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COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

ANNUAL FALL TOWN MEETING

Lawrence School

Lakeview Avenue

Falmouth, Massachusetts

MODERATOR: David T. Vieira

Wednesday, November 14, 2012

7:00 p.m.

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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 this
5 evening as attendance will be published in the
6 Falmouth Enterprise.

7 Okay, all Town Meeting Members please
8 come forward and take your seats.

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

13 [Pause.]

14 THE MODERATOR: Would all Town Meeting
15 Members present please rise for the establishment
16 of a quorum and the tellers will return a count.

17 [Pause.]

18 THE MODERATOR: In the third division,
19 Mr. Hampson?

20 MR. HAMPSON: 61.

21 THE MODERATOR: 61.

22 MR. HAMPSON: 62.

23 THE MODERATOR: 62 in the third
24 division.

1

2

In the first division, Mrs. Tashiro?

3

MRS. TASHIRO: 43.

4

THE MODERATOR: 43.

5

In the second division, Mr. Dufresne?

6

MR. DUFRESNE: 99.

7

THE MODERATOR: 99.

8

By a counted vote of 204, we have a

9

quorum and I call this Annual Town Meeting into

10

session.

11

All please rise for the presentation of

12

the colors by the Wolf Den of Pack 41.

13

[Colors presented.]

14

THE MODERATOR: Please follow me in the

15

Pledge of Allegiance.

16

[Pledge of Allegiance taken.]

17

THE MODERATOR: At this time I'll call

18

on Gary Anderson for our invocation.

19

MR. ANDERSON: Lord, when it comes to

20

meeting and communicating with each other, help

21

us to be good listeners. Help us to be open-

22

minded, putting aside our own agendas. Help us

23

to be honest, without being insensitive. Help

24

us to be respectful, without being too formal or

1 artificial. Help us to question and to
2 challenge, without being harsh. Help us to be
3 aware that this is just one moment, just one
4 meeting. And lastly, help us to remember that
5 you, too, are always meeting and communicating
6 with us. Amen.

7 THE MODERATOR: At this time we'll
8 pause for a moment of silence. Having just come
9 off Veteran's Day, I'd like us to dedicate our
10 moment of silence to our veterans in Falmouth,
11 and particularly General Flanagan and Sergeant
12 Major Lewis, who we've lost most recently.

13 [Moment of Silence.]

14 THE MODERATOR: Colors post.

15 Let's have a round of applause for my
16 alma mater, Pack 41 from East Falmouth.

17 [Applause.]

18 THE MODERATOR: Okay, tonight we will
19 pick up where we left off last night, which
20 according to my record is Article 20.

21 Ms. Siegel.

22 MS. SIEGEL: Debra Siegel, precinct 6.
23 I just thought it would be really nice since
24 we're recognizing people at this Town Meeting to

1 recognize Michael Palmer for a very smoothly run
2 and pain-free election. Thank you, Michael.

3 THE MODERATOR: Thanks, Mike.

4 [Applause.]

5 THE MODERATOR: It's quite a feat,
6 pulling off nine precincts with the amount of
7 workers that you have and the surge capacity.
8 So, our hats go off to all of the poll workers,
9 as well. I know it's a long day for you and for
10 the entire staff over at the Clerk's Office. A
11 job well done.

12 Article 20, Mr. Chairman of the Board of
13 Selectmen for the main motion.

14 CHAIRMAN MURPHY: I move that the Town
15 adopt Article 20 as printed.

16 THE MODERATOR: Okay, as printed.
17 This is the Home Rule Charter amendment for
18 enforcement.

19 Who held this one? Somebody back here?
20 Mr. Finneran. And then Mr. Waasdorp.

21 MR. FINNERAN: Thank you, Mr.
22 Moderator, Mark Finneran, precinct 6. I
23 wondered if it would be possible to move this
24 article forward to be taken with my competing

1 article.

2 THE MODERATOR: This is with -

3 MR. FINNERAN: 37.

4 THE MODERATOR: 37, okay. In order to
5 take articles out of order, it would take a
6 motion of the meeting to either pull this one out
7 or bring the other one forward.

8 MR. FINNERAN: Um, I would make a
9 motion to do either.

10 THE MODERATOR: Well, okay, so right
11 now we have the motion on the floor for Article
12 20, so what we can do is dispense with Article
13 20, have a debate, vote yes or no, and then the
14 motion to bring Article 37 directly to the floor
15 then would be in order. So we'd have to
16 dispense with the main motion and then we could
17 bring 37 back up.

18 MR. FINNERAN: Um, should I repeat
19 that?

20 THE MODERATOR: Say that again?

21 MR. FINNERAN: Should I repeat what
22 you - I move -

23 THE MODERATOR: Yeah -

24 MR. FINNERAN: - that we dispense with

1 -

2 THE MODERATOR: Well, when we finish
3 with this article, then I can recognize you and
4 you can ask for Town Meeting to move Article 37
5 next in order, and we'll take a vote on that.

6 MR. FINNERAN: That would be
7 sufficient, thank you.

8 THE MODERATOR: Okay.

9 Mr. Waasdorp. That was same issue,
10 okay.

11 Any further discussion on Article 20?
12 Yes, Mr. Stumcke.

13 MR. STUMCKE: Thank you, Mr. Moderator.
14 Brian Stumcke, Chairman of the Charter Review
15 Committee. I'd like to briefly provide you with
16 a little background information on Article 20.

17 The Charter is the Town's Constitution.
18 It should be noted that there are no enforcement
19 provisions in either the United States
20 Constitution or the Constitution of the
21 Commonwealth of Massachusetts. And each relied
22 on the courts to resolve conflicts that cannot be
23 resolved at the local level.

24 The last two Charter Review Committees

1 discussed the issue of Charter enforcement but
2 chose not to include enforcement provisions.
3 Our committee came to the conclusion after
4 considerable discussions that enforcement or
5 compliance provisions were important to the
6 public trust.

7 The idea behind Article 20 came from a
8 substantial change in the Open Meeting laws - Law
9 enacted in June of 2010. Under this change, if
10 an individual believes that a governmental body
11 has violated the Open Meeting Law, he or she may
12 file a complaint with that body and the Town
13 Clerk. That body has a responsibility to
14 determine if a violation occurred and propose
15 corrective action or to explain why the complaint
16 is not valid with a statement of reasons.

17 As you can see, we try to solve the
18 alleged violations in-house before acting outside
19 for outside help. The committee took the Open
20 Meeting Law as a model and adapted it to apply to
21 potential Charter violations. The Charter is the
22 guiding document for Falmouth Town government so
23 that the people who could potentially violate the
24 Charter are for the most part sitting right here

1 in this room, and a few others who are appointed
2 or elected or volunteer their time in the Town of
3 Falmouth.

4 The committee believes that enforcement
5 should be founded upon the premise that public
6 officials and members of governmental bodies -
7 like us - are sincere, responsible people who
8 want to obey the rules and comply with the
9 Charter. Whenever an alleged violation of the
10 Charter is brought to their attention, these
11 public officials or governmental bodies can be
12 expected to review the complaint and determine if
13 a violation has occurred.

14 They then propose remedial action. That
15 remedial action might be to redo the action with
16 proper public notice, or to act in a manner that
17 is compliant with the Charter.

18 If they do not believe a violation has
19 occurred, a statement of reasons must be given.
20 The process is open and transparent.

21 This process works well with the Open
22 Meeting Law violations, and we believe it will
23 work well with Charter issues, also. The model
24 emphasizes education and gives public officials

1 and the governmental bodies the opportunity to
2 rectify their own mistakes in a reasonable and
3 well-thought-out manner and time frame. Thank
4 you.

5 THE MODERATOR: Further discussion on
6 Article 20? Mr. Waasdorp.

7 MR. WAASDORP: Peter Waasdorp, precinct
8 1. Thank you, Mr. Moderator. I also want to
9 thank the Charter Review Committee; that they did
10 their work with intelligence is obvious from the
11 number of articles that passed under blanket vote
12 with no discussion at all.

13 And it's also obvious that they listened
14 to those of us who attended the public sessions.
15 I attended one and provided verbal and written
16 testimony, arguing that the Town should consider
17 an ombudsman's position or counsel of ombuds-
18 people as a method of addressing what Article 20
19 is addressing.

20 And I think the critical factor for any
21 complaint process or review board is that it be
22 absolutely independent of those in power. And
23 one of the problems I have with Article 20 as
24 written is that it appeals to the very same

1 people who may be responsible for the complaint
2 in the first place.

3 A couple of quick examples. When I
4 was on Conservation and discovered a discrepancy
5 between the Request for Proposals and a Town
6 lease, and was told by the Inspector General's
7 Office of the state that it violated the Uniform
8 Procurement Act, I notified the then chair of the
9 Conservation Commission and also the Board of
10 Selectmen. They ignored it. If there had been
11 an ombudsman or a counsel of citizens handling
12 things like this, I think that kind of complaint
13 could have gone to them.

14 There's a group of people in
15 Sippewissett right now who asked the zoning
16 enforcement officer three years ago for a ruling
17 on enforcement which he was required to render
18 within 14 days by the Town bylaws. Three years
19 later, that hadn't occurred. Two more letters
20 and that hadn't occurred. This bylaw as written
21 would ask that group of citizens to go to the
22 same people who were responsible for ignoring the
23 enforcement in the first place.

24 I think it's a great first step. It's

1 obvious they listened and want to do something
2 about a complaint process. It's serious. I
3 think it's phenomenal to have Michael Palmer as a
4 person handling it. I can't think of anyone more
5 respected in Town Hall.

6 So those are all good first steps and I
7 have no problem supporting this article if in the
8 future some of us work on providing something
9 perhaps at Spring Town Meeting for a counsel of
10 ombudsmen or if Article 37 is still on the
11 warrant - and I've heard different opinions on
12 whether that article will come up - do you know
13 anything about that, Mr. Moderator?

14 THE MODERATOR: Well, we'll vote on all
15 articles on the warrant, but we'll -

16 MR. WAASDORP: I heard he didn't have a
17 hearing -

18 THE MODERATOR: We'll discuss if it's
19 in the proper form when we get to it.

20 MR. WAASDORP: Okay. So there may be
21 a conflict and we may not have a full discussion
22 of that tonight, which I think is a shame.

23 But, again, thanks to the Charter Review
24 Committee. I think this is a great first step

1 and I will support it.

2 THE MODERATOR: Okay, further
3 discussion on Article 20? Mr. Finneran.

4 MR. FINNERAN: I would like to echo Mr.
5 Waasdorp's comments, but there is one I think
6 glaring deficiency in this article as written,
7 and I believe it needs also a stronger
8 enforcement. But the part that requires - well
9 this law is basically meant to mimic the Open
10 Meeting Law. And the part that requires the
11 notification which in 30 days in effect puts a
12 statute of limitations on our Town's Constitution
13 of that same 30 days.

14 I believe that if anyone's honest with
15 themselves, they can foresee something happening
16 against the Charter that may not be discovered
17 until after that said 30 days has expired.

18 I would like to make an amendment to
19 just remove that 30 day requirement altogether.
20 I think it's very limited on a statute of
21 limitations on something as important as the
22 Town's Constitution.

23 THE MODERATOR: So this would be A.(2),
24 The written complaint shall be filed within

1 thirty (30) days of the alleged violation?

2 MR. FINNERAN: Yes, I believe that to
3 be far too small a window of opportunity, to
4 steal someone else's description.

5 THE MODERATOR: I'm just looking to see
6 if it stands alone by just striking that
7 sentence. It appears to do that.

8 So that the amendment would be to just
9 strike the first sentence of A.(2)?

10 MR. FINNERAN: Yes.

11 THE MODERATOR: Okay.

12 MR. FINNERAN: That should be
13 sufficient for the time being, because if this
14 article is allowed to stand, it can be amended at
15 any time.

16 Otherwise, depending on the final result
17 of my competing article, we may be forced to wait
18 another seven years to take a whack at this, and
19 I think that's far too long. I could be wrong
20 and I will stand to be corrected if that's not
21 the case.

22 THE MODERATOR: Okay, discussion on the
23 amendment to strike the first sentence of section
24 A.(2).

1 Ms. Peterson.

2 MS. PETERSON: Laura Peterson, precinct
3 3. My question is if - it says within 30 days of
4 the alleged violation. So we'd strike that, but
5 aren't there some things when a violation occurs
6 that - for example, with the water - we don't
7 find out about it until later. So the violation
8 could have occurred X days, but by the time it
9 surfaces and becomes public, that's another
10 amount of time, so I support striking the 30 days
11 just based on that information.

12 THE MODERATOR: Okay, further
13 discussion on the amendment?

14 Mr. Herbst.

15 MR. HERBST: Hey, Ralph Herbst,
16 precinct 8. A member of the Charter Review
17 Committee. I do believe that you don't want to
18 strike that whole first sentence. The only thing
19 you want to strike is "within 30 days." Because
20 that A.(2) says, "The written complaint shall be
21 filed," and you want to leave that in there.

22 THE MODERATOR: The rest of it says,
23 "Upon receiving the written complaint the Clerk
24 shall forward". But if you look at the

1 introductory clause in A, it says that you've got
2 to file the complaint with the Clerk.

3 1 says it's got to have all this
4 identifying information. 2 says upon receiving
5 it the Clerk shall forward a copy. So, it
6 appears to stand alone, Mr. Herbst.

7 Yes, Ms. O'Connell.

8 MS. O'CONNELL: Maureen O'Connell,
9 Precinct 4. I'd like to support Mr. Finneran's
10 motion for amendment, as well, because I think
11 there's enough ambiguity here to make this a
12 problem. Thank you.

