4 CHAIRMAN BUCKLAND: We do - the CPC  
5 does consider the maintenance costs associated  
6 with the projects. That's part of our  
7 application reviews. I don't have the numbers  
8 for that - the maintenance for this particular  
9 facility that I can find at this point, but we do  
10 consider that as part of our review of  
11 applications.

12 THE MODERATOR: Okay. Ms. Alliegro.

13 MS. ALLIEGRO: Thank you. Mary Ann  
14 Alliegro, Precinct 7.

15 I just have a question again as far as  
16 the allotment of the \$196,000. If - how much of  
17 that is for the basketball court and fencing and  
18 how much of that would go towards a parking lot?  
19 And then, just to follow that up after it's  
20 answered, if the majority of that is for a paved  
21 parking lot, would it be considered that we maybe  
22 have a shell lot or something else in this area  
23 that, you know, we can use that would be much  
24 less expensive - if that's where most of the

1 money is going.

2 THE MODERATOR: Mr. Buckland.

3 CHAIRMAN BUCKLAND: I have a list of  
4 description; there are about 20 items on there.  
5 It includes the - the clearing and grading for  
6 the basketball court area; the fencing itself, as  
7 well. And I would estimate it's probably about  
8 \$15,000 for the basketball court.

9 A significant amount of the cost is the  
10 paving and the drainage associated with it, that  
11 comes along with the proper construction of a  
12 parking lot.

13 THE MODERATOR: Mr. Stetcher.

14 MR. STETCHER: In looking at the  
15 capital budget, I find a line item for the - a  
16 new soccer field at Sandwich Road starting in  
17 2019, \$250,000 a year for five years for a new  
18 soccer field at this place. Is this going to  
19 replace the ball field or be in addition to the  
20 ball field?

21 THE MODERATOR: We're getting off of  
22 what we're doing here. We're making an  
23 appropriation for the Community Preservation  
24 Committee. Questions about the future of the

1 capital plan should have been done in the capital  
2 planning article.

3 Mr. Latimer.

4 MR. LATIMER: I call the question.

5 THE MODERATOR: Okay. Mr. Latimer's  
6 moving the previous question.

7 All those in favor of closing  
8 discussion, signify by saying aye.

9 [Aye.]

10 THE MODERATOR: All those opposed no.

11 [No.]

12 THE MODERATOR: The ayes it by the two-  
13 thirds and the question is closed.

14 The question will now come on the main  
15 motion as recommended. All those in favor,  
16 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.

22 Mr. Chairman, Article 35.

23 CHAIRMAN BUCKLAND: Article 35 I move  
24 as recommended.

1 THE MODERATOR: As recommended. This  
2 is to appropriate the sum of \$185,000 from Fiscal  
3 '14 Community Preservation estimated revenues for  
4 the purpose of constructing a new skate park  
5 facility located at the Trotting Park Fields and  
6 to comply with the Americans With Disabilities  
7 Act.

8 Discussion on Article 35.

9 Hearing - Mr. Donahue.

10 MR. DONAHUE: Mr. Moderator, Bob  
11 Donahue, Precinct 3. Mr. Moderator, I'd like a  
12 clarification. You said Trotting Park Field? Is  
13 that the new field - the new park that we have in  
14 Teaticket?

15 FROM THE FLOOR: No, no.

16 MR. DONAHUE: Where is Trotting Park?

17 FROM THE FLOOR: [Inaudible].

18 THE MODERATOR: Mr. Buckland.

19 CHAIRMAN BUCKLAND: It's off Gifford  
20 Street.

21 MR. DONAHUE: Off of Gifford Street?

22 CHAIRMEN BUCKLAND: Yes.

23 THE MODERATOR: Yes. It's right -

24 MR. DONAHUE: On the same side as the

1 pond?

2 CHAIRMAN BUCKLAND: No, no the other  
3 side.

4 MR. DONAHUE: Over near the Little  
5 League field?

6 CHAIRMAN BUCKLAND: It is.

7 MR. DONAHUE: Okay, thank you.

8 THE MODERATOR: Mr. Latimer.

9 MR. LATIMER: A little history. A  
10 hundred or so years ago, trot racing - trotting  
11 racing was very big. People I'm sure were  
12 wagering on the outcomes and there is a racetrack  
13 that's still there that goes around the fields,  
14 which has now been converted to soccer fields and  
15 youth athletics. It lies off of Trotting Park  
16 Road on one side, which is a little road that  
17 comes off of Teaticket Square where the Teaticket  
18 Market used to be and Gifford Street. It's a  
19 very nice facility for people who would like to  
20 go out there and just walk around the park, even  
21 if you don't have a kid playing soccer.

22 THE MODERATOR: Okay, so the question  
23 is going to come on the main motion as  
24 recommended. All those in favor signify by

1 saying aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [No.]

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

7 Article 36, Mr. Chairman.

8 CHAIRMAN BUCKLAND: I move Article 36  
9 as recommended.

10 THE MODERATOR: As recommended. This  
11 is vote to appropriate the sum of \$63,735 from  
12 Fiscal '14 Community Preservation estimated  
13 revenues for the purpose of creating a wetlands  
14 path, boardwalk and an observation platform at  
15 Teaticket Park and to comply with the Americans  
16 with Disabilities Act.

17 Any discussion on Article 36?

18 Hearing none, then the question will  
19 come on the main motion as recommended. All  
20 those in favor, signify by saying aye.

21 [Aye.]

22 THE MODERATOR: All those opposed, no.

23 [None opposed.]

24 THE MODERATOR: The ayes have it

1 unanimous.

2 Article 37, Mr. Chairman.

3 CHAIRMAN HANEY: [Inaudible].

4 THE MODERATOR: Madame Chairman. I  
5 have to look before.

6 CHAIRMAN HANEY: We recommend Article  
7 37 as recommended.

8 THE MODERATOR: As recommended. This  
9 is to vote to appropriate the sum of \$17,463 from  
10 Fiscal '14 Community Preservation estimated  
11 revenues for the purpose of purchasing beach  
12 parking lot gates for Menauhant, Surf Drive and  
13 Bristol beaches.

14 THE MODERATOR: Discussion on Article  
15 37?

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

19 [Aye.]

20 THE MODERATOR: All those opposed, no.

21 [No.]

22 THE MODERATOR: The ayes have it by a  
23 majority.

24 Article 38, Madame Chairman.

1                   CHAIRMAN HANEY:    We recommend Article  
2                   38 as recommended.  This is for the High School  
3                   all purpose athletic field.

4                   Just as an explanation for this, we're  
5                   recommending this money because we feel that this  
6                   field should be given a chance.  Whether you  
7                   believe the Town should be funding it or not  
8                   funding it in the spring, that shouldn't really  
9                   enter into this.

10                  The way we have this set up in our  
11                  letter of agreement, we would have the - all of  
12                  the money raised for this field before our money  
13                  goes in last.  So if the money isn't raised for  
14                  the field, the rest of the money, the Town  
15                  doesn't expend the \$250,000.

16                  So I feel that if the Community  
17                  Preservation Act money is committed, it does help  
18                  significantly in fund-raising for the group  
19                  that's trying to get this going.  If we refuse to  
20                  put any money towards that, it really is a  
21                  message that gets sent out to private funders and  
22                  foundations.  So I feel it's important that we  
23                  put some money behind this and the Town has  
24                  nothing to lose.

1                   So we'd recommend that you vote for  
2                   this, please.

3                   THE MODERATOR:    Okay, Mr. Latimer.

4                   MR. LATIMER:     Richard Latimer, Precinct  
5                   1.

6                   I am one of the original Clippers.  In  
7                   1958 and '59, playing football as a Freshman and  
8                   a JV player, we were the Maroon Marauders; we  
9                   were not Clippers.  So I go back a long ways on  
10                  Fuller Field.  And I've come around reluctantly  
11                  to the position that maybe the facility, the  
12                  football facility, should be moved closer to the  
13                  high school and leave Fuller Field for baseball,  
14                  the Commodores.

15                  However I have one caveat where the lot  
16                  of discussion has been made on the issue of  
17                  putting phoney turf out there.  I am adamantly  
18                  opposed to that and I would be adamantly opposed  
19                  to any proposal to spend money on phoney turf.  
20                  If we're going to spend that kind of money, we  
21                  would be better off protecting the safety of our  
22                  high school athletes by investing in dual shell  
23                  helmets rather than spending money on phoney  
24                  turf.

1                   But that's my only caveat on this. I  
2                   would agree at this point, since we have no  
3                   specifics, that we vote for this article but look  
4                   very closely at it when it comes up again as to  
5                   exactly what the money is going to be spent on.