13 THE MODERATOR: Mr. Donahue.

14 MR. DONAHUE: Mr. Chairman, I'm not
15 sure the procedure on this, but could we change
16 the 30 days to six months? I think if someone
17 has a - if there's a problem within the town, if
18 that requires some major action, I would think
19 that six months would be fairly lengthy time to
20 get it out and publicized. I'm afraid that if
21 you leave it just open that, you know, somebody
22 could come up with something eleven months later,
23 and is it something trivial? Or is it something
24 important?

1 I think six months would be a good
2 compromise on this and give someone - give enough
3 a time for something that did come up to bubble
4 to the surface if it's sufficiently important.
5 Thank you.

6 THE MODERATOR: Okay, are you making
7 that a formal amendment? Are you moving it?

8 MR. DONAHUE: I would like to move that
9 if I can, yes.

10 THE MODERATOR: Okay, so the second
11 amendment on the floor right now, Mr. Donahue's
12 amendment, would be to strike the first sentence
13 there and insert, "The written complaint shall be
14 filed within six months of the alleged
15 violation."

16 Discussion on the second amendment.
17 Mr. Finneran, then Ms. Lowell.

18 MR. FINNERAN: I believe if you were to
19 leave it as previously stated, any limitations
20 would already be in written law, would they not?
21 Which most often is a three year period?

22 Or - I still think that that is too
23 small of a window. Look how long, say, the high
24 school has carried on. And I know that's an

1 extreme - but, I mean, I believe that the minimum
2 statute of limitations is three years. I could
3 be wrong. I'm not a lawyer. But I'm playing one
4 on T.V. [Laughs.]

5 [Laughter.]

6 MR. FINNERAN: Thank you.

7 THE MODERATOR: Ms. Lowell. I'll put
8 you on the list.

9 MS. LOWELL: Vicki Lowell, precinct 1.
10 I think there are other violations that aren't
11 necessarily violations of the Charter that people
12 might be thinking of. I would think most Charter
13 violations would sort of be a process and
14 people's recollections of process and how things
15 unfolded don't last forever, and I think there
16 should be some kind of a time limit on bringing
17 the violation forward if it's a Charter
18 violation.

19 Those who have been on the Charter
20 Review Committee might want to comment on that,
21 but I would support either keeping it the way it
22 is or the amendment, but not - or the second
23 amendment, but not having it totally open-ended.

24 THE MODERATOR: Okay, Mr. Hampson.

1 MR. HAMPSON: George Hampson, precinct
2 5. I was just wondering if our Town Counsel has
3 an opinion on this. Thank you.

4 THE MODERATOR: Mr Duffy.

5 MR. DUFFY: Well, one of the things I
6 would caution is that when you have a violation
7 of a charter, there's usually two remedies. One
8 is to invalidate the act taken and the other is
9 to re-do it. Now, if you have an open-ended
10 time to which you can file a complaint, the
11 remedy may be rather draconian later on if a lot
12 of time elapses.

13 Say for example the Board of Selectmen
14 do not go through the proper procedures to post
15 an open position on the Board of Appeals. And
16 they appoint somebody. And then a year later
17 someone comes along and says, "You know, you
18 didn't perform the necessary notice before you
19 appointed someone to the Board of Appeals." You
20 could conceivably go back and overturn every
21 decision the Board has made in the past year.

22 So I think's very important that you
23 remember that most Charter violations that I can
24 think of, and as Mrs. Lowell has pointed out, are

1 going to be procedural. But they should be
2 obvious when they occur and it should be brought
3 to the attention of the Selectmen or the Town
4 Clerk as soon as possible.

5 Now, 30 days, if that's too short, I can
6 understand you would like to amend that to some
7 time, but having it open-ended is, that's
8 mischievous.

9 THE MODERATOR: Ms. Bumpus.

10 MS. BUMPUS: I think Frank just
11 answered it. Really, Charter, this just deals
12 with issues that are in the Charter. And as
13 Vicki said, they are more process-oriented. They
14 are not issues where there are violations of the
15 bylaws or policies of the Boards. It is just for
16 Charter issues which, if you want to read all 30
17 pages of the Charter, there aren't - they aren't
18 big, out-there issues a lot of the time. They
19 are very process-oriented and very nit-picky and
20 they should be addressed very promptly.

21 THE MODERATOR: Mr Putnam.

22 MR. PUTNAM: Andrew Putnam, precinct 9.
23 You do have to have a time line. You can't leave
24 it open-ended, and of course Mr. Duffy just made

1 it a point. I mean, you leave it open-ended, let
2 me go find out what the Board was doing 20 years
3 ago. You know?

4 I mean, there has to be a time line.

5 On top of that, I would say that 30 days
6 is too short. I really do think it's too short.
7 I've seen a lot happen in this town since I got
8 involved two years ago, and there's some good
9 things that have happened and some not so good
10 things, and I think 30 days is too short, based
11 on some of those not so good things that have
12 happened.

13 I think six months is a good time frame,
14 but in the end there has to be a time frame.
15 There has to be a statute of limitations, because
16 you can't just go back 40, 50, 60 years and
17 decide, "Oh, I found something wrong." You just
18 can't do that.

19 And, really and truly, you have bodies
20 like the Board of Selectmen, every May their
21 membership changes. What one body decided three
22 years ago is not going to be the same body three
23 years later that's deciding on a whole set of new
24 issues.

1 So, I would support the amendment for
2 six months and I'd also like to call for a vote.

3 THE MODERATOR: I only take the motion
4 for the previous question if that's the sole
5 purpose that the speaker rises.

6 Mr. Latimer. You're all set?

7 Any further discussion on the second
8 amendment, which is to give us a six month time
9 frame?

10 Mr. Finneran.

11 MR. FINNERAN: I appreciate Mr. Duffy's
12 argument using the Zoning Board of Appeals and
13 also Mrs. Bumpus's statement that the Charter is
14 30 pages long, but if you read all 30 pages of
15 the Charter, there is no mention in there
16 whatsoever of the Board of Appeals. So are they
17 actually covered by it in the first place?

18 And further, I think all statute of
19 limitations are seven years maximum, except for
20 murder. So obviously nobody's going to drag
21 this thing out, you know, 20 and 30 years. I
22 mean, it seems like kind of an extreme example.
23 Thank you.

24 THE MODERATOR: Okay, let's take a vote

1 on the second amendment. This is to put a six
2 month - that the complaint has to be filed within
3 six months. All those in favor of that
4 amendment, signify by saying aye.

5 [Aye.]

6 THE MODERATOR: All those opposed no.

7 [No.]

8 THE MODERATOR: It is the opinion of
9 the chair that the ayes have it by a majority and
10 you've added six months to line A.(2).

11 Now this is where the procedure, we need
12 to focus, here. We still have the first
13 amendment is to strike the sentence, which you
14 just voted on, which is now the six months. So
15 if you want to withhold what you just voted on as
16 the second amendment, you're going to have to
17 vote no on this amendment, okay?

18 If you vote yes on this amendment,
19 you're going to strike it out in its entirety,
20 okay?

21 Everybody understand? Okay.

22 So the question will come on the primary
23 amendment. All those in favor signify by saying
24 aye.

1 [Aye.]

2 THE MODERATOR: All those opposed no.

3 [No.]

4 THE MODERATOR: The opinion of the
5 chair is that the no's have it and we are back to
6 the main motion as amended to include a six month
7 time frame. Any further discussion on the main
8 motion?

9 Mr. Latimer.

10 MR. LATIMER: I want to thank Mr. Duffy
11 for explaining what the remedies are. I have
12 problems with penal or penal-sounding provisions
13 that don't actually specify what the penalty will
14 be. That gives me some kind of pause with due
15 process.

16 Now, Mr. Duffy is saying that this, in
17 the case of a board, would mean, well, it can
18 either go back for review or the - who gets to
19 reverse the Board on that? And when I talk
20 about that, we're talking about something where
21 there is an existing statute, which may also, in
22 the course of the proceeding, some Board or some
23 member may have violated some provision of the
24 Charter, but now they're acting under an existing

1 statute such as the Wetlands Law or the Zoning
2 Bylaw, you know, or other administrative statutes
3 where there are specified remedies.

4 It gives me pause to be thinking about
5 what kind of ramifications there would be having
6 here. Would the Town be reviewing a member of
7 the Board where that same member's vote on a
8 Board action was going to be taken to court on
9 appeal?

10 This provides - this article raises more
11 questions in my mind than I think it could
12 possibly answer. So I'm going to oppose it.

13 THE MODERATOR: Okay, further
14 discussion on the main motion?

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

18 [Aye.]

19 THE MODERATOR: All those opposed no.

20 [No.]

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

24 Mr. Finneran.

1 MR. FINNERAN: Thank you, Mr.
2 Moderator. Mark Finneran, precinct 6, petitioner
3 of Article 37. Although - and this is my
4 understanding, I will hope that you will correct
5 me if I am incorrect, but even though my article
6 was delivered to the Town Clerk's Office -

7 THE MODERATOR: Well, first of all, we
8 need to have you place the motion to take it out
9 of order.

10 MR. FINNERAN: Oh, excuse me. I'd
11 like to place a motion to take Article 37 out of
12 order and next.

13 THE MODERATOR: Okay, so this is a
14 majority vote to take up Article 37 now. All
15 those in favor, signify by saying aye.

16 [Aye.]

17 THE MODERATOR: All those opposed no.

18 [No.]

19 THE MODERATOR: The ayes have it by a
20 majority and we're now on Article 37.

21 Article 37 is the Falmouth Home Rule
22 Charter, Charter Compliance Committee. The
23 recommendation of the Board of Selectmen is
24 indefinite postponement.

1 MR. FINNERAN: Yes, thank you, Mr.
2 Moderator.

3 THE MODERATOR: So, Mr. Finneran, do
4 you want to place a positive motion on the floor?

5 MR. FINNERAN: Um, I would like to make
6 that motion, yes. With I guess there are
7 qualifications, though. But firstly I would
8 like to place a positive motion on the floor.
9 Yes.

10 THE MODERATOR: Okay, so Mr. Finneran
11 is making a motion as printed for Article 37.

12 When we were reviewing this warrant, I
13 remembered that there were some statutory
14 obligations to have a process by which Charter
15 amendments can come before a town meeting, and
16 asked for Mr. Duffy to issue an opinion as to
17 whether or not this article was properly before
18 the meeting.

19 That, I will allow Mr. Duffy to expound
20 on his opinion, but in form and in substance, a
21 positive motion on Article 37 would be out of
22 order at this Town Meeting because it did not
23 meet the legal requirements of a public hearing
24 held by the Board of Selectmen prior to the Town

1 Meeting.

2 Mr. Duffy, do you want to just give us a
3 brief overview of the opinion as to why I will
4 not allow a positive motion on Article 37?

5 MR. DUFFY: Yes, yes, Mr. Moderator.
6 There are basically two procedures set forth in
7 the Home Rule Procedures Act for bringing
8 amendments to a Charter before Town Meeting.
9 One procedure follows the course of a Charter
10 Review Committee, which holds public hearings,
11 makes recommendations, drafts articles, brings
12 them to the Board of Selectmen and the Board of
13 Selectmen as a board votes to put them before
14 Town Meeting.

15 Then, when Town Meeting approves them by
16 a two-thirds vote, they go to the Attorney
17 General for review and then they go on the ballot
18 at the next town election, which will be next
19 May.

20 There's a second procedure which applies
21 to proposed amendments to the Charter brought by
22 petition. Now, this is a - if an article is
23 brought by petition, and this means it's outside
24 the Charter Review Process, it must be on a

1 petition filed with the Town Clerk, who then
2 transfers or transmits the petition to the Board
3 of Selectmen, who must hold a public hearing on
4 it, and the public hearing must be noticed in a
5 newspaper and all of this must proceed and happen
6 before a petition article can go before Town
7 Meeting.

8 Now, in this particular situation, that
9 didn't happen. Now, it's kind of unfortunate,
10 but Mr. Finneran submitted this article in the
11 form of an article before Town Meeting and went
12 to the Board of Selectmen. And didn't go
13 through the Town Clerk and the procedure did not
14 take place to hold a public hearing on it.

15 I'm not blaming anybody for this. I
16 think it was unfortunate that it happened. The
17 Falmouth Home Rule Charter was adopted in 1991,
18 and since then I don't believe there has ever
19 been a petitioner's article to amend the Charter.
20 All of the articles have come through the process
21 of a Charter Review Committee. So this just
22 happened to go through and no one particularly
23 picked up on it or realized it until about two
24 weeks ago Mr. Vieira and others, in preparing for

1 the Town Meeting, asked the question to look into
2 it and we did. And that's when we found the
3 infirmity.

4 I provided Mr. Vieira with a memorandum
5 to that effect and this petitioner's article has
6 to go through a separate process; it didn't go
7 through it; it can go through it, it's quite
8 possible.

9 Now, Mr. Finneran made a comment earlier
10 I'd just like to follow up on. You're not
11 right, Mr. Finneran, that you only get a crack at
12 the Charter every seven years. Petition articles
13 are appropriate; they can be filed; they just
14 have to go through this process. So you really
15 don't have to wait seven years to take this up
16 again.

17 THE MODERATOR: Mr. Finneran.

18 MR. FINNERAN: I would just like to say
19 that I put this in on time and I was unaware of
20 this and it's an unfortunate situation, but I
21 would like it to go forward.

22 My article is basically a carbon copy of
23 what Bourne uses, and it's my understanding that
24 it's being copied by other towns and I find it to

1 have - it's made up of one appointee from each
2 precinct. It's basically a jury of your own
3 peers.

4 I find a weakness in the other article
5 being that you asked Mr. Duffy, in spite of all
6 his talents, to be judge, jury, executioner,
7 prosecutor and defendant, and I think that's a
8 little much, so I would like mine to go forward
9 and -

10 THE MODERATOR: Okay, Mr. Finneran,
11 what we'll do is I'm going to entertain the
12 indefinite postponement motion from the Board of
13 Selectmen, and then after this Town Meeting we'll
14 have a discussion with the Board of Selectmen on
15 making sure that the requisite notification and
16 hearing is done so that the article, if you so
17 choose, could come back in the April Town Meeting
18 if you submit another form.

19 MR. FINNERAN: That sounds proper and I
20 thank you very much.

21 THE MODERATOR: Okay. So, Mr.
22 Chairman of the Board of Selectmen for the main
23 motion.

24 FROM THE FLOOR: Mr. Moderator?

1 THE MODERATOR: We're just going to
2 vote indefinite postponement. Mr. Chairman.

3 CHAIRMAN MURPHY: I move indefinite
4 postponement.

5 THE MODERATOR: Indefinite postponement
6 on Article 37. All those in favor signify by
7 saying aye.

8 [Aye.]

9 THE MODERATOR: All those opposed no.

10 [No.]

11 THE MODERATOR: The ayes have it and it
12 is indefinitely postponed.

13 And we're back to Article 21. Article
14 21 is Home Rule Charter, Revisions of the Bylaws.
15 Mr. Chairman of the Board of Selectmen for the
16 main motion.

17 CHAIRMAN MURPHY: I move that the Town
18 adopt Article 21 as printed.

19 THE MODERATOR: Okay, Article 21 as
20 printed. Who held this one? Mr. Finneran, was
21 this you? Mr. Finneran.

22 MR. FINNERAN: The Charter calls for a
23 review of the Charter itself every seven years,
24 and it also requires a review of Town bylaws

1 every five years. This has actually never been
2 done. There are many competing and old and
3 outdated bylaws in town that are screaming for a
4 review.

5 I was told at one of the many meetings
6 of the Charter Review that I went to that there
7 was no interest in this. I think that may
8 actually be true, but I think the non-interest
9 may then - may have been more in the minds of
10 Town management and the Selectmen and the powers
11 that be rather than the people of the Town that
12 live by it.

13 It seems with this amendment that you
14 are almost abolishing that. I mean, when it
15 says "any necessary", everyone who knows anything
16 knows that there are many necessary changes that
17 should be implemented into the bylaw - into the
18 bylaws by way of a review committee. And I
19 think this just continues to kick the can down
20 the road as we have for the last - 22 years, is
21 it?

22 I totally disagree with this. I don't
23 see why at least to clean the thing up - what,
24 it's been 20-plus years. I mean, it's long

1 overdue and this seems to kick the can down the
2 road and I don't think that's in the interest of
3 anyone. Thank you.

4 THE MODERATOR: Mr. Stumcke.

5 MR. STUMCKE: First of all, we
6 obviously are concerned about this. As I told
7 you on the slide last night, we had some 60-plus
8 recommendations or suggestions, and we whittled
9 them down to 15. This is one of the 15. We
10 felt that the way the present Charter is written,
11 there was no way that you could be able to review
12 the large volume of bylaws in one sitting.

13 That's why we worded it so that we want
14 it to be happened - to be completed at least
15 every five years. You could do some of the
16 bylaws in year one, others in year two, and work
17 your way through. A stack of bylaws is immense,
18 and to say just once every five years we will go
19 and review them is - is not accomplishable.

20 Thank you.

21 THE MODERATOR: Further discussion on
22 Article 21? Mr. Finneran.

23 MR. FINNERAN: If that argument were
24 true, and there's no doubt that these bylaws need

1 to be revised, it still lays out no structure or
2 framework. It's "when necessary"; it was
3 necessary ten years ago. I think this needs to
4 be more stringent or it needs to be voted down,
5 left the way it was, which was never attended to
6 anyway. I don't see where this is an
7 improvement at all. I just don't.

8 I - I'd like an example of how they
9 intend to go forward with this to clean up some
10 of the problems we have in our bylaws, which many
11 people are aware of. Thank you.

12 THE MODERATOR: Mr. Duffy.

13 MR. DUFFY: The Charter Review
14 Committee was very concerned about the fact that
15 the existing provision in the Charter for review
16 of the bylaws wasn't working out very well and,
17 as Mr. Finneran has alluded, it hasn't worked out
18 very well. Part of the problem is that the
19 structure of the Charter sets up a Committee of
20 five people to do a Herculean task.

21 The purpose of this article to amend the
22 Charter is not to kick the can down the road, but
23 it's to get the process going and to get it going
24 properly, and by doing that you give the

1 Selectmen several options, including the option
2 of creating one larger - larger than five -
3 Charter bylaw review committee, or several
4 committees consisting of people who have specific
5 talents and specific abilities to look at
6 specific problems.

7 Now, in the bylaws, which are huge, by
8 the way, you have for example an animal control
9 bylaw, you have bylaws relating to finances, you
10 have bylaws relating to peace and good order.
11 All of these subjects are very diverse and very
12 difficult for one small committee to get their
13 arms around.

14 So what we are suggesting here is a way
15 for the Selectmen to appoint one or more
16 committees, give them specific assignments,
17 assign them specific provisions in the bylaws and
18 get this process going again.

19 THE MODERATOR: Okay. Main motion on
20 Article 21 as printed. All those in favor
21 signify by saying aye.

22 [Aye.]

23 THE MODERATOR: All those opposed no.

24 [No.]

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

4 Article 22, this is a definition section
5 of the Home Rule Charter. Mr. Chairman of the
6 Board of Selectmen for the main motion.

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

8 THE MODERATOR: Ms. Hayward, we've got
9 to get a main motion on the floor, first.

10 CHAIRMAN MURPHY: I move that the Town
11 adopt Article 22 as printed.

12 THE MODERATOR: Okay, Article 22 as
13 printed. Ms. Hayward.

14 MS. HAYWARD: Mr. Moderator, Nancy
15 Hayward, precinct 5. I would like to move an
16 amendment to this Article 22. Mr. Moderator, I
17 handed up to that bench and I hope you have a
18 copy -

19 THE MODERATOR: Yes, I do.

20 MS. HAYWARD: - of the amendment that
21 I'm proposing.

22 If everyone would turn to page 18 where
23 Article 22 is located. If you would look down
24 that article to the large type, down to the

1 section called Master Plan. And if your eyes
2 want to follow through, if you would go down to
3 the third line there, which starts out, "Economic
4 and community development", I am proposing to add
5 an additional clause in there. It would read,
6 "Economic and community development" comma, and
7 here insert: "historical community character"
8 comma, and then continue with, "civic
9 improvements", etcetera.

10 I am sorry that I did not participate
11 enough in the Charter Review process to come up
12 with this suggestion at that time.

13 I can explain to you why I would like to
14 have that inserted there. If you read the Local
15 Comprehensive Plan, it is a document which has
16 eight elements in it. One of these elements is
17 element number seven, which is called Historic
18 Preservation and Community Character. The
19 Article 22 as written has nothing in that section
20 that makes any mention of historical community
21 character.

22 If you read through the elements of the
23 Local Comprehensive Plan, you will see that
24 topics in the other elements tend to be covered

1 by those other - and I'm sorry, I think it's four
2 things that are in that Master Plan section.
3 There are elements that are subjects in the other
4 elements pulled out, but there is nothing about
5 this being a historical community.

6 So I would ask you all to vote for my
7 amendment to this part of Article 22. Thank you
8 very much.

9 Oh, I would like to add that I am a
10 member of the Falmouth Historical Commission.
11 This motion is not anything that's been discussed
12 at the Historical Commission. I have used this
13 as a member, the Local Comprehensive Plan, as a
14 member of the Historical Commission. I've also
15 used Element 4.1 when I was on the Transportation
16 Management Commission. So, thank you very much.

17 THE MODERATOR: Ms. Hayward, before you
18 give up the mic, did you want the word "historic"
19 or "historical"? What you gave us in writing
20 said "historic".

21 MS. HAYWARD: It is the historic
22 community character.

23 THE MODERATOR: Okay, okay.

24 MS. HAYWARD: Thank you.

1 THE MODERATOR: So, adding "historic
2 community character". Mr. Herbst.

3 MR. HERBST: Ralph Herbst, precinct 8,
4 member of the Charter Review Committee. The
5 reason that we wanted to define Master Plan is
6 because that it referenced in the Charter, but it
7 is no longer really called that. We now call it
8 a Local Comprehensive Plan, which previously was
9 developed by a committee; it is now under the
10 purview of the Planning Board. And the language
11 that you see in front of you is a direct quote
12 from the existing Local Comprehensive Plan which
13 is being revised by the Planning Board.

14 What Ms. Hayward is talking about is
15 more or less adding to the definition of what is
16 in front of you and really has no impact on the
17 revision of the Local Comprehensive Plan which is
18 being undertaken currently. There was no intent
19 to remove any element in the Local Comprehensive
20 Plan that refers to the historic community and
21 character.

22 I spoke with the Chairman of the Charter
23 Review Committee; I don't think the Charter
24 Review Committee has any objection to adding

1 this, but it will not affect the Local
2 Comprehensive Plan in the future. Thank you.

3 THE MODERATOR: Okay, any further
4 discussion on the amendment?

5 Hearing none, the question will come on
6 the amendment. All those in favor, signify by
7 saying aye.

8 [Aye.]

9 THE MODERATOR: All those opposed no.

10 [None opposed.]

11 THE MODERATOR: The ayes have it
12 unanimous.

13 The question will now come on the main
14 motion. All those in favor of the main motion
15 for the definition section as amended 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, a two-thirds majority and I so declare.

22 Okay, Article 25. This is the AFL-CIO
23 Local 1249 contract for the Laborer's Union.

24 The recommendation of the Finance Committee is

1 indefinite postponement. The article was held by
2 the Board of Selectmen. Mr. Chairman.

3 CHAIRMAN MURPHY: Yes, Mr. Moderator.
4 I'd like to let Town Meeting know and the folks
5 out there know, that the Board of Selectmen have
6 ratified a Memorandum of Understanding for a one
7 year extension in a three year contract
8 consistent with the Library Association agreement
9 approved last spring.

10 The terms of the contract are as
11 follows: in 2011, the one year extension was a
12 zero percent raise. In 2012, the first year of
13 the three year contract was a zero percent raise.
14 In 2013, it was a 1.5 raise. And in 2014, 2.25.

15 The funding necessary to implement the
16 contract has been reserved already in the 2013
17 Operating Budget and requires no action of this
18 Town Meeting.

19 So the Board of Selectmen will continue
20 to ask for an indefinite postponement, but we
21 thought it was necessary for Town Meeting to know
22 that the contract has been settled with a
23 Memorandum of Agreement and ratified by the Board
24 of Selectmen.

1 So the motion is still in fact
2 indefinite postponement.

3 THE MODERATOR: Okay, Mr. Chairman of
4 the Finance Committee for the main motion.

5 CHAIRMAN RIPLEY: I move Article 25 as
6 recommended.

7 THE MODERATOR: As recommended, which
8 is indefinite postponement. 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 29. Article 29, this was held
16 by Mr. Netto. This is to amend the Salary
17 Administration Plan, deleting the Assistant
18 Superintendent for Parks and Forestry and adding
19 the Deputy DPW Director.

20 Mr. Chairman of the Board of Selectmen
21 for the main motion.

22 CHAIRMAN MURPHY: Yes, Mr. Moderator, I
23 move that the Town adopt Article 29 as printed.

24 THE MODERATOR: Okay, 29 as printed.

1 We have two folks that called out to hold this at
2 the same time; I've got Mr. Johnson and Mr.
3 Netto. Actually, I've got Mr. Netto and he's
4 got Mr. Johnson, so -

5 MR. NETTO: I didn't hold it.

6 THE MODERATOR: Okay, Mr. Johnson.

7 MR. JOHNSON: I'm inclined to vote in
8 favor of this, but I think we need more
9 information. There are always two aspects to
10 these changes and -- of this nature.

11 One is the personnel aspect and the
12 other is the financial aspect. I have made noise
13 about these things in the past and progress was
14 made in the last few Town Meetings. But this
15 article and the one that follows do not indicate
16 what the financial implications are of this
17 adding one person in one area and deleting
18 another.

19 It would be helpful if the Finance
20 Committee or the people proposing this would
21 include the financial impact in the process.

22 So I did some little arithmetic. If you
23 take the middle of 38.50, it's \$44 an hour; you
24 multiply that by 40 hours a week by 52 weeks in a

1 year and you get a salary that's roughly \$91,000.
2 And then there is - you have to add benefits onto
3 that, so basically you're talking about the cost
4 of the new position being about 130-135 thousand
5 dollars.

6 Now, it's likely that this shift may
7 actually save us money because we're deleting
8 Grade 12 and adding 11 - excuse me, adding 10A.
9 But the question is what's the differential.

10 And I think in articles of this sort we need
11 to have that information, because it's not just a
12 personnel decision, it's a financial one. So
13 that's my question: what is the difference?

14 THE MODERATOR: As we get into that,
15 Mr. Johnson, I anticipated this question coming
16 up because it's come up at multiple Town
17 Meetings, and I've asked that the Town put the
18 entire classification plan, all broken down,
19 available on the website, like we did on the
20 Comprehensive Budget. So that, moving forward,
21 whenever we have a reference, there will be a
22 location that easily Town Meeting members can go
23 to if it's not printed in the recommendation.

24 I know we had that issue with the Town

1 Budget, the 300 page budget versus what we get in
2 the color sections.

3 So, I've been assured that, in the near
4 future on the website, the Classification Plan,
5 the Schedules, will all be there so that as these
6 come up we'll have a one-stop shop for the
7 information.