6                   THE MODERATOR: Ms. Haney.

7                   CHAIRMAN HANEY: I think you'll be  
8                   happy to know that the Community Preservation Act  
9                   does not allow for us to spend money on  
10                  artificial turf.

11                  MR. LATIMER: Good.

12                  CHAIRMAN HANEY: So rest assured that  
13                  money will not go towards artificial turf.

14                  THE MODERATOR: Mr. Lowell.

15                  MR. LOWELL: Nick Lowell, Precinct 5.  
16                  Vice Chairman of the Finance Committee.

17                  The Finance Committee did vote on this  
18                  and we took the rare step of not concurring with  
19                  the CPC, which is fairly unusual for us.

20                  Now, I will speak for myself from here  
21                  on in. I personally like the idea of this field  
22                  and I would like to be supportive of it. And I  
23                  certainly have no problem with the CPC deciding  
24                  that they want to spend money on this project.

1                   The problem that I think that I have and  
2                   I believe many of my fellow committee members  
3                   have is with the timing. The problem is that  
4                   additional funds will be needed in the spring. I  
5                   don't know what the exact number was. I thought  
6                   I saw two and a half million dollars in the  
7                   presentation last night. But it's going to be a  
8                   lot of money. And by queuing this up now, it  
9                   sort of sets a sense of inevitability for the  
10                  project.

11                  But come in the spring when that money  
12                  is needed, there are going to be several other  
13                  very large projects that will be requesting it.  
14                  The water filtration, sewerage projects,  
15                  potential other high-priority needs. So I don't  
16                  see a reason to put this money in right now when  
17                  we don't really have a good idea of how the field  
18                  is going to stack up against these other  
19                  projects.

20                  I see the field as a want, something I  
21                  want. But comparing it to the needs of some of  
22                  the other things, I'm not sure that it makes  
23                  sense.

24                  So, you can vote it in now and assure

1 the funds won't be committed, but I don't want,  
2 at least speaking for myself, to think that there  
3 are other really high priority things in the  
4 spring that this may not stack up so well  
5 against, thank you.

6 THE MODERATOR: Mr. Netto.

7 MR. NETTO: Joe Netto, Precinct 9.

8 I think we're losing not sight of but  
9 something of where these funds come from, and I'm  
10 having a problem with the Finance Committee's  
11 written explanation of why we shouldn't vote for  
12 this because these are funds that are a tax on  
13 our real estate tax. Whether you vote these  
14 projects up or down doesn't raise or lower your  
15 taxes. This is not the operating budget. And in  
16 the FinCom's explanation of 38, I disagree with  
17 them. Because they're - as the previous speaker  
18 just said, you know, a year from now we're going  
19 to have wastewater projects and water projects.  
20 Well, those can't be funded by the CPC funds.

21 So, it's an apples and orange discussion  
22 here. And -

23 THE MODERATOR: Joe, he was just  
24 talking about the future commitments.

1 MR. NETTO: The future funds.

2 THE MODERATOR: Yeah.

3 MR. NETTO: But I think what's  
4 happening is we're getting some people here that  
5 might be confused. These funds have already been  
6 - whether we spend them or not, it goes back into  
7 the kitty. You vote this down, it's \$250,000  
8 that's not going to, you know, lower your tax  
9 rate. It's already been appropriated from your  
10 taxes, it's the three percent tax.

11 I think maybe the CPC personnel should  
12 remind us of where this money comes from, that's  
13 all. I think we're having some people confused  
14 here. Thank you.

15 THE MODERATOR: Mr. Lowell.

16 MR. LOWELL: Nick Lowell, precinct 5.

17 I'm sorry, I didn't mean to confuse  
18 anybody. No, the issue here is not the \$250,000,  
19 and as I said, I don't have a problem with  
20 spending that money. What I don't want to - I  
21 want to be clear about is that it's not  
22 inevitable that there's another two, two and a  
23 half million dollars of non-CPC money that will  
24 be available this spring. It's very much not

1 clear that that would be available at this time,  
2 when we compare it to some of the other very  
3 important projects that I think, I mean,  
4 virtually everyone in town is in agreement that  
5 we need to do something on some of these big  
6 water and wastewater issues. Thank you.

7 And it will be competitive with those.  
8 It will have to compete with those. Thank you.

9 THE MODERATOR: Mr. Alliegro.

10 MR. ALLIEGRO: I'm still finding it a  
11 little bit disconcerting about how we're deciding  
12 to spend money on our budgets.

13 Mr. Latimer pointed out that we're very  
14 low on specifics on this project, and I've seen  
15 that as a pattern throughout almost all of our  
16 expenditures. And yet we're poised to cough up  
17 \$250,000 on a project that we were just told by  
18 an advocate of the project we have very few  
19 specifics on.

20 The other thing is that we understand  
21 the concept that we're not going to spend this  
22 \$250,000 on Astro Turf. But I think we also all  
23 understand that if we don't spend the 250,000 on  
24 astro turf, we're just freeing up \$250,000 from

1 another little corner in the budget to do the  
2 same thing.

3 FROM THE FLOOR: [Inaudible.]

4 MR. ALLIEGRO: So we are - no. No, no.  
5 I understand, right, it's coming from private  
6 funds. But we're putting -

7 FROM THE FLOOR: No.

8 MR. ALLIEGRO: Explain, then. Please  
9 clarify for me. When you have a project -

10 THE MODERATOR: Okay.

11 MR. ALLIEGRO: When you have a project  
12 and it costs a million dollars and you put  
13 \$250,000 into it, you're freeing up \$250,000 from  
14 some other source. Clarify for me, please.

15 THE MODERATOR: Madame Chairman.

16 CHAIRMAN HANEY: I don't understand the  
17 question.

18 THE MODERATOR: Okay. Mr. Duffany,  
19 did you want to address?

20 MR. DUFFANY: Thank you, Mr. Moderator.  
21 Michael Duffany, Precinct 6.

22 The idea of this money here, we look at  
23 it as a committee as seed money, if you will, to  
24 try to get more funds donated from people, you

1 know, in the town and organizations, etcetera,  
2 etcetera, to lower what we need to come to Town  
3 Meeting to ask for in the spring.

4 This money, here, if you don't - if we  
5 don't get this money, whether it's now or in the  
6 spring, then we're going to probably be coming to  
7 the Town and asking for the \$250,000 that will  
8 come out of the taxable portion of the town,  
9 okay. This money is in an account now that can  
10 be spent for a number of different things.  
11 You've heard a lot of those here tonight.

12 So, it's - by voting this, here, you're  
13 just - you're actually, what you're doing is  
14 helping us to try save you money. Because if you  
15 - if you do that, then people will see that the  
16 town is behind this, okay?

17 MR. ALLIEGRO: Yeah, that's precisely  
18 what I'm talking about. I - I - you know, I rest  
19 my case. That's precisely what I'm talking  
20 about.

21 MR. DUFFANY: We have a very clear  
22 plan, very clear. We have done more than our due  
23 diligence in this project. As you know, we've  
24 been working on it for well over a year, now, to

1 try to make sure that we have all of our ducks in  
2 a row and when we come to you for the money,  
3 we're going to have the exact numbers that we  
4 need and what we can raise and what we can't  
5 raise. Okay.

6 But there's nothing hidden, here, and I  
7 take offense to the fact that this is -

8 MR. ALLIEGRO: No, I'm not suggesting  
9 that you're hiding anything. Honestly.

10 THE MODERATOR: Okay, through the  
11 Chair.

12 MR. DUFFANY: Well -

13 THE MODERATOR: Through the chair.  
14 This is getting awful personal.

15 MR. ALLIEGRO: Yeah. No, no, I'm -  
16 I'm - I'm agreeing with him.

17 THE MODERATOR: Okay.

18 MR. ALLIEGRO: I'm not - I'm not  
19 arguing that point.

20 THE MODERATOR: Okay.

21 MR. ALLIEGRO: I'll pass on, too.

22 MR. DUFFANY: This has been very  
23 transparent and so I take offense to that, so.

24 MR. ALLIEGRO: There was no suggestion

1 that there was no transparency.

2 THE MODERATOR: Ms. Schneider.

3 MS. SCHNEIDER: Barbara Schneider, I  
4 was formerly on the CPC and I did an awful lot of  
5 fund-raising, as many of you know, for the dog  
6 park.

7 What this group is presenting to you is  
8 extremely true. This is seed money that will  
9 make a huge difference, and while I appreciate  
10 the work the Finance Committee does in analyzing  
11 all this and bringing you their opinions on this,  
12 please know that the people who are going to  
13 support the athletic field are not going to also  
14 be asked, the private donors are not going to be  
15 asked to support the wastewater and the other  
16 things that Nick is talking about.

17 This is to help them go out and raise  
18 money privately, and that is the only thing we  
19 should all hope is happening so that the bulk of  
20 this is funded privately. And not through the  
21 Town and not competing for - against new  
22 ambulances and so on.

23 So I hope you will really understand  
24 that giving them this money now makes a huge

1 difference for the next four years of fund-  
2 raising. Thank you.

3 THE MODERATOR: Ms. Williams.

4 MR. DONAHUE: [No mic:] Mr. Moderator,  
5 point of order.

6 THE MODERATOR: You have a point of  
7 order?

8 [Pause.]

9 THE MODERATOR: Yell it out.

10 MR. DONAHUE: [No mic:] To the  
11 Chairman, could you explain where the CPC money  
12 comes from?

13 THE MODERATOR: The CPC money comes  
14 from a levy on your taxes, on your assessed value  
15 of your property.

16 CHAIRMAN BUCKLAND: And the state  
17 match.

18 THE MODERATOR: Yeah, and the state  
19 match. But.

20 CHAIRMAN BUCKLAND: It's a significant  
21 state match.

22 THE MODERATOR: I mean, we need to do  
23 some kind of an orientation of other - like we do  
24 for procedure of Town Meeting, I think we need to

1 work with CPC and the Finance Committee and do  
2 another - and Selectmen, and do a Town Government  
3 orientation or something, just to make sure that  
4 we are all starting from a level playing field.

5 All right, so I've got Ms. Williams  
6 next.

7 MS. WILLIAMS: [No mic. Inaudible.]

8 THE MODERATOR: Mr. Brown. Mr. Brown.

9 MR. BROWN: [No mic.] I pass.

10 THE MODERATOR: Mr. Herbst.

11 FROM THE FLOOR: Question.

12 MR. HERBST: Ralph Herbst, Precinct 8  
13 and a member of the Community Preservation  
14 Committee.

15 Just a couple clarifications. It's very  
16 important to know that the tax levy this year  
17 will raise about two and a half million dollars.  
18 The state match will be about 26 percent, which  
19 is another \$655,000. So it doesn't come, even  
20 though Mr. Netto thinks it's coming just from the  
21 levy on our property taxes, we do have a state  
22 match that increases it considerably.

23 Remember that the Community Preservation  
24 Committee is obligated to spend ten percent on

1 three different categories: affordable housing,  
2 historic preservation and open space and  
3 recreation. So this is part of the recreation.  
4 And it's like it said: this is seed money for  
5 this project and we're hoping that it will go  
6 forward if - if the committee that's working on  
7 this project doesn't raise the money in the  
8 spring, then the money will revert back to the  
9 Community Preservation Committee and we will re-  
10 allocate it for another open space or recreation  
11 project.

12 THE MODERATOR: Okay, Mr. Hargraves.

13 MR. HERBST: Sorry, I forgot one thing.  
14 The project that the Committee for this  
15 improvement of the field, they came to us and  
16 they said that their total project would be  
17 almost \$3 million.

18 THE MODERATOR: Okay, Mr. Hargraves.

19 MR. HARGRAVES: Okay, thank you.

20 Actually, that was the point that I would - was  
21 going to ask you for some clarification on, Mr.  
22 Moderator. When I came to the meeting yesterday  
23 and we started at 7:00 my impression was, from  
24 reading this, that this was \$250,000 added to

1 \$500,000 that was pledged by the Falmouth Road  
2 Race, and I thought I heard in a presentation  
3 that the total project was \$3 million and that  
4 they couldn't possibly raise all of the gap from  
5 private donors. This is different than what I  
6 thought when I first came here. And that they  
7 would be coming to the Town for approximately one  
8 and a half million dollars.

9 So, in the spirit of knowing what we're  
10 getting into before we get in - before we start,  
11 I guess I'd like to ask those concerned at least  
12 somebody knows this on a high level or I was  
13 fantasizing on this presentation yesterday.

14 So, could someone clarify that, what was  
15 said.

16 THE MODERATOR: All right, if someone  
17 from the committee could give us -

18 MS. BISSONETTE: Karen Bissonnette,  
19 Precinct 3.

20 The presentation that I showed you  
21 yesterday was just to give you an idea. We don't  
22 have the exact figures because the design and  
23 engineering is being done as we speak. So we  
24 will have gone out to bid and have bidding

1 numbers for you in April.

2 The example I gave you yesterday at two  
3 and a half million dollars was giving you an  
4 example of what it would cost the taxpayers if we  
5 did a capital exclusion. That means that we  
6 would have to get a vote here to take it to the  
7 ballot in May. So that was an example.

8 We had some numbers, we had some  
9 estimated numbers that the project came in around  
10 \$3 million. That was several months ago, so we  
11 are getting real hard and fast numbers right now.  
12 The \$500,000 has been committed by the Falmouth  
13 Road Race. \$80,000 of that \$500,000 is being used  
14 for the design and engineering.

15 Are there any other questions about  
16 that?

17 MR. HARGRAVES: [No mic: inaudible.]

18 THE MODERATOR: Let's have a mic so we  
19 can get it on the record, Mr. Hargraves, please.

20 MR. HARGRAVES: Thank you, that's very  
21 helpful.

22 What I would like to know is is the  
23 intention, in spite of the example of the  
24 override, is the intention that all the balance

1 after this 500 and after this 250, would be  
2 raised by contributions, and not to come back to  
3 the Town for a significant amount of money.

4 FROM THE FLOOR: [Inaudible.]

5 THE MODERATOR: Mr. Antonucci.

6 MR. ANTONUCCI: Go ahead, I'll give it  
7 to you.

8 THE MODERATOR: Or Ms. Bissonnette.

9 MS. BISSONNETTE: Our intention is to  
10 raise as much money as we can, get the numbers  
11 in, and I thought I made it clear that yes, we  
12 will be coming back to you in the spring with the  
13 difference. And I'm not sure what that will be  
14 because we're going to work hard to make that  
15 number as small as possible.

16 THE MODERATOR: Okay. Ms. Vogel,  
17 anything new? New question, new concern?

18 MS. VOGEL: Yes. Hi, Wendy Vogel,  
19 Precinct 4.

20 My question is: looking at this in the  
21 big picture, \$3 million for an athletic field.  
22 My first question is how many athletes will be  
23 using this? It's a lot of money. We only have  
24 I think 5,000 students total. So how many of

1 those will actually be using the field, and is  
2 this the best bang for our Community Preservation  
3 dollars?

4 THE MODERATOR: Ms. Cuny.

5 MS. CUNY: Sandra Cuny, Chairman of the  
6 Falmouth Recreation Committee and a member of the  
7 Community Preservation Committee.

8 I want to remind Town Meeting members  
9 that moving the football program off Main Street  
10 to the High School has been in the Local  
11 Comprehensive Plan since the '90's. It's item 35  
12 on page 41.

13 This Town of Falmouth also in May of  
14 2002 - that's eleven years ago - had a question  
15 on the ballot for the people of the Town of  
16 Falmouth to vote: do you want to relocate the  
17 football Facility to Falmouth High School? It  
18 was overwhelmingly passed eleven years ago.

19 We now have the Falmouth Road Race  
20 willing to donate \$500,000 for a new field that  
21 will be used not only for football but for  
22 lacrosse, for soccer, because it will be an all  
23 purpose field. The CPC funds will help to fund  
24 this.

1                   The Board of Directors of Falmouth  
2           Together We Can, Incorporated, have umbrella'ed  
3           this under them. We are the same organization of  
4           which I am the treasurer that does the after prom  
5           celebration, that built the first skate park,  
6           that helped the veterans here in Falmouth, that  
7           helped build the dog park.

8                   We want to help make Falmouth a better  
9           place to live.

10                   We have nothing to lose by voting this  
11           article and spending all this time. If our  
12           committee or the football does not raise the  
13           funds come spring when we bring everything back  
14           to you and it doesn't pass the ballot, then the  
15           money from this article will not be issued.

16                   So please, let's move forward, let's get  
17           the community, everybody is behind this. Let's  
18           move this forward, it's a long time coming to  
19           move the program there and get this up and  
20           running. Thank you.

21   [Applause.]

22                   THE MODERATOR: Ms. Vogel. Let's go,  
23           folks.

24                   MS. VOGEL: The question was -

1 THE MODERATOR: Mr. Hampson - Mr.  
2 Hampson, the Chair would entertain a motion to  
3 extend past 11:00. So moved?

4 MR. HAMPSON: Yeah, I'm the bad guy and  
5 I would like to make a motion that we -

6 THE MODERATOR: Extend past 11:00,  
7 George, -

8 MR. HAMPSON: - extend this past 11:00.

9 THE MODERATOR: - okay. The motion is  
10 to extend past 11:00.

11 All those in favor, signify by saying  
12 aye.

13 [Aye.]