8 But, for this particular article, who
9 wants to address that?

10 MR. JOHNSON: Thank you, Mr. Moderator.

11 [Pause.]

12 THE MODERATOR: [Inaudible.] No?

13 Okay.

14 Any further discussion? Mr. Finneran.

15 THE MODERATOR: He asked a question and
16 no one up here wants to answer it, so we'll go on
17 to the next speaker. If somebody wants to
18 answer it, then they can answer it.

19 Mr. Suso?

20 MR. SUSO: Mr. Moderator, I'm not
21 certain I fully understand the question. I can
22 confirm, though, that we, as part of the FY '13
23 budget, as the Selectmen have directed me, I have
24 made adjustments in the existing organizational

1 structure of the Town, and this proposed position
2 will not require any additional appropriation of
3 funds. Instead its funding is accomplished
4 through the continuation of certain positions
5 that have been vacant and eliminating those, and
6 re-allocating the existing dollars within the
7 Department of Public Works FY '13 budget.

8 And one of those is indicated in I
9 believe it is Article 51, yet to be considered.
10 It includes the transfer of some funds - I'm
11 double-checking that article number, Mr.
12 Moderator, pardon me.

13 THE MODERATOR: Article 52.

14 MR. SUSO: Yes, thank you, Article 52
15 includes a proposed movement of funds from one
16 portion of existing Public Works FY '13 salary
17 and wages to another portion. That is in an
18 amount of \$50,000.

19 Again, all internal reallocations,
20 without the need for any new appropriations. So
21 that the effect, compared to the existing FY '13
22 budget, is neutral in terms of the overall cost
23 because we have some positions that will not be
24 filled and some positions that indeed are being

1 eliminated.

2 THE MODERATOR: Mr. Finneran. Mr.
3 Shearer, I'll add you to the list.

4 MR. FINNERAN: I have an argument with
5 this, but I actually have a rebuttal to Mr.
6 Suso's past statements. If the DPW is so
7 flushed with cash, how come further on in this
8 booklet they ask for money in several different
9 areas for maintenance? That would seem to
10 indicate to me that they may not have quite so
11 much money.

12 Furthermore, the argument, or the
13 statement regarding this article, makes the
14 argument that the DPW has over 100 men and has no
15 second in command, like the police or the fire,
16 or whatever. But the DPW is broken up into
17 several sub-departments. I mean, Mr. Lyons has
18 I believe almost 40 people under him who he is
19 directly responsible for. They have two
20 foremens - foremen, excuse me. The same
21 applies for Parks, under Rocky Gomes, and there
22 is also a foreman there. And the same scenario
23 repeats itself through Water, Wastewater and
24 Engineering.

1 I believe that they already have many
2 second-in-commands, and I see the infrastructure
3 of our Town falling apart. I think this money
4 could be spent better on a better Director of
5 Public Works, more competent and more caring for
6 the Town's -

7 THE MODERATOR: Mr. Finneran -

8 MR. FINNERAN: - infrastructure.

9 THE MODERATOR: - let's focus on
10 whether or not to establish the new position of
11 Deputy Director.

12 MR. FINNERAN: I do not believe that
13 it's necessary. Thank you.

14 THE MODERATOR: Mr. Shearer, I had you
15 next.

16 MR. SHEARER: Dan Shearer, precinct 6.
17 I'm all for this position. I think it should be
18 had. But I hate it when the Town comes up -

19 FROM THE FLOOR: Can't hear you.

20 THE MODERATOR: Can you speak a little
21 closer to the mic?

22 MR. SHEARER: Sorry. Am I there?

23 [Blows into mic.] Okay. Dan
24 Shearer, precinct 6. Can you hear me now?

1 FROM THE FLOOR: No.

2 THE MODERATOR: Well, the microphone is
3 on, so.

4 MR. SHEARER: Well, Dan Shearer,
5 Precinct 6. Can I lick it?

6 I really like this new position. I
7 think it's very important to the Town. I think
8 we should have it. However, every year we go
9 through this, "This isn't going to cost
10 anything." So I'd like to know what the
11 Assistant Parks and Forestry Salary was this
12 year.

13 We don't have to add any money this year
14 because we've taken it from other areas to fill
15 in. But that's only six months from now. In six
16 months from now we're going to have to come up
17 with \$135,000 for this position. So what is the
18 difference between what we are paying now for
19 this position we are deleting and what this new
20 position will cost the Town?

21 MR. SUSO: Mr. Moderator if I may -

22 THE MODERATOR: Mr. Suso.

23 MR. SUSO: - would it be appropriate
24 for me to speak, Mr. Moderator?

1 THE MODERATOR: Yes, Mr. Suso.

2 MR. SUSO: Mr. Moderator, our
3 Personnel Director Denise Coleman I believe is
4 here this evening. She may have information on
5 the vacant position that we are proposing to be
6 eliminated and what its annual compensation is.
7 I do not have that with me, personally.

8 [Pause.]

9 THE MODERATOR: Jill, where's that
10 binder we used to have up here with all that
11 information in it?

12 [Laughter.]

13 THE MODERATOR: We need to find that
14 binder and start bringing it back to these Town
15 Meetings.

16 Ms. Coleman.

17 MS. COLEMAN: Good evening. The
18 position that we were not going to be filled has
19 a salary range of 24.09 to 36.66 an hour. So
20 you're looking at somewhere up to about \$60,000
21 annually.

22 THE MODERATOR: Okay.

23 FROM THE FLOOR: Can't hear you.

24 MS. COLEMAN: Okay, if you didn't hear

1 me again, I can say it again -

2 THE MODERATOR: It's about \$60,000
3 annually, not including benefits.

4 MS. COLEMAN: It's about \$60,000
5 annually, the position that we're not filling,
6 which is the Assistant position, has a salary
7 range up to \$30 an hour, which is \$60,000
8 annually.

9 THE MODERATOR: Okay.

10 MS. COLEMAN: Correct, plus benefits.

11 THE MODERATOR: Any further discussion?
12 Mr. Dufresne.

13 MR. DUFRESNE: Adrian Dufresne,
14 precinct 2. Mr. Moderator and fellow Town
15 Meeting Members, this is the establishment and
16 the creation of a brand new position and I truly
17 believe it should be done in the Spring Town
18 Meeting.

19 I would hope we would vote it down since
20 - because we do not have the information printed
21 before us for us to properly and reasonably vote
22 this particular - the establishment of this new
23 position.

24 I think there's a lot more information

1 that should be printed in the article.

2 I would hope we would vote it down and
3 let it come back in the spring.

4 THE MODERATOR: Mr. Murphy.

5 CHAIRMAN MURPHY: Yes, Mr. Moderator
6 and Town Meeting. Last year when Mr. Suso was
7 hired, one of the goals that the Board of
8 Selectmen gave Mr. Suso was to help reorganize
9 our Town government. The past Town Manager had
10 over 30 direct reports to the Town Manager. We
11 asked that he provide the chain of command that
12 provides for a smooth and large corporation.

13 We're \$110 million business. We need
14 the support and we need the reorganization of
15 this business.

16 Last spring, this Town Meeting sent a
17 message to the Board of Selectmen that you wanted
18 to see someone in charge of solid waste. Well,
19 that would be all well and good, but we needed
20 also somebody to help supervise the Department of
21 Public Works. This particular person, the main
22 objective of their position, 50 percent if I'm
23 not mistaken, will be in charge of the solid
24 waste aspect of this community. We heard loud

1 and clear from Town Meeting to come back.

2 Mr. Dufresne, I appreciate you wanting
3 to wait until the spring, but to be able to make
4 this business run properly, we need to be able to
5 shuffle around some positions and move around the
6 dollars.

7 Mr. Finneran, you brought up an issue
8 that they're looking for money. Those monies
9 are not coming out of salary and wages. The
10 salary and wages issue is paying for the
11 positions. It's not paying for asphalt, it's
12 not paying for curbing. What we're talking
13 about is reallocating some funds to be able to
14 have the proper supervision of one of the major
15 departments in this town, which is solid waste,
16 as well as the reorganization of the Department
17 of Public Works.

18 If folks are looking to find out, "Well,
19 how much more will this cost us next year?" The
20 Board of Selectmen has already come out with its
21 budget statement for next year, and that is a
22 2.25 percent budget policy statement, with an
23 additional .25 that would go to Capital
24 Stabilization.

1 So, if you think that we're coming
2 forward with a major tax increase in the spring
3 to support these positions? That is not the
4 fact. The fact is we're going to live within
5 the means. The Board of Selectmen has advised
6 the Town Manager that we want to live within the
7 means, but we need to be able to reorganize and
8 make our government more efficient as we move
9 forward.

10 So I would hope that you would support
11 this particular article and this position. Thank
12 you.

13 THE MODERATOR: Mr. Dufresne.

14 Mr. Dufresne: I don't wish to debate
15 whether the waste - solid waste manager is
16 necessary or not. We're talking about the
17 establishment of a fisheries technician, and -

18 THE MODERATOR: No, no, no, we're on
19 Article 29.

20 MR. DUFRESNE: Huh?

21 THE MODERATOR: We're on Article 29.
22 This is the DPW Director.

23 MR. DUFRESNE: I take it back.

24 [Laughter.]

1 THE MODERATOR: Okay, Mr. Noonan.

2 I'll put you on my list for that one,

3 Andy.

4 [Laughter.]

5 MR. NOONAN: John Noonan, precinct 6.

6 I understand that we want to create another
7 position and I think it's probably a good idea to
8 have that position, but I would ask that we would
9 vote this down this time around, and the reason
10 is is we don't know what that position is going
11 to cost us in salary and in benefits. And I
12 think before we add that to the cost of the
13 budget for years and decades to come, we should
14 know what that is because, as well as you're
15 running a multi-million dollar business, we're
16 trustees of the business and we should have that
17 knowledge before we vote to go forward with this.

18 THE MODERATOR: Okay, Mr. Donahue.

19 I'll add you to the list. Mr. Donahue? No?

20 Okay, Mr. Shearer.

21 MR. SHEARER: Dan Shearer, precinct 6.

22 I am going to vote for this. I want this man.

23 [Laughter and talking.]

24 MR. SHEARER: But what I don't want -

1 [Talking from floor.]

2 MR. SHEARER: Oh, or woman, I'm sorry.

3 [Laughter.]

4 MR. SHEARER: Actually I prefer women.

5 But I want this person, whoever he or she is.

6 What I don't want is someone telling us, "We've
7 stolen some money from some other account that
8 isn't being used and we're putting it into this
9 and it's not going to cost us anything." And
10 this happens over and over again in this town and
11 all of a sudden next year there's a budget or an
12 employee with a tremendous salary that we're
13 trying to figure out how that happened. And
14 that's all I'm saying.

15 Please vote for this. We need it; we
16 should have it.

17 THE MODERATOR: Okay, Mr. Wilber.

18 MR. WILBER: Jude Wilber, precinct 8.

19 I have been watching and been involved with the
20 infrastructure of this town for a very long time,
21 both coastal infrastructure as well as other
22 infrastructure, and somebody mentioned a few
23 thankless jobs in this town earlier, and the head
24 of the department of DPW has got to be right up

1 there on that list.

2 I mean, every time there's a pot hole,
3 somebody calls Ray Jack. And I have known Mr.
4 Jack ever since he came to town and worked with
5 him closely on the Planning Board. I have a lot
6 of respect for him; I have a lot of respect for
7 the office that he holds and the many
8 difficulties that he faces. It's been clear to
9 me over the years of my interaction with him that
10 he has too many balls to juggle. He needs an
11 assistant.

12 If one of the primary aspects of this
13 assistant is solid waste, that's fine, but that's
14 not the exclusive part of this job. This
15 includes other things.

16 As far as the money goes, I think Mr.
17 Murphy has just said 2.5 percent next year plus a
18 small number - Kevin - .25 or .025. So that's
19 the Selectmen's guarantee on the money.

20 I think this is a good move. I think it
21 shouldn't be put off. I think the Town really
22 needs this because we do have problems with the
23 infrastructure; it does need to be addressed.

24 Thank you.

1 THE MODERATOR: Okay, Ms. Williams.
2 Ms. Gregg, you're on my list.
3 Ms. Williams.

4 MS. WILLIAMS: Thank you, Mr.
5 Moderator. Cheryl Williams, precinct 3. I
6 just have a question and I do support a new
7 Deputy DPW Director, but it says that we're
8 deleting the Assistant Superintendent of the
9 Parks and Forestry Division. And it says in the
10 explanation that by deleting this vacant existing
11 position organizationally, the effect is neutral.
12 And I guess my question is: is it a vacant
13 position or is somebody currently in that
14 position, and if so where is the work going to
15 go? Isn't the work still going to be there?

16 I guess, you know, I'm not even really
17 talking about the money, but I'm talking about
18 the work.

19 THE MODERATOR: Mr. Suso.

20 MR. SUSO: Certainly I'll take a crack
21 at that, Mr. Moderator.

22 We have found over the past year - and
23 actually this position has been vacant for a
24 little longer than that -- that working with all

1 the department heads in this case, certainly Mr.
2 Ray Jack, Director of Public Works, we have some
3 new division heads, some new managers in
4 different positions, including in Parks and
5 Forestry, we found that we're able to perform
6 tasks in a more efficient manner and in every
7 case we do not always need to maintain the
8 historic structure we've had in place.

9 We're moving along the lines that
10 Selectman Murphy described with the mandate that
11 I've been given, and that is to work with
12 departments, divisions within the Town, to
13 achieve a more efficient and cost-effective
14 management structure in delivering your daily
15 services in the neighborhoods in the town. And
16 this is one example of that.

17 That work is being presently performed
18 by existing staff without the need for this
19 additional level of management in Parks and
20 Forestry, and so those dollars can be reallocated
21 in a more effective way, which is what we are
22 proposing this evening.

23 THE MODERATOR: Mr. Heath.

24 MR. HEATH: I would support this issue

1 because basically we have to let the Board of
2 Selectmen and Mr. Suso reorganize the structure
3 of the government down in Town Hall and they have
4 to get a chance - have a chance to put it in
5 place.

6 I would say that before the next Town
7 Meeting, when we handle the budget, there should
8 be a slip of paper in there that gives the
9 changes and the differences in dollars. I'm
10 sure we're going to come out better. We needed
11 the reorganization and we have to give them the
12 latitude to make the changes they need to make.

13 Yes, the dollars should have been in
14 here, but that doesn't mean that you vote against
15 the article. I'm all for it and let's see how
16 this all turns out in the spring.

17 THE MODERATOR: Ms. Gregg.

18 MS. GREGG: Virginia Gregg, precinct 1
19 and a member of the Solid Waste Advisory
20 Committee.

21 I've been on the Solid Waste Advisory
22 Committee off and on since 1989 when the
23 Committee was formed. Our first report, at the
24 end of that first year, was we need someone in

1 this town whose primary job it is to look after
2 solid waste issues, and the Committee, for all
3 those years since 1989, has had the same wording
4 in every annual report.

5 Last May, in Town Meeting, you all voted
6 for this position. You wanted to see this
7 position created.

8 Now, please don't postpone it because
9 there are so many important decisions that are
10 coming up this winter involving solid waste. Our
11 new contract will be decided soon. The future
12 of the Otis transfer station is up in the air.
13 The future of the local transfer station and how
14 it gets renovated is up in the air. Are we
15 going to go for pay as you throw, or not? That
16 is another huge piece of this puzzle. And all
17 these pieces are circulating up in the air
18 somewhere and they're all going to come crashing
19 down on our heads before next Town Meeting, or
20 before next Town Meeting could make a decision
21 like this, and then put that position in place.

22 Please, if you're going to vote for this
23 position, don't postpone it; make it now. I want
24 the person who comes in to do this job to be part

1 of the decision-making process leading us forward
2 in a coordinated effort. I don't want this
3 person to come in after we've blundered our way
4 piecemeal through all these important decisions.
5 Please pass this now.

6 THE MODERATOR: Mr. Latimer.

7 MR. LATIMER: Richard Latimer, precinct
8 1. I was going to ask that we vote against this
9 article based on the reasoning that Andy Dufresne
10 gave, where I would think it would be an
11 appropriate for it to be on budget. And I was
12 going to comment that, for the Selectmen to come
13 and ask for us to do something this important off
14 budget, without knowing how much it's actually
15 going to cost, is not good procedure. I was
16 going to comment on that.

17 And especially without telling us the
18 best reasons why we should do this now off
19 budget, which Ms. Gregg has just given us, which
20 is the fact that we are going to be going into
21 some negotiations where we're going to need a
22 point person, and we're going to need it over
23 this winter.

24 For that reason, now I'm going to vote

1 for this article, but only for that reason, which
2 I think we should have been given in the first
3 place by the Selectmen. We could have saved a
4 lot of time, here. Thank you.

5 THE MODERATOR: Mr Stumcke.

6 MR. STUMCKE: [NO mic. Inaudible.]

7 THE MODERATOR: No, you're all set.
8 Mr. Lewis.

9 FROM THE FLOOR: Question.

10 THE MODERATOR: We're ready - right
11 after Mr. Lewis I think we're ready.

12 MR. LEWIS: Gardner Lewis, precinct 6.
13 I probably seem to be the only person here who
14 has an actual schedule of pay for these people,
15 and there are ten steps, and I don't think we've
16 ever hired a single person -

17 FROM THE FLOOR: [Inaudible.]

18 MR. LEWIS: Well, maybe you do, but
19 most of the people don't.

20 I don't think we've ever hired a person
21 at Step 1. So, if Mr. Johnson can tell me what
22 step we're going to hire this new person at, then
23 we can tell him the saving of dollars.

24 THE MODERATOR: Yes, Ms. Magnani.

1 MS. Magnani: Mr. Moderator, I never
2 speak at Town Meeting, okay?

3 For the years that I've worked for the
4 Town and been associated with the Finance
5 Committee, very often the Town has paid for
6 studies of different departments, and the studies
7 come in and everybody looks at those studies,
8 they said, "Boy, this is really great," and it
9 gets put in a drawer.

10 Several years ago the Town paid for a
11 matrix study of the Department of Public Works
12 and I am delighted that this is part of that
13 study. We're following through on it gradually.
14 We didn't do it all at once, but we have worked
15 on it and we should vote for this article.

16 FROM THE FLOOR: Question.

17 THE MODERATOR: Okay, I just want to
18 make a brief editorial comment. If we had this
19 slide all night, we should have put it up at the
20 beginning of this article.

21 [Laughter and applause.]

22 THE MODERATOR: So I don't know whose
23 slide it is. I'm not blaming you folks.
24 Whoever gave you the slide should have told us to

1 put it up here. And I'm not going to blame
2 anybody, but everybody on the stage hears me.
3 Whoever gave them the slide should have had it
4 put up at the beginning of this article.

5 Article 29, as printed. All those in
6 favor, signify by saying aye.

7 [Aye.]

8 THE MODERATOR: All those opposed no.

9 [No.]

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

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

14 CHAIRMAN MURPHY: Yes, Mr. Moderator, I
15 move that the Town adopt Article 30 as printed.

16 THE MODERATOR: Article 30 as printed.
17 This is the Fisheries Technician position. Mr.
18 Johnson, you held this one?

19 MR. JOHNSON: Do we have a chart for -

20 THE MODERATOR: We actually do have a
21 slide up there for this one.

22 MR. JOHNSON: - Grade 7?

23 FROM THE FLOOR: Yay.

24 MR. JOHNSON: There we go, all right!

1 [Applause.]

2 MR. JOHNSON: Now you just - so I
3 guess we can figure out what it costs. But that
4 of course was my question: what would it cost us
5 if you picked the one in the middle there or
6 picked \$20, I guess you multiply it by - it's
7 about \$46,000.

8 Now, that wasn't that painful. But it
9 would have been nice to have been in the warrant.

10 But there is a question here that's a
11 repeated theme, and that is it says it doesn't
12 need any additional funding. So the question
13 then becomes what is being taken out of the
14 budget that allows this additional position to in
15 effect not cost the Town any additional money.

16 So, the question is what is being taken
17 out of the budget to make the place for this
18 position?

19 THE MODERATOR: Okay.

20 MR. SUSO: Mr. Moderator -

21 THE MODERATOR: Mr. Suso.

22 MR. SUSO: - I'm happy to address that.
23 It will be an incomplete response, but I want to
24 let Town Meeting know where we're going. I am

1 working to merge in the FY '14 budget the
2 Departments of Harbormaster and Natural Resources
3 to the new Department of Marine and Environmental
4 Services, and this position will be part of that
5 in the FY '14 budget that is not before you
6 tonight. It will not be before you until your
7 meeting in spring, so it's premature to go into
8 detail about that. You will have details about
9 it in the spring, as you should, as that budget
10 is merged.

11 However, a part of that proposed merger
12 will include the decision not to fill the vacant
13 position of the Assistant Director of Natural
14 Resources. And those dollars are available to
15 reallocate. Many more dollars than are needed,
16 I should say, from that vacant position are
17 available to reallocate to the Fisheries
18 Technician position that is proposed for FY '13.

19 So, much more on the full merger, again,
20 that's along the lines that Selectman Murphy
21 talked about, the directive I've been given as
22 Town Manager, a process that is going to be
23 evolutionary. It's not a single step. But
24 another step is coming in the Spring and this is

1 proposed to be done now with your concurrence for
2 the reasons noted in the warrant article book.
3 There's a full explanation there as there was for
4 the article we just voted on.

5 The purpose of this, if I may continue
6 on that, Mr. Moderator, is as a result of a
7 shellfish workshop the Selectmen held recently,
8 it was confirmed that we have been under -
9 investing in the Town's shellfishery resources
10 for several years and even though we bring in
11 \$60,000 plus in shellfish licenses for
12 recreational and commercial purposes, we've only
13 been reinvesting twenty or thirty thousand
14 dollars a year. This will begin to reverse that
15 trend because our shellfish resources have been
16 diminishing at a very significant rate.

17 If you allow us to move forward with
18 this position now, we'll fill it shortly after
19 the first of the year. It's a three to five year
20 proposition to rebuild the shellfishery in the
21 town and this will allow us not to lose an
22 additional season and give us a leg up and head
23 start to begin that recovery.

24 We respectfully request your support of

1 that.

2 THE MODERATOR: Ms. Liechtenstein.

3 MS. LIECHTENSTEIN: Lesley

4 Liechtenstein, precinct 8. I urge you to vote
5 for this position as someone who spent a summer
6 taking care of baby seed quahogs, our shellfish
7 industry is important to Falmouth. It's part of
8 our history and part of our heritage. And if you
9 walk in Souza, you'll know that Dutchman's Ditch
10 is bone dry.

11 We need somebody who has experience --
12 and I don't mean to put down anybody who's
13 already working in the town -- but somebody who
14 specializes in this. I think they can do a lot
15 for it and I think that one of the things that
16 draws people to Falmouth is we can shellfish.
17 We're one of the few places we can still
18 shellfish and then take them home and eat them
19 without having them go through a cleaning process
20 for a number of weeks.

21 So, I do urge you to vote for this
22 position. I know the fiscal cliff is coming; we
23 don't want to add new positions, but I think this
24 is short-sighted if we don't vote for it. So I

1 do ask you to support this issue. Please.

2 THE MODERATOR: Okay, further
3 discussion on Article 30?

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

7 [Aye.]

8 THE MODERATOR: All those opposed no.

9 [No.]

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

12 Article 32, this was held by the Finance
13 Committee. This is the Capital Improvement
14 Budget. Mr. Chairman for the main motion.

15 CHAIRMAN RIPLEY: Mr. Moderator, I move
16 that the Town vote to appropriate the sum of
17 \$1,322,110 for the purposes of this article, and
18 to meet this appropriation the Town transfer the
19 sum of \$1,257,461.44 from Certified Free Cash,
20 \$53,000 from the Waterways Fund and \$11,648.56
21 from expired CIP articles, \$3,019.42 from Account
22 01198-58000, \$7,289.14 from Account 01930-58022,
23 and \$1340 from Account 01122-58002. Said funds
24 to be expended under the jurisdiction of the

1 Board of Selectmen.

2 [Pause. Talking off the record.]

3 THE MODERATOR: I have a motion to lay
4 this article on the table. So moved. All those
5 in favor signify by saying aye.

6 [Aye.]

7 THE MODERATOR: All those opposed no.
8 The ayes have it; this article's on the table.
9 We'll move onto Article 34.

10 Article 34, this is to appropriate a sum
11 of money for a feasibility study, an engineering
12 and design services for the athletic field
13 complex located at Falmouth High School. The
14 Finance Committee recommendation is indefinite
15 postponement.

16 Mr. Duffany, would you like to place a
17 positive motion on the floor?

18 MR. DUFFANY: I would, Mr. Moderator.
19 I have it in writing if you need it.

20 What I'd like to do is to see if the
21 town will vote to appropriate \$35,000 for the
22 purpose of a feasibility study and for
23 engineering and design services for a multi-
24 purpose athletic complex to be located at the

1 Falmouth High School, from Certified Free Cash,
2 and to be expended under the jurisdiction of the
3 Falmouth School Committee for the purposes of
4 this article.

5 THE MODERATOR: So the main motion is
6 \$35,000 for the study under the jurisdiction of
7 the School Committee from Certified Free Cash.

8 Mr. Duffany.

9 MR. DUFFANY: Thank you, Mr. Moderator.
10 Fellow Town Meeting Members. I'd like to first
11 of all say thank you to the precincts for
12 entertaining the - us at their different meetings
13 and asking very important questions that we are
14 going to attempt to answer tonight as part of a
15 brief presentation. So hopefully this will
16 answer a lot of the questions that a lot of you
17 folks have.

18 Having said that, I'd like to introduce
19 first of all Sandy Cuny, who is going to give us
20 a little bit of a brief history and some opening
21 remarks about this article. Thank you.

22 MS. CUNY: Sandra Cuny, precinct 2, and
23 I'm speaking as Chairman of the Recreation

1 Committee tonight.

2 First of all, moving the football
3 program to the high school has been in the Local
4 Comprehensive Plan before Town Meeting adopted it
5 as the master plan in 2001. It was action item
6 35 on page 41. It's still there today. It
7 states as a priority: construct a football field
8 at the high school and utilize Guv Fuller Field
9 as part of the Gus Canty Recreation Center.

10 The second point I wanted to bring up: I
11 don't know how many of you remember the Guv
12 Fuller Field Recreational Area Study Group. It
13 is a mouthful. It was formed in October of 1998
14 and it followed the April, 1998, Town Meeting
15 that appropriated monies in Article 53 to study
16 Fuller Field.

17 Our Town Administrator at the time was
18 Peter Boyer. He appointed seven members of a
19 committee, and Mike Duffany and I and Mark Dupuis
20 actually sat on this committee.

21 But there were seven of us that worked
22 diligently on looking at all aspects of the
23 field: grounds and maintenance, building uses,
24 recreational uses, lighting, parking. We sent

1 out RFP's, Requests for Proposals, and we
2 interviewed seven different firms. This is back
3 in 1999.

4 We chose Gale Associates to do the work
5 on the design plans. The entire project to
6 upgrade Fuller Field was over \$2.2 million. That
7 was fourteen years ago.