14 THE MODERATOR: All those opposed no.

15 [No.]

16 THE MODERATOR: It is the opinion of  
17 the Chair that the ayes have it and we'll extend  
18 past 11:00.

19 Ms. Vogel.

20 MS. VOGEL: The question of how many  
21 athletes will be using the field wasn't actually  
22 answered, I don't think.

23 THE MODERATOR: Okay.

24 Do we have an estimate of the numbers of

1 the -

2 MR. CLARK: Yeah, I don't have the  
3 exact numbers, but this field is intended to be a  
4 recreation slash athletic field. We've looked at  
5 other communities; they go from 6:00 in the  
6 morning until 10:00 or 11:00 at night.

7 It will be used by high school football,  
8 JV football, freshman football, lacrosse, boys  
9 and girls soccer, field hockey. And then it  
10 could be used on Sunday by Pop Warner. It could  
11 be used by the Recreation Department.

12 The intent of this field is to use it  
13 seven days a week. I have one at the university.  
14 We use it from 6:00 to 11:00 seven days a week.  
15 And it's mainly a safety issue. So I think it  
16 will get its use. I can't give you an exact  
17 number, because we haven't used it yet, but it  
18 will never not be used.

19 MS. VOGEL: My point is that if there's  
20 5,000 total students, say 50 percent participate  
21 in athletics, you'd have 2500 athletes using the  
22 field. We have 10,000 seniors who could  
23 potentially be using a senior center. It's just  
24 big picture allocation of the Town's -

1 DR. CLARK: I totally agree with you.  
2 We should build a senior center and we should  
3 build this field, and we should call the  
4 question.

5 [Applause.]

6 THE MODERATOR: Okay, Ms. Magnani and  
7 then we're going to take a vote.

8 CHAIRMAN MAGNANI: While we're tossing  
9 all this around, I think football is great, and I  
10 think football fields are great, but in the back  
11 of your warrant booklet, you will notice the  
12 capital plan, and there are many items in here  
13 who have been in the pipeline for years that  
14 haven't been done. So just keep this in mind  
15 when we talk about the football field, thank you.

16 THE MODERATOR: Okay, the question will  
17 come on the main motion. All those in favor,  
18 signify by saying aye.

19 [Aye.]

20 THE MODERATOR: All those opposed no.

21 [No.]

22 THE MODERATOR: It's the opinion of  
23 the Chair that the ayes have it by a majority.

24 Article 39. Mr. Chairman.

1 CHAIRMAN BUCKLAND: I move Article 39  
2 as recommended.

3 THE MODERATOR: As recommended. This  
4 is to appropriate the sum of \$62,000 from Fiscal  
5 '14 Community Preservation estimated revenues for  
6 the purpose of rehabilitating the Morse Pond  
7 School playground and to comply with the  
8 Americans with Disabilities Act.

9 Any discussion on Article 39?

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

13 [Aye.]

14 THE MODERATOR: All those opposed no.

15 [None opposed.]

16 THE MODERATOR: The ayes have it  
17 unanimous.

18 Article 40. Okay, Article 40.

19 CHAIRMAN HANEY: We move that Article  
20 40 be voted as recommended.

21 THE MODERATOR: As recommended. This  
22 is to vote to appropriate the sum of \$40,000 from  
23 Fiscal '14 Community Preservation estimated  
24 revenues for the purpose of funding a Housing

1 Stabilization Program through the Falmouth  
2 Housing Authority.

3 Ms. Magnani.

4 MS. MAGNANI: I just want to report to  
5 you that the Finance Committee did concur with  
6 Article 40.

7 THE MODERATOR: Okay, any discussion on  
8 Article 40?

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

12 [Aye.]

13 THE MODERATOR: All those opposed no.

14 [No.]

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

17 Article 41. Yes, Mr. Latimer.

18 MR. LATIMER: [No mic:] I would ask  
19 that we adjourn. It's 30 minutes past 11:00.

20 THE MODERATOR: We have a motion to  
21 adjourn right now.

22 All those in favor of adjourning,  
23 signify by saying aye.

24 [Aye.]

1 THE MODERATOR: All those opposed no.  
2 [No.]

3 THE MODERATOR: All those in favor of  
4 adjourning signify by standing and the tellers  
5 will return a count.

6 [Pause.]

7 THE MODERATOR: In the first division.

8 MR. NETTO: 13.

9 THE MODERATOR: 13.

10 In the third division.

11 MR. HAMPSON: 27.

12 THE MODERATOR: 27.

13 The second division.

14 MR. DUFRESNE: 35.

15 THE MODERATOR: 35.

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

18 [Pause.]

19 THE MODERATOR: In the first division.

20 MR. NETTO: 27.

21 THE MODERATOR: 27.

22 In the second division.

23 MR. DUFRESNE: 36.

24 THE MODERATOR: Again, Mr. Dufresne?

1 MR. DUFRESNE: 36.

2 THE MODERATOR: 36.

3 The third division.

4 MR. HAMPSON: 27.

5 THE MODERATOR: 27.

6 By a count of 75 in favor and 90

7 opposed, we are not adjourned.

8 Article 41. Board of Selectmen for a  
9 main motion.

10 CHAIRMAN PUTNAM: Mr. Moderator, I  
11 would ask that we allow the Chair of the Water  
12 Quality Management Committee to make the motion.

13 THE MODERATOR: Okay. The Chairman of  
14 the Committee would like to make the main motion.

15 CHAIRMAN TURKINGTON: Mr. Moderator -

16 THE MODERATOR: Mr. Chairman.

17 CHAIRMAN TURKINGTON: I move the  
18 article as printed and as - I'm sorry, not as  
19 printed. As recommended in your warrant book,  
20 with the following modification, which is up on  
21 the board, here.

22 In Section 180-55, Modifications to  
23 Existing Parcels or Changes of Use in Sewer  
24 Service Areas, Multi-Family Residences (b) New

1 Development.

2 A new multifamily dwelling is allowed  
3 one bedroom per 10,000 square feet of lot by  
4 right. This is the change. In zoning districts  
5 where up to six units per acre are allowed, up to  
6 three bedrooms per permitted unit are allowed by  
7 right.

8 The other change is in this next  
9 sentence. The "Addition of bedrooms in multi-  
10 family dwellings beyond one bedroom per 10,000  
11 square feet of lot area", that piece is taken  
12 out, and is replaced with the words, "that which  
13 is allowed by right shall require a variance from  
14 the Board of Selectmen in accordance with Section  
15 180-56."

16 I am very sorry that this article is as  
17 long as it is. It's a complicated subject and to  
18 do what we want to do for the Town, it has to be  
19 this long. And I am even more sorry that we're  
20 making it longer, but once again, we want to do  
21 this right. So that's why - that's why we're  
22 doing it this way.

23 Okay. So, you have the recommendation  
24 with that modified language.

1 THE MODERATOR: Okay, so the modified  
2 language in your warrant booklet should be page  
3 22 is where this section appears in your copy of  
4 the warrant.

5 Mr. Chairman.

6 CHAIRMAN TURKINGTON: Right. Disregard  
7 everything before page 21. Start with page 21,  
8 move forward, and remember, the only change to  
9 that is what you see up there.

10 Okay. This article is one of four that  
11 we're going to be taking up tonight. Don't  
12 blame me, I voted to adjourn, but. [Laughs].  
13 But they're important. And let me tell you why.

14 First of all, I want to thank everyone  
15 here for the vote you took in April, supporting  
16 the Town's plan to clean up the estuaries. It  
17 was a remarkable vote. It was a unanimous vote  
18 to pursue all the alternatives that we've been  
19 talking about to sewerage. To sewer as little as  
20 possible and to finance whatever sewerage we're  
21 going to do with no tax rate increase. Those are  
22 the three key elements of this plan that you  
23 unanimously adopted back in April.

24 Because of you and your unanimous

1 support, the voters in May supported spending \$9  
2 million on planning and permitting not only these  
3 projects but the water filtration project. And  
4 they voted it by an astounding margin of 58 to  
5 42. Now, that never happens. It almost passed  
6 in every single precinct. It came within 21  
7 votes of passing in every single precinct. That  
8 tells you that this town is behind what you did.

9 These next four articles are designed to  
10 put into place the pieces of that plan that you  
11 adopted.

12 It's important to vote them now and not  
13 to postpone them, and let me tell you why. In  
14 order for us to come back in April and to know  
15 what this is going to cost the taxpayers and the  
16 homeowners and to keep those costs as low as  
17 possible, we need to know first of all is the  
18 Town going to be eligible for zero percent loans.  
19 A zero percent loan is an amazing thing. If you  
20 borrow \$50 million at two percent, it costs you a  
21 million dollars a year for interest. If you  
22 borrow \$50 million at zero percent, that costs  
23 you a million dollars less a year. I mean,  
24 that's big money; it's worth doing; and that's

1 why we want to do it.