8 The Recreation Committee at that time
9 was hesitant on the total cost of the upgrade
10 since we truly believed - as stated in the Local
11 Comprehensive Plan - that the program should be
12 moved to the high school.

13 The Board of Selectmen at that time
14 agreed to do the project in phases. So the first
15 phase was really a health and safety issue,
16 because the Wiswall Building, which was the old
17 locker facilities, were in deplorable condition
18 and had a failing septic system.

19 It wasn't feasible to repair, so phase
20 one was the addition on the back of the Rec
21 Center that has the new locker facilities, and
22 the old Wiswall Building was torn down. That
23 was passed in this Town Meeting in 1999 in
24 Article 43.

1 Phase two of that project of the upgrade
2 of Fuller Field was never completed. It was put
3 on hold to give citizens, Falmouth Citizens and
4 voters, a choice: do we upgrade Fuller Field or
5 do we move the program to the high school? So
6 the Board of Selectmen voted a question be placed
7 on the ballot in May of 2002 in the Falmouth Town
8 election, and it read: "Shall the School
9 Committee relocate the football field and
10 facilities from Guv Fuller Field off Main Street
11 to the grounds of the Falmouth High School?" It
12 was passed by a majority vote. That was ten
13 years ago.

14 The monies that we're asking for tonight
15 for a feasibility study and design plans for a
16 new field at the high school is truly the wish of
17 the voters. And it's long overdue. Because
18 the question is still there: do we upgrade Fuller
19 Field or do we move the program to the high
20 school?

21 The field that this group envisions to
22 create would be a multi-athletic field. Not only
23 for football, but for many athletic groups to
24 utilize.

1 The Falmouth Recreation Committee
2 unanimously supports this article and we hope
3 that you will as well. Thank you.

4 MR. DUFFANY: Thank you, Sandy. I
5 would like to next ask Karen Bissonnette to say a
6 few words. Karen has actually been the catalyst
7 for this and kept this group together to bring
8 this comprehensive approach to you this evening.
9 Karen.

10 MS. BISSONNETTE: Hi, good evening.
11 I'm not going to read these to you one by one.
12 Hopefully all of you either got it from snail
13 mail or email if we had your email address from
14 Mike Palmer's office.

15 But I will say that the School Committee
16 a couple of months ago did vote unanimously to
17 support this project and as well as the
18 Recreation Department.

19 So these are just a few reasons, but it
20 would not just be football field, it would be an
21 all-purpose field used for soccer, lacrosse,
22 field hockey; for band activities; also youth
23 activities like Pop Warner, Youth Soccer, adult
24 soccer. So it would be a real asset to our

1 community.

2 Lynn, could you just switch - there's a
3 second slide with that on there, too.

4 So we're just asking for the \$35,000 at
5 this point. We've already had an in-kind gift
6 through Holmes McGrath and Jeff Rubino, who's
7 done some of the site work for this. So, it is
8 going to be no more than \$35,000. And then
9 hopefully we'll have some plans for you and come
10 back in April and talk to you a little bit more
11 about that.

12 MR. DUFFANY: Thank you, Karen.

13 A few of the questions that we were
14 asked that we wanted to touch on were several
15 things like the monies that are left over from
16 the high school project and whether or not that
17 money can even be thought of to be used or not.
18 And that's not something that we're able to talk
19 about this evening, other than just to let you
20 know that a lot of you have asked that question
21 and it's something that we're drilling down
22 through to see.

23 It may be a stretch. It may be
24 something the Town does or does not want to do.

1 When that money was voted, I think we all
2 accepted the fact that our taxes were going to be
3 reflected by that vote.

4 And so the question - one of the
5 questions would be will that change the taxes if
6 you decide to use the \$2 million that's left over
7 from that project at this point? And, again,
8 that's not for this evening, but to let you know
9 that that is one of the important questions that
10 we're looking at. You know, what does bond
11 counsel say about it, what does the Town say
12 about that, and that sort of thing. And then
13 what's the impact, if any, on your taxes.

14 Another question that was asked was
15 another very good one is what type of a field are
16 you going to use up-grade of Long Pond and the
17 watershed. Is it going to be something that
18 we're going to have to worry about. And I don't
19 think that any of us knew that this was a big
20 issue, but again thank you, because it's
21 something that we're going to look carefully into
22 to make sure that we suggest a surface that would
23 be compatible north of the watershed that's going
24 to impact our town water if there's - if there is

1 any problems with that.

2 RFP, who's going to write the RFP? The
3 School Department has a lot of experience in
4 writing RFP's. It's done several projects,
5 including the Lawrence School that we're sitting
6 in this evening, and so the Committee itself will
7 not be writing the RFP. It will be done by
8 somebody that has a lot of knowledge in doing so.

9 There were other questions that we were
10 asked at the meetings, but at the moment I just -
11 I'm at a little bit of a loss for some of them.
12 But I do have the other members, some of the
13 other members of the Committee with us this
14 evening.

15 Mr. Kalperis, I know many of you had gym
16 in school. And, watch out, he'll still - you
17 can still get into there and change your -

18 [Applause.]

19 MR. DUFFANY: He's promised not to
20 change my grades if I talk.

21 Pat Callahan, who is tremendously
22 important in the successful conclusion of the
23 Falmouth High School project and helping to get
24 that in line, and has brought his expertise and

1 that of his company to help us to come up with
2 some preliminary ideas and just a general
3 ballpark of the sort of money that we think that
4 we're looking for for this.

5 But, better - but, even more so, to help
6 to break this down into pieces that we could use
7 as - and here's what it was I forgot, and very
8 important - a public/private partnership aspect
9 of this project, which we expect we're going to
10 have a tremendous amount of private involvement
11 in this, and one of the things we're going to do
12 is put together the pieces that we think can be
13 funded privately. You know, everybody's heard
14 about the, you know, buy a brick sort of thing.
15 You know, maybe you buy - maybe you donate a load
16 of crushed stone for the base surface of the
17 field, that sort of thing.

18 But, again, that will all be part of the
19 feasibility study that hopefully you'll give us
20 the money for this evening, and if you have any
21 further questions, please ask. We, amongst us, I
22 hope we can answer them. Thank you. Thanks for
23 your consideration.

24 THE MODERATOR: Okay -

1 FROM THE FLOOR: Question.

2 THE MODERATOR: Mr. Netto.

3 MR. NETTO: Joe Netto, precinct 9. I
4 would like to ask your support for this article
5 for the feasibility study, the \$35,000.

6 And I'd like to speak to you, as Mrs.
7 Cuny did, as a past member of the high school
8 School Building Needs Committee. I served on the
9 committee that brought the article in front of
10 you to Town Meeting, and it was voted on for a
11 Proposition 2 ½ override to renovate the current
12 high school in the situation that we have now.

13 This came before the Committee, and I
14 think in looking back at it, it was one of the
15 mistakes that we made. We avoided the issue -
16 and there's a few Committee members here sitting
17 in the audience, correct me if I'm wrong -
18 basically because of the need - we knew the cost
19 of the renovation project was going to be large.
20 And it sure turned out to be a large cost.

21 And I think that was the number one
22 reason that we did not incorporate the moving of
23 the foot - and it's not a football field. As you
24 can see up there, it's an athletic complex for

1 many, many people in the town to use.

2 And as a past Committee member, looking
3 back on it, I do feel that that was a mistake
4 that the Committee that I served on. We didn't
5 face the music and it probably in the long run,
6 obviously, would have been less expensive to do
7 it than - than today.

8 Very quickly, you must realize when
9 we're always interested in cost, but some of the
10 ancillary costs of having a team practice down
11 there, you have two teams, football and baseball,
12 that you pay transportation costs because the
13 high school, you know, is in that direction and
14 the field is in that direction. And those are
15 just minor but they're there all the time,
16 they're operating costs.

17 With the field being at the high school,
18 the transportation cost for a ten week football
19 season - I was a football coach, I can't quote
20 the baseball season - you know, but again, it all
21 adds up and it all comes into the mix.

22 But having a field located at the high
23 school and removing it and giving an expansive
24 downtown to the Rec Department I think is an

1 overall plus for the Town of Falmouth, its
2 citizens and for the youth of the town, and
3 that's what we're talking about.

4 So, let's get the ball rolling. 35,000.
5 As we can see, we have \$50,000 amounts pop up
6 every now and then when it's convenient for the
7 Town government. I think this is a small sum.

8 And, in closing, I couldn't let down my
9 old track coach, Mr. Kalperis, when he called me
10 up the other night and he's an inspiration.
11 Thank you very much.

12 THE MODERATOR: Okay, Mr. Putnam. Ms.
13 Seganic, you're on the list.

14 MR. PUTNAM: Thank you. Andrew
15 Putnam, precinct 9. I think that this is a
16 tremendous project. I applaud all the work that
17 you guys have done in bringing this back to us.

18 The problem I have is we just spent the
19 last couple articles here talking about money,
20 talking about where money comes from; do we have
21 it in our budget? And we heard a lot of
22 arguments about we need to make sure that we have
23 a balanced budget.

24 Well, this is not in our budget. I

1 don't know what our budget looks like. I can't
2 speak on that at this moment, but one of the
3 things that I will say is why not raise this
4 \$35,000? Why not raise it? We have the East
5 Falmouth playground, which my aunt is one of the
6 people really heading it, raising I believe
7 \$90,000 to rebuild the very playground that I
8 played on and that my aunts played on and my
9 mother played on. Sorry.

10 But that's what they're doing. They're
11 raising the money. And they're actually getting
12 there. And they found someone who said, "Hey,
13 you get up to I think it's like \$10,000 and I'll
14 match that." I wish I had \$10,000 to match.

15 But, the point is, is that, why don't we
16 start here? And it even says in the Finance
17 Committee's recommendation, the Finance Committee
18 feels that the fund-raising should start with
19 this \$35,000. Why not? You know, I mean, we're
20 talking about getting this project up and running
21 and we're also of course at the same time talking
22 about the amount of money we have in our budget.
23 Well, let's start with that \$35,000. I'll help.
24 I'll help. I'll find people to raise.

1 I mean, I've served on the board of a
2 non-profit before. I was the, you know, interim
3 treasurer at the time and I know raising money is
4 tough, but you gotta do it.

5 I mean, I just don't know what else to
6 say other than I don't feel like this is
7 something that we should be paying for right off
8 the bat. I feel like we should be working harder
9 at raising money for this and, like I said, I'd
10 be more than happy to help, so.

11 THE MODERATOR: Ms. Seganic.

12 MR. DUFFANY: Mr. Moderator, may I
13 respond to that?

14 THE MODERATOR: Uh, sure, but -

15 MR. DUFFANY: Real quickly, that's
16 another very good question that we were asked and
17 the answer to that is that we really believe that
18 the Town should own the plan and that once we
19 have - have the money - or, have the plan, if you
20 will, then we can go to people and ask for money
21 and we'll - and I've got you on my list right off
22 the bat to do that. But, you know, it makes it
23 a lot easier.

24 And we've asked people. We've had

1 people come to us and say, "You know, don't come
2 to us and ask us for money for this here with us
3 not knowing exactly what we're getting ourselves
4 into."

5 So, that's the reason why we decided
6 that this really is the forum for that and the
7 Town should own the plan. Thank you.

8 THE MODERATOR: Okay, Ms. Seganic.
9 Ms. Newton, I'll have you on the list.

10 MS. SEGANIC: Annie Seganic, precinct
11 6. I think the other thing that you started to
12 talk about, Mike, but you didn't really get into
13 is that the ownership of the plan will be the
14 Town's. And it calls for having the field on
15 Town land. That's another reason why you don't
16 want to have this independent organization,
17 friend's group or 501C3 owning a document that
18 really is - should be municipal property.

19 THE MODERATOR: Okay, Mr. Antonucci.

20 MR. ANTONUCCI: Hi, Bob Antonucci,
21 precinct 6. I would ask again for you to
22 support this article.

23 If we made a mistake at the high school
24 - and we didn't make any but -

1 [Laughter.]

2 MR. ANTONUCCI: - if we made a mistake,
3 it was not including the fields in the original
4 plan. Again, we had a lot of issues with cost
5 and we understand that, we take full
6 responsibility for it.

7 But I want to say one thing about the
8 purpose of the field, despite all the reasons to
9 use it. One is safety. If you've seen any games
10 at Fuller Field this year, it's been really
11 tough. I watched my grandson play Pop Warner. I
12 watched the high school play, and in fairness to
13 the DPW, they do a great job. But it's very
14 difficult to keep a natural grass field without
15 extensive irrigation systems, fertilizing, and
16 constant maintenance.

17 You know, I run a university. We have
18 such a field. We use it from 6:00 in the morning
19 until 11:00 at night; it's lit. It costs us
20 twice a year to sanitize it and we do that twice
21 a year. That basically is the maintenance of
22 that field and it'll be a 20 year guarantee that
23 that field will stay. They're little rubber
24 pellets.

1 With the concussions with football today
2 and lacrosse and with soccer, having a field the
3 students play on really levels the playing field.

4 Many of our teams play in other high
5 schools. They go to these fields; they're much
6 better protected.

7 We can sit here and all argue about
8 should it be used for football, should it be used
9 for soccer; it will be used for everything. And
10 I will tell you, it will add tremendously to the
11 high school.

12 It will also give us Fuller Field fully
13 for baseball. If you go to the Cape League
14 games, it's sort of embarrassing to come to
15 Fuller Field, because we have a dual field. And
16 I think we will gain two things here: we'll gain
17 a quality field at Fuller Field, we'll maintain
18 the memory of Coach Fuller, have a good field at
19 the high school, cut down on some of our costs,
20 but mainly it will help with the safety of our
21 students.

22 I want to commend the committee for it.
23 I think we should give them the \$35,000. This
24 is the easy part. The big part is going to be

1 to decide whether or not we want to spend any
2 money of Town money for the field or whether we
3 want to make it fully fund-raising.

4 Remember, the high school ended with a
5 balance of \$2.3 million, which Mike referred to.
6 We don't have the authority as a Building
7 Committee, we don't think, Mike, yet, to say
8 whether that money is available or not. That's
9 up to the Selectmen and the Town Manager. Thank
10 you very much.

11 THE MODERATOR: Mr. Lewis.

12 MR. LEWIS: Gardner Lewis, precinct 6
13 from the Finance Committee. I guess my first
14 question to Michael, you, probably, or Karen is:
15 total estimated cost? Or even Mr. Callahan.

16 MR. CALLAHAN: That's part of the
17 feasibility study, is again to raise money. But
18 the feasibility study is going to locate the
19 field. It's going to give us a budget of what
20 the costs are going to be. It's going to give
21 us renderings, floor plans, elevations, so one,
22 as a group we know what the cost will be and two,
23 that allows us to raise a lot more money and
24 bring it to individuals and organizations to -

1 we're prepared to raise several hundred thousand
2 dollars for the good of the community.

3 So that feasibility study really does
4 all that for us.

5 MR. LEWIS: You - well, okay. I've
6 heard \$4 million dollars as a number bandied
7 around. Three and a half to four million
8 dollars.

9 MR. CALLAHAN: We don't know, I mean
10 the -

11 MR. LEWIS: I understand -

12 MR. CALLAHAN: But, I mean, yeah, it's
13 maybe \$2 million, \$3 million, and the way we're
14 laying out the feasibility study is to be done in
15 phases.

16 So, you know, one option is to have, you
17 know, the locker rooms and so forth up, new
18 locker rooms, concession and so forth, lighting,
19 stands, but if we can only raise so much money in
20 donation and get so much support from the town,
21 it'll be a watered-down version.

22 MR. LEWIS: Mr. Putnam, Junior, talked
23 about fund-raising and the opposition seemed to
24 be that it would be your plan not the Town's. I

1 think you could turn the plans over to the Town;
2 that's shouldn't be a problem.

3 I've heard a lot when the presentation
4 was made to the School Committee, there was talk
5 of a 600, 500,000 dollar gift from the road race.
6 Now, if the road race really wants to show
7 sincerity, \$35,000 would be a good way to start.

8 MR. CALLAHAN: It's who does it first,
9 at the end of day, you know? And, you know, I
10 think we need to show, whether it's the Falmouth
11 -

12 FROM THE FLOOR: Can't hear you.

13 THE MODERATOR: Can you speak a little
14 closer to the mic, please?

15 MR. CALLAHAN: You know, we need to
16 show at the end of the day, whether it be the
17 Falmouth Road Race or any other organization,
18 that we're serious about the plan.

19 They're going to want to know what it's
20 going to cost, as well. They're going to want
21 to see the location of the field. They're going
22 to want to see, you know, elevations and
23 renderings of the fields so they understand what
24 they're investing in.

1 So this 35,000 is the first stepping
2 stone of really allowing us to accomplish that.

3 THE MODERATOR: Okay -

4 MR. LEWIS: I'm foreseeing in a couple
5 years we're going to have a set of plans paid for
6 by the Town which will end up in a closet because
7 you can't possibly raise \$4 million.

8 I'm looking at a list of override
9 possibilities that are facing us: wind turbines,
10 wastewater, filtration plants, huge monies, and I
11 have to think, my personal, is that this ends up
12 well down that priority list.

13 Now, I also have a note from the Town
14 Treasurer on the high school building monies.
15 That has been paid back. That's not sitting
16 there waiting for this committee to use it.

17 I just think - I just think a fund-
18 raiser that shows your sincerity to go out and
19 beat the bushes and the Town hires the shellfish
20 guy for the same amount of money. I mean,
21 where's your priorities?

22 THE MODERATOR: Okay, Ms. Newton.

23 MR. CALLAHAN: Well, we're trying to do
24 that, thank you.

1 THE MODERATOR: Ms. Newton, in the
2 back. I'll add you to the list. Which is
3 getting very long, so let's be focused, here.

4 Ms. Newton. Where's the mic?

5 Yeah, you're on the list.

6 MS. NEWTON: Chardell Newton, precinct
7 6. I've listened to Town meeting speak about the
8 wages and the salaries of the Town employees, and
9 I'd like to ask the Committee do we not have
10 enough professional employees on our staff for
11 the Town of Falmouth to contribute to helping you
12 with this program and this feasibility study,
13 along with the residents of the Town who are also
14 professionals?

15 I think I believe that we did have a
16 professional resident in this town who helped us
17 bail out on the high school project and stepped
18 in. Can we maybe poll the residents or speak to
19 the Town Manager about getting some of our
20 professional staff to help us out rather than
21 getting another study in place and watching it
22 sit on the shelf?

23 Because I, too, have seen a number of
24 studies sit on the shelf and they don't come back

1 to Town Meeting until four or five or six years
2 later. Thank you.

3 THE MODERATOR: Mr. Duffany.

4 MR. DUFFANY: I would say that - and,
5 as you can see that are with us - and there are a
6 couple of members, Jeff Rubino, Joe Martino and
7 they are not here with us this evening - that
8 we're a very dedicated group that are not going
9 to let this plan sit on a shelf. If that was
10 where it was going to go, I wouldn't have taken
11 the time to get to this point.

12 This is something the town has needed
13 for a long time for a lot of different youth -
14 and adults as well. And a lot of things that we
15 haven't even thought of that can be used on this
16 facility. We're not going to let this plan sit
17 in a closet anywhere, believe me. We're going to
18 be out there, active.

19 But we just feel it's very important.
20 And we've heard from you folks, that, "Come to us
21 with a plan that shows the different pieces, that
22 we can help to - we can dissect, and maybe the
23 Town can help us to dissect some of the parts of
24 that that wouldn't have to be a rate job; that

1 could be out there, you know, that could be done
2 by the private sector. It wouldn't have to be -
3 it wouldn't be controlled by union wages, to keep
4 a lid on the cost.

5 And, again, we're just responding to
6 what we've been asked by people: get a plan that
7 we can sink our teeth into, and then ask us for
8 money.

9 THE MODERATOR: Okay, Ms. Kozens-Long.
10 Mr. Wilber, I'll add you to the list.

11 MS. KOZENS-LONG: I think this body in
12 this room and the taxpayers of this town stood up
13 and paid for a renovation for the Falmouth High
14 School, and then they stood up again when it was
15 a mess and said, "Yeah, we're going to pay for
16 this." And now, we have a gorgeous high school
17 facility that this town supported and didn't
18 blink.

19 Let's complete it and have a campus we
20 can be proud of once and for all. That campus is
21 an unfinished product. I say we not only pass
22 this, but everybody in this room go home, talk to
23 your friends and neighbors and let's finish
24 Falmouth High School. It's the viability of the

1 Town. It's your economics: a good education, a
2 good facility. Let's just do this.

3 THE MODERATOR: Ms. Shephard.

4 MS. SHEPHARD: Susan Shephard, precinct
5 1. As someone who has done a little fund-
6 raising in my time, I would say to Mr. Lewis
7 that, yeah, you can actually raise that kind of
8 money, but you need to start with a feasibility
9 study. You need to have something for people to
10 look at.

11 Folks, we're not voting on whether this
12 gets done. We're voting on \$35,000 to get a
13 feasibility study to tell us whether we can get
14 this done. You have a committee here that's
15 amazing. Vote for this.

16 THE MODERATOR: Ms. Putnam, to my left,
17 for the mic.

18 MS. PUTNAM: Rebecca Putnam, precinct
19 9. I am a former varsity and JV lacrosse coach
20 of Falmouth High School from '99 to 2002. I am
21 a parent of an eighth grader who is a field
22 hockey goalie and a student of the Falmouth
23 School system, and student-athlete.

24 I would love to say yes to \$35,000, but

1 I think that we really need to look at it this
2 way: there are a lot of business owners in this
3 community, a lot of philanthropists who can
4 afford to donate \$500 apiece. Seventy people
5 donating \$500 apiece gives you your \$35,000. It
6 really isn't that difficult.

7 If this community really, really wants
8 to see this happen, it can make it happen. It
9 made the ice rink happen. And there are a lot
10 of other projects in this community that have
11 happened due to people stepping up and making it
12 happen.

13 I want to point out page two of our
14 warrant booklet, and number two on our warrant
15 booklet: can we afford it?

16 Remember, there is no limit to what we
17 would like, but there is a limit to what we can
18 afford. We have enough people to donate. Let's
19 just step up, make this happen in that manner,
20 and as Mrs. Newton had stated: we have the people
21 who work in this community for this town that can
22 do it.

23 It's a very simple process. And I
24 think that we need to vote this down at the

1 moment and do it the other - go the other
2 direction with it and make it work. Thank you.

3 THE MODERATOR: Ms. Schneider.

4 MS. SCHNEIDER: Barbara Schneider,
5 precinct 4.

6 I am sitting here and I'm thinking to
7 myself it was hard enough taking on one Putnam
8 and now we're taking on three, but I'm going to
9 take on three Putnams because here's the deal: as
10 a fundraiser in this community, I hear over and
11 over: "You guys keep asking us and asking us and
12 asking us." And, as Richard Smith would tell
13 all of you if he was here, "That's a lot of
14 cones." And he is asked all the time.

15 And if you look, as all of us do that
16 drive up and down Davisville all the time, you
17 see how very slowly the red is filling in on the
18 ladder on that sign. And it took, just for the
19 spaghetti supper, somebody donating a thousand
20 meatballs and somebody else donating all the
21 pasta and you know what? It's not just giving
22 \$70 from each business owner. They are being
23 asked by all of us to give and give, and it's
24 smoke and mirrors to say that means all of us as

1 taxpayers don't pay because everybody in this
2 Town is giving of in kind, they're giving out of
3 their own pockets, to make up the difference.

4 Don't fool yourselves when you say,
5 "Let's not pay for it. Let's get everyone else
6 in the community to give." That means you're
7 all reaching into your pockets and paying. So,
8 what do you want to have and be willing to pay
9 for it? And that's what I want you to all think
10 about. Thank you.

11 THE MODERATOR: Okay, Ms. Hayward.

12 MS. HAYWARD: Nancy Hayward, precinct
13 5. I would ask you to vote against this article.
14 I feel a little better saying this because a
15 younger person has sort of said the same thing.
16 I do not believe that we can afford this.

17 I would state to Mrs. Cluny - Cuny that
18 a vote was made in the 1990's by the people at
19 the ballot. Do you realize, Mrs. Cuny, the
20 change in the financial times since that vote was
21 made by the people in this town?

22 I grew up a long time ago and we had a
23 football field and I know that things have
24 changed since then, and I know that there are

1 young people and their families who would love
2 them to have better facilities, but we cannot
3 afford it.

4 And, personally, I don't know what you
5 want to do with your hopes and aspirations.
6 That's for you to decide. But I think it's going
7 to be I would say roughly five years before this
8 Town gets in a firm enough financial position,
9 before the community and the country get in a
10 financial position where you can be asking the
11 town to afford extra things.

12 And, as I said at my precinct meeting
13 when I voted for a high school, the vote that I
14 voted yes to and the vote that I said yes to for
15 granting more money for the high school, did not
16 include an athletic field.

17 And so I am not in favor of trying to
18 get leftover monies from the school. And I'm
19 sorry to say this because I know that sports are
20 a very appealing-type thing. But we can't
21 afford it and part of my duty, I think, as a Town
22 Meeting Member, is try to reflect what I think
23 will be the thoughts of citizens in the Town.
24 Thank you very much.

1 THE MODERATOR: Okay, I've got a
2 growing list, so I'm going to go to the is there
3 any new information. We've got the issues out;
4 either you want to do this or not. Any new
5 information? Mr. Putnam? No. Any new
6 information Mr. Netto? No. New information Mr.
7 Hampson? Mr. Wilber? Okay.

8 MR. WILBER: Jude Wilber, precinct 8.
9 In the past when we had these proposed large
10 dollar projects I'm often stunned at the costs
11 that are asked for feasibility studies and quote
12 engineering and design services. They often run
13 twenty percent or more of the final project,
14 which means once you step in for twenty percent,
15 you're in for the whole thing, and that was sort
16 of what happened with the high school. We kept
17 spending money on design and feasibility studies
18 and suddenly we were in too deep to back out.

19 I'd just like to point out that \$35,000
20 on a three point to four million dollar project
21 is one percent. It's a bargain. Get it done.
22 Put it on the shelf if you have to. You're not
23 saying you're going to build it, but it would be
24 nice to have what they say they're going to have:

1 a feasibility study plus engineering and design
2 services. It's a bargain. I've never seen it
3 so low.

4 THE MODERATOR: Mr. Rhodes.

5 MR. RHODES: Scoba Rhodes, precinct 8.
6 And I'd like to have the last word before we
7 vote.

8 [Laughter.]

9 MR. RHODES: When they looked at the
10 high school, we voted for it. When it was
11 damaged and we needed to do it a second time, we
12 voted for it, and we did it for one reason: the
13 youth in Falmouth.

14 Now, they brought up the topic of we
15 need a study to build safe athletic fields.
16 Well, you know, when you pick up the paper and
17 somebody got a dislocated shoulder because of the
18 grass that they played on, you may not like that
19 because that's a neighbor's kid.

20 So, let's take the kids and put them
21 first. Because that's not what anybody's talked
22 about. You're talking about fund-raising. I'm
23 talking about the kids. I think we can vote.