2 If we don't act tonight, we won't know  
3 in April whether we can do it.

4 The other issue that's really important  
5 to settle tonight is is the Town going to have  
6 the infiltration bed it needs for the sewerage  
7 portion fo this project to go forward. No  
8 infiltration bed, no project.

9 Finally, It's really important to know  
10 is the Town going to have the tools to reduce the  
11 cost to the homeowners who are going to be paying  
12 a betterment if the Selectmen so desire. We have  
13 a mechanism in here to really tamp down the cost  
14 to the homeowners in a way that has never been  
15 done before in this town, but it can be done if  
16 we act tonight.

17 So your approval of Article 41, 42, 43  
18 and 44 will answer all these questions. So I'm  
19 apologizing; I'll be as brief as I can, but this  
20 is probably the biggest and most complicated  
21 project this town has ever encountered. It's  
22 certainly, in my two years of being immersed in  
23 wastewater, this is -

24 [Laughter.]

1                   CHAIRMAN TURKINGTON:   - this is really  
2 something.

3                   So, we're going to move first with  
4 Article 41. And we have a slide back here.  
5 Okay.

6                   So, the two purposes of this flow  
7 neutral bylaw, number one, is to make the Town  
8 eligible for these interest free loans that we  
9 talked about and also to manage the capacity of  
10 the wastewater treatment facility and  
11 infiltration beds. You don't want to put in a  
12 sewer system in any part of town and then have  
13 everybody build six story apartment buildings and  
14 then have your town ruined and your sewer  
15 facility over capacity. This law is designed to  
16 prevent that from happening.

17                   By the same token, you want to help the  
18 homeowners who are being served by this, you want  
19 to make sure not only do they get to keep what  
20 they have now by way of the number of bedrooms,  
21 but you want to give them some benefit. They're  
22 going to be paying a betterment; they ought to  
23 get a benefit.

24                   So this bylaw will guarantee every

1 homeowner in the Maravista area and the eastern  
2 portion of the heights who are going to be in  
3 this sewer service area that's proposed, it  
4 guarantees them all the bedrooms they already  
5 have now, and anyone who has less than four  
6 bedrooms can add on up to four bedrooms by right.  
7 By right. No going to the Zoning Board of  
8 Appeals, no going to the Board of Health, no  
9 going anywhere. You can do it by right. This  
10 is a great benefit to a lot of people there who  
11 have small houses and can't add on because  
12 they're on small lots and because they can't make  
13 Title V work on those lots.

14 That's the benefit for the people who  
15 live in these areas. It only happens with this  
16 bylaw being passed.

17 For the businesses in the area, the same  
18 deal. They're all guaranteed the flow that they  
19 have now, and they're guaranteed a ten percent  
20 increase by right.

21 Now, suppose they need more than the ten  
22 percent or suppose the homeowner for whatever  
23 reason has to have more than four bedrooms. I  
24 don't know why they would, but people might.

1 There's a process built into this bylaw that  
2 allows them to go to the Board of Selectmen and  
3 if the Board of Selectmen finds that there is  
4 capacity in the system, the Board can grant them  
5 the variance they seek.

6 This article is endorsed by the Board of  
7 Selectmen, by the Planning Board, by the Board of  
8 Health, and by the Water Quality Management  
9 Committee. It's critical for us to know in  
10 April if we're going to have a zero percent loan  
11 or not and it's critical to the homeowners to  
12 know, going forward, that they're going to have  
13 the ability to add onto their homes if and when a  
14 sewer goes by their house.

15 THE MODERATOR: Okay, we want to open  
16 the floor.

17 Ms. Alliegro.

18 MS. ALLIEGRO: Thank you. Mary Ann  
19 Alliegro, Precinct 7, through the Moderator.

20 Just the question what will be required  
21 of these homeowners in this area when this is  
22 enacted. In other words, this sounds good. It  
23 sounds very fair to the homeowners and good, but  
24 what is going to be required of the homeowners or

1 is there going to be something? You keep  
2 speaking of the betterment and I just don't  
3 understand that fully.

4 CHAIRMAN TURKINGTON: Fair enough.  
5 There is no free lunch and there is no free  
6 sewer.

7 If - the cost of this will initially be  
8 funded, if - with your consent and with the  
9 voters' consent - by the Town. The Selectmen, as  
10 is the custom in these kinds of things, will want  
11 part of that to be paid also by the homeowners  
12 who are benefitting. How much the homeowner  
13 pays and how much the Town pays is a discussion  
14 that we can't have today because we have too many  
15 unknowns.

16 But I think every homeowner in the area  
17 can expect to pay a betterment for the privilege  
18 of having their area sewered. The article we're  
19 going to come up on is going to provide a lot of  
20 mechanisms to make that betterment as low as  
21 possible. But a betterment is an annual charge  
22 that they will have to pay to join this thing.  
23 Keeping the costs as low as possible is our - is  
24 one of our main goals. But right now we can't

1 tell you how much that is.

2 MS. ALLIEGRO: [No mic: inaudible].

3 CHAIRMAN TURKINGTON: Yes. With a very  
4 tiny exception of the people who are going to be  
5 interested in having an eco toilet in their house  
6 and joining our eco toilet program, which is the  
7 subject of Article 43. We'll get to that one.  
8 But everyone else, if it goes by the house or by  
9 the business, will - will have to join, that's  
10 right.

11 And from what we've heard - I was - one  
12 thing you wonder when you start out on this kind  
13 of a mission is what are the people in the  
14 affected area going to think about this. And I  
15 think we've been pleasantly surprised, and in  
16 fact quite surprised and positively, that most of  
17 the people in the affected areas are very much  
18 for this.

19 You know, it's sort of counter-  
20 intuitive, the idea that the Town is going to be  
21 sending them a bill for something isn't normally  
22 welcomed with open arms by everybody, but in this  
23 case that area, because it's so densely developed  
24 and so many people are on 5,000 square foot lots

1 or less, most of the homeowners in this area  
2 understand the need for it and are supportive.

3 THE MODERATOR: Okay, Ms. O'Connell.

4 MS. O'CONNELL: Yes, Maureen O'Connell,  
5 Precinct 4.

6 I'm wondering will this apply to 40B  
7 developments, as well? Or will they be  
8 incorporated into this or is there - are they  
9 excluded from what might apply to me?

10 CHAIRMAN TURKINGTON: 40B developments  
11 would have to hook up and would want to hook up  
12 if it goes by their house.

13 MS. O'CONNELL: So they would be  
14 required to hook into the sewer system?

15 CHAIRMAN TURKINGTON: They would be  
16 required to hook into the sewer system if it goes  
17 by the street that the development is on.

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

19 THE MODERATOR: Hand over here to my  
20 right.

21 MR. CALLAHAN: Jim Callahan, Precinct  
22 5.

23 I was just curious, not being able to  
24 hook up to the Silver Beach, my house wasn't

1 quite in the zone, just for people in general in  
2 this room, how much did the people at Silver  
3 Beach pay? I thought I've heard figures  
4 anywhere between 25 and 30 thousand over 30  
5 years. Do you have those figures? It was just  
6 a few years ago.

7 CHAIRMAN TURKINGTON: Silver Beach is a  
8 very different situation. There were 200 houses  
9 out there that were in the midst of a health  
10 crisis and a financial crisis for the homeowners.  
11 The health crisis was that their septic systems  
12 didn't work at all, and the financial crisis was  
13 that they couldn't be fixed and therefore they  
14 couldn't pass a Title V inspection and therefore  
15 they couldn't sell their houses.

16 This was a major disaster for these  
17 people and the Town put in a sewer system for  
18 them. I think the total cost of that system  
19 ended up being about \$27,000 a house, of which  
20 they paid 70 percent.

21 MR. CALLAHAN: No, they paid 27.

22 CHAIRMAN TURKINGTON: They paid  
23 \$27,000? Okay. They paid much more than I  
24 think we're going to be looking at in the Heights

1 and Maravista for a number of reasons. But they  
2 paid a lot, but for every one of them it meant  
3 they could now sell their houses and flush their  
4 toilets, so it was a big plus.

5 THE MODERATOR: Okay. Further  
6 discussion?

7 Hearing none, the question will come on  
8 the main motion as presented by the Chairman.  
9 All those in favor signify by saying aye.

10 [Aye.]

11 THE MODERATOR: All those opposed no.

12 [None opposed.]

13 THE MODERATOR: The ayes have it  
14 unanimous.

15 CHAIRMAN TURKINGTON: Thank you.  
16 Article 42.

17 THE MODERATOR: Article 42. Mr.  
18 Chairman.

19 CHAIRMAN TURKINGTON: Right. Mr.  
20 Moderator, I move the article as recommended.

21 THE MODERATOR: Okay, as recommended.  
22 This is to authorize the Board of Selectmen to  
23 petition the legislature for an act regulating  
24 sewer service area betterment assessments in the

1 Town of Falmouth. There's two sections. One  
2 that talks about the sewer betterment assessment  
3 at a rate up to two percent above the net rate.  
4 Second part talks about going out over 30 years  
5 for this, trying to make the payments as nearly  
6 as equal as possible.

7 CHAIRMAN TURKINGTON: Uh-huh. Let me  
8 walk you through this, and we had a handout that  
9 was handed out last night and many of you have  
10 that, and we also have the same information up  
11 here on the chart.

12 So I'll walk through the one on the  
13 wall. Okay, the purpose of Article 42 is to  
14 reduce, equalize and spread out the annual  
15 betterment costs for the property owners in the  
16 new sewer service area. This is by way of  
17 special legislation that we would request the  
18 legislature and our legislators to pass for the  
19 Town of Falmouth.

20 And it provides a number of things that  
21 the current state law doesn't provide which we  
22 think are better for the people in Falmouth  
23 because it makes the project more affordable for  
24 the homeowners and the business owners.

1           Okay. Currently, the state law requires  
2           that on these betterments - you can - you can pay  
3           them all at once if you're rich. Otherwise, you  
4           spread them out over a number of years. Current  
5           law requires that interest be charged if you  
6           spread it out over those years. The current law  
7           says you have to charge five percent interest or  
8           two percent above whatever the Town is borrowing  
9           its money at. So if the Town's borrowing it at  
10          two percent, you get to pay four.

11           Under this special act, this would allow  
12          Falmouth to charge less than the current state  
13          law requires, so if Falmouth for example borrowed  
14          the money at the zero percent loan, Falmouth  
15          could charge as little as zero percent. Or up to  
16          two. And if it borrowed at two, it could charge  
17          two or three or four. It gives Falmouth all  
18          kinds of flexibility in terms of how much  
19          interest it wants to charge on people who want to  
20          extend out their betterments.

21           And so that's the first piece of this.  
22          The second piece allows property owners to spread  
23          out the payments over 30 years. Current law says  
24          they have to do it over 20 years. If you spread

1 it out over 30 years, the annual payment is much  
2 less.

3 A couple of other pieces that made some  
4 sense, and they're in here, too. It allows you  
5 to pay in equal installments, as you would with  
6 your home mortgage. Right now, the rules are  
7 you pay on a declining balance. The first year  
8 you pay a lot, because you're paying interest on  
9 the whole amount of the borrowing and then each  
10 year it goes down.

11 That's not how most home mortgages work,  
12 and it's not how we think this should work, so  
13 we're asking the legislature to give us  
14 permission to say to the homeowner, "You've got  
15 your betterment. You can spread it out over 30  
16 years instead of the 20 and your payment will be  
17 the same for every one of those years."

18 The final piece of this is to say to the  
19 homeowner, "You can pay it in quarters. Each  
20 time you get your quarterly tax bill, you can pay  
21 a quarter of it."

22 All of this is designed to keep the cost  
23 down for the homeowner, the annual cost. To  
24 make the - it's spread out as much as possible,

1 and to make it as easy as we can on the homeowner  
2 and the business owner who are going to have a  
3 betterment to pay.

4 So that those are the elements of this.  
5 Every single one of these elements has been  
6 adopted by the legislature for some other town in  
7 the Commonwealth. We spend a lot of time, Ron  
8 Zweig, in particular, spent a lot of time  
9 researching and we basically looked around and  
10 said, "What - what have they given other towns  
11 that will allow them to reduce the costs for  
12 their homeowners? We want that here, for our  
13 homeowners."

14 That's what's in this Article 42. If  
15 you vote it, it goes to the legislature and they  
16 will make it happen.

17 THE MODERATOR: We'll do our best.

18 Ms. Lichtenstein.

19 MS. LICHTENSTEIN: [No mic:] I want  
20 to thank the committee for all the work they've  
21 done and I hope it passes -

22 THE MODERATOR: Oh, no, mic. Mic.

23 MS. LICHTENSTEIN: I hope you pass  
24 this.

1 I just would like – we'd like to ask you  
2 to make one little change. We'd like to take  
3 every time the word "sewer" – there is a slide.  
4 Could we have that, please?

5 Every time there is the word "sewer", to  
6 insert the word "wastewater". Now, we did this  
7 at the April Town Meeting. It just gives us a  
8 little bit more flexibility and both sewers and  
9 upgrade to septic systems, which would be eco  
10 toilets and denitrifying systems, both get their  
11 funding ability from Mass. Chapter 80. So both  
12 111, which would be the septic upgrade system for  
13 an eco toilet or an IA system, or 83 which would  
14 do it for the sewer, they both refer back to the  
15 same betterment law.

16 So it wouldn't stop getting the sewer.  
17 You could do the sewer, there's no problem in  
18 those areas.

19 If there was someone who wanted to put  
20 in an eco toilet, right now there's no problem;  
21 the county has low cost funds for that, but  
22 there's no guarantee that they would in the  
23 future.

24 This particular thing isn't restricted

1 to one thing; we can set any sewer district we  
2 want. So in the future if there's people who  
3 want to do an alternate system, they could also  
4 get a low cost loan. That's all we're looking  
5 for is a little bit more flexibility. Thank you.

6 THE MODERATOR: Mr. Chairman.

7 CHAIRMAN TURKINGTON: Mr. Moderator.

8 THE MODERATOR: Mr. Chairman.

9 CHAIRMAN TURKINGTON: Yeah. Much as  
10 it pains me to disagree with Ms. Lichtenstein, I  
11 have to say this is not a little amendment.  
12 This is sort of a poison pill amendment, if you  
13 don't mind me being crude about it, here.

14 And let me just give you a few good  
15 reasons why this amendment is not a good idea.  
16 For one reason, it was already considered by the  
17 Water Quality Committee and the motion to adopt  
18 it died for lack of a second.

19 Number two, it assumes that betterments  
20 can be used for installing fixtures or equipment  
21 in private property. Betterments cannot be used  
22 for that purpose, except in a very specific  
23 circumstance, which is spelled out in Chapter 83  
24 and Chapter 111, 127 B ½, which is the one that

1 was cited to you in the handout that you received  
2 from Ms. Lichtenstein and her colleagues.

3 Those two laws are completely  
4 inappropriate for what they are trying to propose  
5 that you do. Those two state laws refer to  
6 sewers, drains and sidewalks. Chapter 111, 127B  
7  $\frac{1}{2}$  refers to properties that are unfit for human  
8 habitation, maybe a nuisance or maybe a cause of  
9 sickness or home accidents to the occupants of  
10 the public. On those properties and only on  
11 those properties, betterments are permitted when  
12 the homeowner can't afford to fix the un-  
13 habitability issues and the Town has to come in  
14 and do it for him.

15 So that, it's completely inappropriate  
16 to think it in any way fits into what we're  
17 trying to do here.

18 Furthermore, it assumes that these eco  
19 toilets and innovative alternative systems are  
20 approved by the DEP for general use, for nitrogen  
21 reduction; they are not.

22 And if this amendment were adopted, it  
23 would completely change the context of this bill  
24 we're sending to the legislature. Right now

1 we're sending them a bill that includes all - all  
2 the elements in the bill include things that they  
3 have already given to other towns. If we put  
4 this in, we're basically asking them to redefine  
5 betterments to include a whole bunch of things  
6 that no one's ever thought of up there.

7 It's hard enough to get them to do the  
8 easy stuff. It will be impossible -

9 THE MODERATOR: He's right.

10 [Laughter.]

11 CHAIRMAN TURKINGTON: It will be  
12 impossible to get to do the hard stuff, and this  
13 would be hard. So I recommend you vote against  
14 the amendment.

15 THE MODERATOR: Further discussion on  
16 the amendment striking the word "sewer" and  
17 inserting in its place "wastewater".

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

21 [Aye.]

22 THE MODERATOR: All those opposed no.

23 [No.]

24 THE MODERATOR: It's the opinion of the

1 Chair that the no's have it by a majority and  
2 we're back to the main motion.

3 Any further discussion on the main  
4 motion?

5 Ms. O'Connell.

6 MS. O'CONNELL: Maureen O'Connell,  
7 Precinct 4.

8 The slide that you had you up prior to  
9 the - with the four points. The last one was  
10 about income eligible seniors -

11 CHAIRMAN TURKINGTON: Yes.

12 MS. O'CONNELL: - will be able to  
13 defer.

14 CHAIRMAN TURKINGTON: Yes.

15 MS. O'CONNELL: Just for clarification,  
16 that means that upon the sale of their home, the  
17 betterment will be taken from the proceeds?

18 CHAIRMAN TURKINGTON: That's right.

19 MS. O'CONNELL: Thank you.

20 THE MODERATOR: Mr. Hargraves. And  
21 then we're going to take a vote.

22 MR. HARGRAVES: Thank you. My  
23 question is to clarify my understanding of the  
24 interest rate. According to the presentation and

1 what's written in the explanation, the state  
2 offers two options. One is either five percent  
3 or a second one of two percent above the interest  
4 rate the Town pays for the funds.

5 So, what we're saying in the section one  
6 that's recommended is two percent above the net  
7 rate of interest chargeable to the Town. The  
8 presentation says we could offer monies at up to  
9 zero - or down to zero percent interest. And so  
10 I don't know if the Town will be subsidizing some  
11 interest for those hooking up to the sewer and I  
12 wonder why we just didn't use the language in  
13 section one above the recommendation that said  
14 the assessment would be at a rate equal to the  
15 net rate of interest chargeable to the Town.

16 CHAIRMAN TURKINGTON: Well, we could  
17 always do it better, but this is the way we ended  
18 up doing it. And the premise here is pretty  
19 simple: if the Town borrows money at zero percent  
20 if this act passes, it gives the Town the option  
21 of charging the residents zero percent. Or one  
22 percent or two percent. But, to make it as low  
23 as possible is the goal and every one of these  
24 articles could be worded better, but I think this

1 article is worded in the way that reaches that  
2 purpose.

3 THE MODERATOR: So they're not looking  
4 to subsidize. The Town would be charged zero  
5 percent. So the idea was you could charge the  
6 resident zero percent. That's not a subsidy.  
7 Nobody's paying interest.

8 MR. HARGRAVES: I'm sorry [inaudible].  
9 I'm in favor of this amendment. I'm in favor of  
10 sewers and making this affordable, so this is a  
11 very important point.

12 So, if we adopted as the recommended  
13 section one as stated, the Town would have the  
14 option of charging up to two percent above the  
15 net interest rate that we actually get. And  
16 personally, I would rather say to people that  
17 we're only going to charge you the net interest  
18 rate that we get for the funds that we're going  
19 to use to do this project, and not make it a  
20 profit center to give loans to our citizens.

21 CHAIRMAN TURKINGTON: Mr. Moderator.

22 THE MODERATOR: Mr. Chairman.

23 CHAIRMAN TURKINGTON: Personally I  
24 agree with you, but the choice would be made by

1 the Board of Selectmen when the betterments were  
2 actually decided upon and all this bill does is  
3 give them options. We wanted to give them as  
4 many options as possible and the options range as  
5 we've discussed from zero to two. But, in any  
6 event, the options are a great deal less than the  
7 state law currently provides for options.

8 THE MODERATOR: Okay. So, the  
9 question will come on the main motion. All those  
10 in favor, signify by saying aye.

11 [Aye.]

12 THE MODERATOR: All those opposed no.

13 [No.]

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

16 Article 43. Mr. Chairman.

17 CHAIRMAN TURKINGTON: Mr. Moderator, I  
18 move Article 43 as recommended.

19 THE MODERATOR: As recommended. This  
20 is to authorize the Board of Selectmen to  
21 petition the legislature for an act related to  
22 eco toilets.

23 Mr. Chairman.

24 CHAIRMAN TURKINGTON: Mr. Moderator.

1 This is a promise that we kept - or we are  
2 keeping to the folks who believe strongly that  
3 eco toilets should be part of the solution to  
4 wastewater issues.

5 As you may know, eco toilets are a very  
6 experimental thing in this country for that  
7 purpose. We in Falmouth are the pioneers. In  
8 fact, we in Falmouth are doing more than any  
9 other place in the country to move forward to  
10 determine if they are in fact a viable answer to  
11 wastewater treatment.

12 So this bylaw, again, has to go to the  
13 legislature. What it does, it allows  
14 participants in our eco toilet demonstration  
15 project to be exempted from the requirements to  
16 connect to the sewer and pay a betterment charge.

17 Now, it's a limited universe of people  
18 who can take advantage of this. People who are  
19 in our eco toilet demonstration project program  
20 are people who, first of all, agree to put eco  
21 toilets in their house for all the toilets in  
22 their house replaced with eco toilets. The  
23 people who agree to have their ground monitored  
24 before, during and after to see what happens to

1 the groundwater when you do this. People who  
2 agree to a whole bunch of things that they have  
3 to do to be part of this program.

4 Right now we have five participants who  
5 are actually having their plumbing changed and  
6 their eco toilets installed. We have others in  
7 the pipeline who are willing to do this and we  
8 commend them for it. None of them, by the way,  
9 are in this proposed sewer service area. So, in  
10 some respects this is sort of a symbolic gesture.  
11 But it's also a real one.

12 If anyone in the sewer service area  
13 decides they want to join this program, not only  
14 will we give them the \$5,000 you voted for a  
15 grant, not only will we pump out their septic  
16 tank for them, but if and when the sewer runs by  
17 their house, we will give them the option of not  
18 joining it.

19 The deal doesn't get any better than  
20 that, and hopefully it will encourage some people  
21 to join the program.

22 If they join the program, put in the eco  
23 toilet and some time later decide that they want  
24 to join the sewer after all for whatever reason,

1 they get to pay the same as everybody else. So,  
2 it's not a gift. It's an option but a reversible  
3 one.

4 It has to go to the legislature to be  
5 passed, but it has to be passed here first.

6 THE MODERATOR: Okay. Discussion on  
7 Article 43.

8 Mr. Stetcher.

9 MR. STETCHER: Just a quick question.  
10 This says that the Town will pay for the pump out  
11 of the septic system that exists if you put in an  
12 eco toilet. Yet somewhere I think in the  
13 previous articles it says if you hook up to the  
14 sewer system, you have to disable your septic  
15 system, which I imagine is going to incur some  
16 kind of a cost. Why do they have to disable the  
17 septic system if you hook up to the sewer, but  
18 you only get a pump out if you put in an eco  
19 toilet?

20 THE MODERATOR: Mr. Chairman.

21 CHAIRMAN TURKINGTON: Well - Mr.  
22 Moderator.

23 If you join the eco toilet demonstration  
24 project, you replace all your toilets with the

1 eco toilets. That doesn't deal with all of the  
2 water in your house. You take showers, you wash  
3 dishes, you wash - there's other water that goes  
4 through your - the system in your house, and that  
5 water still goes to your septic tank and out your  
6 leaching field.

7 One of the tests that George Heufelder  
8 up at the test center is - is - is doing to  
9 determine is he wants to know how much that grey  
10 water actually contributes nitrogen to the ground  
11 water. You know, that's a key question. If the  
12 grey water still has a lot of nitrogen in it, the  
13 eco toilets aren't solving the problem. So we  
14 need to know if that's true before eco toilets  
15 move any further along down the road to  
16 acceptance.

17 But that's the answer to your question.

18 THE MODERATOR: Okay. Mr. Donahue.

19 MR. DONAHUE: Bob Donahue, Precinct 3.

20 We have the eco toilet project and there  
21 are two or three other projects that I'm vaguely  
22 familiar with. One of them is the oysters and  
23 there's an abatement thing and a whole bunch of  
24 other things.

1                   What is the length of time we're giving  
2                   to see if any of those work before we go with the  
3                   sewering? In other words, if - are we doing all  
4                   these just as an exercise or and we're going to  
5                   do the sewering no matter what? Or could these  
6                   things come up and say to us, "Wait a minute, we  
7                   don't have to do the sewering"?

8                   THE MODERATOR: Mr. Chairman.

9                   CHAIRMAN TURKINGTON: I think the way  
10                  Virginia and others have been describing this for  
11                  the last three or four years is, is we're running  
12                  on parallel paths. We want to do as little  
13                  sewering as possible and we're doing it in the  
14                  areas where it's the most cost effective and most  
15                  needed and there's the most density, and the  
16                  areas that we told ourselves we would do it 30  
17                  years ago and never did. That is where we're  
18                  doing the sewering.

19                 Every other area is up for grabs, and  
20                 all these demonstration projects you're talking  
21                 about are - in the next three to five years we  
22                 will determine whether each one of them is  
23                 consumer acceptable, whether it's financially  
24                 acceptable, whether it really does clean up

1 nitrogen and whether it does it cheaper than  
2 sewers. And we hope every one of them does.

3 But that's where we are now. But we  
4 are doing a sewer piece now for a number of  
5 reasons, and we've talked about them in the past.

6 THE MODERATOR: Okay, the question will  
7 come on the main motion as recommended. All  
8 those in favor, signify by saying aye.

9 [Aye.]

10 THE MODERATOR: All those opposed no.

11 [None opposed.]

12 THE MODERATOR: The ayes have it  
13 unanimous.

14 Article 44. Chairman of the Board of  
15 Selectmen for a main motion.

16 CHAIRMAN PUTNAM MODERATOR: Mr.  
17 Moderator, the Board recommends the article -  
18 excuse me. We move the article as recommended.

19 THE MODERATOR: AS recommended. This  
20 is to authorize the Board of Selectmen to convey  
21 the parcel and have the preservation restriction  
22 for the Great Rock.

23 Any discussion on Article 44?

24 FROM THE FLOOR: We have a short

1 presentation.

2 THE MODERATOR: Okay.

3 CHAIRMAN TURKINGTON: Mr. Moderator.

4 THE MODERATOR: Okay.

5 CHAIRMAN TURKINGTON: Thank you.

6 Two years ago in this very room in this  
7 very meeting we had a lengthy discussion about  
8 the swap. The swap being two parcels of land off  
9 Thomas Landers Road. One was owned by the  
10 Steamship Authority; that's parcel two. And  
11 then one that was owned by the Town; which is  
12 parcel one.

13 The one that was owned by the Steamship  
14 Authority was very advantageous for the Town to  
15 acquire because it was - it appeared to be the  
16 most useful and desirable site for a filtration  
17 bed. When we do additional sewerage we had to  
18 find an additional filtration bed because the  
19 ones we already have in West Falmouth are - are  
20 to their limit, and the Town's agreed to that.

21 So the idea of swapping parcel one, the  
22 Town-owned parcel, with parcel two, the Steamship  
23 parcel - the - was a good idea. The Town agreed  
24 to that two years ago; this meeting agreed to it

1 by a two-thirds vote after considerable  
2 discussion. And the discussion included - in  
3 fact it was dominated by the fact that on parcel  
4 one, the one that we own that was going to the  
5 Steamship, there is a rock the size of - bigger  
6 than most of your houses. It's a very large rock  
7 and it's a very historic rock and we all have  
8 learned a lot about the history of that rock.

9 Well, apparently the Mass. Historic  
10 Commission did not learn as much as we did about  
11 the history of that rock, so when you voted to  
12 transfer - to do the swap subject to the rock  
13 being protected in perpetuity by the Mass.  
14 Historical Commission, we - the problem became  
15 the Mass. Historical Commission, who looked at it  
16 and said, "It's not historic enough for us."

17 [Laughter.]

18 CHAIRMEN TURKINGTON: So if they won't  
19 agree that it's historic enough, we can't protect  
20 it in perpetuity.

21 So our crack legal team up here said,  
22 "Well, what can we do without them?" And what  
23 they came up with was we can put a 99 year  
24 restriction on it and that we don't have to go

1 see them for. We can go to our own Historic  
2 Commission and - and they will go along with it  
3 and we can do it that way. So that's the  
4 solution they've come up with.

5 The article you have here is exactly the  
6 same as the one you had two years ago, except it  
7 brooms out the Mass. Historic Commission and  
8 brooms in the Falmouth Historic Commission, and  
9 that's the difference, quite frankly.

10 Ninety-nine years versus perpetuity is -  
11 is the other difference and I can't tell you that  
12 to me that makes much difference.

13 [Laughter.]

14 THE MODERATOR: Can we do one of those  
15 pre-programmed emails to go to the Town Manager  
16 in 99 years and remember him to - remind him to  
17 renew it?

18 Okay, any discussion on this article?

19 Yes, Ms. Lowell.

20 MS. LOWELL: Sorry, everybody. Vicky  
21 Lowell.

22 I was on the Planning Board when that  
23 lot was set aside because of the Industrial Park  
24 creation and the Planning Board judged the

1 terrain and the significance of that area was the  
2 part that should be protected, and I don't object  
3 to the swap, but I just want to know who's going  
4 to decide the nature of the preservation because  
5 a rock just surrounded by a dirt - dirt in a  
6 parking lot won't be very historic. But, so I'm  
7 hoping that somebody, the Historical Commission  
8 or somebody, will set some parameters on how the  
9 rock is preserved. Thank you.

10 THE MODERATOR: Mr. Chairmen.

11 CHAIRMAN TURKINGTON: Mr. Moderator.

12 THE MODERATOR: Mr. Chairman.

13 CHAIRMAN TURKINGTON: I know this is  
14 going to be of interest but the rock is on a very  
15 topographically challenged parcel.

16 [Laughter.]

17 THE MODERATOR: It's on a big hill.

18 CHAIRMAN TURKINGTON: It's a big hill  
19 and it's a big hole, and to make it worse there  
20 are vernal pools around. There are lot of  
21 reasons why it will never be a parking lot.

22 But the Steamship Authority can use some  
23 of the parcel. It matches and meets up with  
24 parcels they do have that are flatter, so it has

1 an advantage to them.

2 The parcel we're acquiring has a huge  
3 advantage to us because it includes the site as  
4 we've said where the infiltration beds are  
5 planned to go, and for the last two years this  
6 Town has spent an enormous - and this committee  
7 and the Selectmen have spent an enormous amount  
8 of time and money examining that site and  
9 determining that it will not impact West Falmouth  
10 Harbor, that it will not impact Crocker Pond and  
11 that it is in every other respect a suitable site  
12 for the quantity of water - treated water,  
13 tertiary treated water, that we would propose  
14 to put there.

15 THE MODERATOR: Okay, Ms. Lowell.

16 MS. LOWELL: The last thing I want to  
17 do is to prevent the swap, but the Steamship  
18 Authority we have very little - being a state  
19 authority, we have very little control over what  
20 they do there and I just want to make sure the  
21 rock is decently preserved in its setting. Thank  
22 you.

23 THE MODERATOR: Okay, the question will  
24 come on the main motion as recommended. All

1 those in favor signify by saying aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [No.]

5 THE MODERATOR: The ayes have it by a  
6 majority. A two-thirds - a two-thirds majority  
7 and I so declare. Is there a challenge on the  
8 two-thirds?

9 Hearing none, we'll move on to Article  
10 45. The Board of Selectmen for a main motion.

11 CHAIRMAN TURKINGTON: Mr. Moderator,  
12 can I just have one second to thank you all for  
13 your patience. This is -

14 [Applause.]

15 THE MODERATOR: Thank you, Mr.  
16 Chairman.

17 Article 45.

18 CHAIRMAN PUTNAM: Mr. Moderator, the  
19 Board recommends Article 45 as printed.

20 THE MODERATOR: Article 45 as printed.  
21 This is to accept the doings of the Board of  
22 Selectmen in laying out Cash's Trail, Castle Road  
23 and Sandcastle Drive. Any discussion on Article  
24 45?

1                   Hearing none, then the question will  
2                   come on the 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                   Madame Chairman, could you announce the  
10                  total sum that Town Meeting appropriated?

11                  We normally - we used to have an article  
12                  at the end of Town Meeting that was a wrap up  
13                  article. We don't have that article in the  
14                  warrant because it's not required by law, but I  
15                  did ask the Finance Committee to give us that  
16                  number since we've been doing it for decades.

17                  Madame Chairman.

18                  CHAIRMAN MAGNANI: Yeah, I have been  
19                  doing it for decades. Okay.

20                  I wish this Town Meeting to know that  
21                  you have spent this evening \$7,070,931.

22                  Congratulations.

23                  [Laughter.]

24                  THE MODERATOR: Okay, Mr. Chairman of

1 the Board of Selectmen for notification of the  
2 next Annual Town Meeting.

3 CHAIRMAN PUTNAM: Mr. Moderator, the  
4 Board of Selectmen has voted to hold the Spring  
5 Town Meeting on April 7, 2014. We'll see you  
6 then.

7 THE MODERATOR: April 7<sup>th</sup>, 2014 is the  
8 next Town Meeting.

9 The Chair would entertain a motion to  
10 dissolve the meeting; so moved. All those in  
11 favor of dissolving this meeting, signify by  
12 saying aye.

13 [Aye.]

14 THE MODERATOR: All those opposed no.

15 [None opposed.]

16 THE MODERATOR: The ayes have it.

17 Thank you all.

18 [11:45 p.m. Whereupon, this meeting adjourned.]

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth Annual Town Meeting, taken by me on November 13, 2013. 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 30<sup>th</sup> day of December, 2013.

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

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