24 [Applause.]

1 THE MODERATOR: Okay, Mr. Waasdorp,
2 anything new?

3 MR. WAASDORP: Peter Waasdorp, precinct
4 1. I hope I live long enough for the day when we
5 spend this amount of time talking about even
6 \$10,000 for an academic program at the high
7 school. If this committee can't raise \$35,000,
8 how is it going to raise one, two or three
9 million dollars, because Mr. Lewis correctly
10 points out: town meeting has no - that field will
11 be so low down on the priority list, coming after
12 water filtration and wastewater and the wind
13 turbines, there's going to be no vote in favor of
14 any money for those fields, as much as we might
15 like to do it. Thank you.

16 THE MODERATOR: Okay. I'm going to
17 take the question. All those in favor of
18 Article 34, \$35,000 from Certified Free Cash
19 under the jurisdiction of the School Committee.
20 All those in favor, signify by saying aye.

21 [Aye.]

22 THE MODERATOR: All those opposed no.

23 [No.]

24 THE MODERATOR: It is the opinion of

1 the Chair that the ayes have it by a majority.

2 [Applause.]

3 THE MODERATOR: Could I have the
4 Finance Committee and Mary Alwardt, could we meet
5 in the room where the Finance Committee met last
6 night during the break.

7 And the meeting will stand in recess for
8 15 minutes.

9 [9:12 p.m. recess.]

10 THE MODERATOR: Would all Town Meeting
11 Members please take your seats.

12 [Pause.]

13 THE MODERATOR: Okay, here we go.
14 Let's re-establish a quorum. All Town meeting
15 Member present please rise and the tellers will
16 return a count.

17 [Pause.]

18 THE MODERATOR: In the first division,
19 Mrs. Tashiro.

20 MRS. TASHIRO: 44.

21 THE MODERATOR: 44.

22 In the third division, Mr. Hampson.

23 MR. HAMPSON: 59.

24 THE MODERATOR: 59.

1 In the second division, Mr. Dufresne.

2 MR. DUFRESNE: 89.

3 THE MODERATOR: 89.

4 By a counted vote of 192, we have a
5 quorum and I call the Town Meeting back into
6 session.

7 Mr. Chairman.

8 CHAIRMAN RIPLEY: Mr. Moderator, I move
9 that we take Article 32 from table.

10 THE MODERATOR: Okay, the motion to
11 take Article 32 from the table, the Capital
12 Improvement Plan. All those in favor signify by
13 saying aye.

14 [Aye.]

15 THE MODERATOR: All those opposed no.

16 [None opposed.]

17 THE MODERATOR: The ayes have it
18 unanimous and Article 32 is off the table.

19 Mr. Chairman for a motion.

20 CHAIRMAN RIPLEY: On page 21, as
21 recommended with the following changes: on the
22 paragraph: Recommendation (Finance Committee) is
23 the fourth sentence down begins with "expired CIP
24 articles...from Account 01198-58000". We're

1 adding a zero there.

2 And moving down to the end of the
3 sentence "from Account 01930-58022". The third
4 change is in the table: "Replace Peg Noonan
5 Pavilion \$18,360"

6 The fourth and final change: "Police
7 Modems & Mobile Data Terminals \$42,500".

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

9 CHAIRMAN RIPLEY: I'm sorry? Okay.

10 THE MODERATOR: Just the two line
11 items.

12 CHAIRMAN RIPLEY: Our last two in the
13 table?

14 FROM THE FLOOR: Yes.

15 CHAIRMAN RIPLEY: To Replace Peg Noonan
16 Pavilion should be \$18,360. The final change:
17 Police Modems & Mobile Data Terminals should be
18 \$42,500.

19 THE MODERATOR: Okay. Discussion on
20 the - okay, any discussion on Article 32? Mr.
21 Netto. Mr. Netto to my left, first, and then
22 Mr. Netto to my right.

23 Mr. Wilber, I'll add you to the list.

24 MR. NETTO: Joe Netto, Precinct 9.

1 The comments that I have on this article have
2 nothing to do with the amount. I'm not going to
3 speak for or against any one individual item.

4 My comments are very similar to the same
5 comments when we created the assistant DPW
6 Director.

7 We as Town Meeting Members are elected
8 by our neighbors to come here and pass articles
9 and raise and appropriate money and to make
10 decisions based on facts. With that statement, I
11 could not vote for this article to raise and
12 appropriate \$1,322,110. And why couldn't I?
13 Very simple: I don't have any facts.

14 I'm being asked to vote for this because
15 the people on the stage printed it in the warrant
16 and told me it's in the best interests of the
17 Town. And I believe them. But I need to know
18 why. And I would just bring out a couple of
19 examples.

20 Can anyone in this audience - not on the
21 stage and not someone from the Fin Com - tell me
22 why we're going to spend \$25,000 to the NPEDS
23 Compliance? What about the JNETTO Charity? Can
24 I sneak that one in?

1 This is very upsetting to me. In 30
2 years in sitting here, I am sorry, I have never
3 seen an article presented like this. Absolutely
4 no explanation.

5 An article that encompasses many
6 different departments and the funding - excuse me
7 -- the funding comes under the Board of
8 Selectmen? We have DPW articles, Beach Committee
9 articles. I'm sure there's other people here
10 that have many particulars to say. I am talking
11 about the presentation of the articles.

12 This all started to change last year. I
13 was one who stood up at the end of the April Town
14 Meeting and asked for more clarification. And
15 there was an attempt, we had a change. We got
16 rid of the way we used to do it.

17 I don't know if getting rid of the way
18 we used to do it was a good move. Someone's been
19 hired. It's a process that's involving. But we
20 are asking to spend \$1.3 million.

21 There's some technical things and one of
22 the most glaring I see is we are transferring -
23 the bureaucracy of this I quite don't understand
24 - we're transferring \$53,000 out of the Waterways

1 Fund and we're spending ten and 43, which adds up
2 to the same 53,000.

3 In past years, this would have been a
4 separate article. The 50 - it would have been a
5 separate article, there would have been the
6 explanation for the floats. I think it's harbor
7 float replacement plan and navigational dredging;
8 we would have been told where we were going to
9 dredge. I mean, not in detail.

10 43 and ten, 53, we would have passed it.
11 It would have been clear and concise.

12 We need - I know I have to answer to
13 people when they ask me questions in my
14 neighborhood how I'm spending their tax dollars.
15 I can't answer those questions with a lack of
16 information.

17 To quote Chairman Murphy: transparency.
18 Where's the transparency here? Can we answer the
19 questions?

20 The DNR vehicle, for instance, is it a
21 replacement of something that's eight years old?
22 Or is it a new acquisition? An explanation.
23 It's lacking.

24 And it was lacking in the description of

1 the DPW Director and we got the answers through
2 an excellent discussion by the intelligent
3 members that make up this body.

4 But, Mr. Suso, if you are responsible
5 for putting out this warrant, we asked you in
6 April to give us the information. I find Article
7 32 wholly unacceptable for me to make an
8 intelligent decision. Thank you.

9 [Applause.]

10 THE MODERATOR: Mr. Netto to the right.

11 Let's go. Mr. Netto.

12 MR. NETTO: Mike Netto, precinct 9. I
13 have some questions on the items here. The first
14 one being, of the 27 line items, how many of them
15 need to go out for bid?

16 We have a total of 27 items that we're
17 going to vote on here, today, and my question,
18 through you Mr. Moderator, is how many of these
19 items need to go out to bid, need to be
20 solicited?

21 THE MODERATOR: Mr. Chairman.

22 MR. SUSO: Mr. Moderator.

23 THE MODERATOR: Mr. Suso first and
24 then Mr. Chairman.

1 MR. SUSO: They will all go through the
2 standard procurement process of the Commonwealth,
3 including bidding. Every one.

4 MR. NETTO: Okay, so all 27 items need
5 to go out to bid. So my next question is: how
6 many of the 27 have already gone out to bid, and
7 how many have the Town received firm fixed prices
8 for?

9 MR. SUSO: To the best of my knowledge,
10 we don't have fixed prices for any of these. And
11 I just want to clarify they'll go through the
12 procurement process. Depending on the amount,
13 fixed seal bids are not always required,
14 depending on the amount. That's a procurement
15 guideline that's set by the Commonwealth.

16 MR. NETTO: Okay, and I understand
17 that. So I'm a little uneasy about the statement
18 here in the warrant book that says, "amounts
19 subject to change depending on bids and final
20 costs". So, potentially, anybody that is in the
21 business of selling vehicles or server equipment,
22 etcetera, could be home watching this right now
23 and if we vote this through, they could say,
24 "Well, the Town of Falmouth has up to but not to

1 exceed \$45,000 for a fire Department vehicle
2 replacement. Up to but not to exceed \$36,000
3 for the DNR vehicle."

4 So my question is: why don't we go out,
5 do our research ahead of time, have each
6 department head go out, do their due diligence,
7 get a, you know, myriad of quotes, pick the
8 lowest quote that matches their need, and instead
9 of going \$36,000 for a vehicle, why don't we see
10 the number at \$34,855? Then come to this body
11 and ask us to vote for an amount that is pretty
12 darn close to what we're actually going to need?

13 Because, in my eyes, you're asking us to
14 approve one point three-plus million dollars for
15 27 items that it doesn't seem all the background
16 work has been done on. Thank you.

17 THE MODERATOR: Mr. Chairman. Mr.
18 Suso - Ms. Harper.

19 MR. SUSO: May we respond?

20 THE MODERATOR: Yes.

21 MS. HARPER: I'd like to respond to
22 that. I think you raise a good question and
23 it's a question that gets asked I think almost
24 every Town Meeting, to which we provide the same

1 answer. Specifically in follow-up to the last
2 question, those items that are \$10,000 or below
3 are required to solicit three quotes.

4 Anything more than \$10,000 is required
5 to go through the full sealed bid process. That
6 sealed bid process requires both advertising as
7 well as, depending on the product, the
8 development of specifications, which could be a
9 lengthy and expensive process that we have chosen
10 not to go through and it's been an active choice,
11 something that we've done year after year, to not
12 solicit proposals prior to knowing that the
13 appropriation is available.

14 Now, when we do go out to the central
15 register or to - out to the Commonwealth bid
16 process, we are required to notify the bidding
17 public the estimate, our own estimate of what we
18 think the value of those services are worth.
19 That's part of the procurement process. So the
20 idea that the public has been notified of what
21 the value is, you still are required to go
22 through a competitive process to get the best
23 price based on the specifications that you've
24 drafted for your product.

1 THE MODERATOR: Mr. Chairman.

2 CHAIRMAN RIPLEY: One of the things I'd
3 like to just clarify on is, on some of the
4 questions here tonight, is I think it's important
5 to note is that, as I mentioned in my opening
6 remarks about the time the Finance Committee had
7 spent on looking at these items. And I think
8 it's important to note is what you see here is a
9 snapshot. What you see here is a snapshot of
10 actually several hundred pages of detail that
11 were provided to the Finance Committee, and we
12 spent probably five to six weeks looking, asking
13 questions, going back to Department managers,
14 having Department managers come in and present on
15 the specific items.

16 And as I said, and I think those of you
17 that have, you know, read the newspaper and see
18 the Capital Advisory, is that, you know, this
19 town has infrastructure needs of, you know,
20 anyone's guess of 50 to 60 million dollars. And
21 we saw an opportunity this year, as presented by
22 the departments, to really focus our attention,
23 the Finance Committee, I mean, we really looked
24 at this Article 32 as an opportunity where we

1 would spend probably 90 percent of our time
2 preparing for Fall Town Meeting working with the
3 Town Manager, working with the departments. And
4 I can tell you that there were some different
5 amounts here.

6 For example, I think someone mentioned
7 the car. There was an original amount where we
8 actually said, "Okay, based on our sub-committee
9 is that we think this could - this should be
10 something less." That's what we voted on here;
11 that's what's here.

12 And also, too, is we looked at some of
13 the recommendations by some of the managers and
14 we said, "No, we're not going to look at that
15 because we want some equality across the
16 department managers." You know, we looked at
17 this opportunity, saying, to have this amount of
18 free cash, to be able to really look at our
19 infrastructure that we've talked a lot about, we
20 saw that in doing our job as Finance Committee
21 members is that what we would present at Town
22 Meeting was our best effort in going across all
23 departments and doing our work.

24 So, you see here, you know, one page, a

1 grid. But behind this there was a lot of work,
2 lot of effort. I don't think you would want to
3 spend Town Meeting time going through hundreds of
4 pages and deciding what needed to be done.
5 That's our job. And so we come before you with
6 this recommendation here.

7 So, a lot of work went behind the scenes
8 on this.

9 THE MODERATOR: Ms. Harper.

10 MS. HARPER: And I wanted to note that
11 it's a privilege, given the last few years that
12 we've been through addressing our capital needs,
13 to have free cash available to fund some of our
14 most basic needs. And this isn't all of the
15 needs; it's just a portion of them that have been
16 pored over an over \$4 million initial annual
17 request for capital needs this year. And that
18 was a painstaking process.

19 And here with you this evening are your
20 Facilities Coordinator, your Acting Director of
21 Natural Resources, your Fire Chief, your Police
22 Chief, your Director of Public Works, your Town
23 Engineer, and your Water Superintendent, as well
24 as your Harbormaster, who are all here and have

1 been here for two evenings prepared to answer any
2 questions that you have about the projects before
3 you.

4 THE MODERATOR: Okay, Mr. Wilber.

5 MR. WILBER: First I'd like to say I do
6 appreciate the work that's gone behind this,
7 particularly since we haven't been in a position
8 to do some of these things for a number of years.
9 But I do agree with Messieurs Netto that
10 organization and specificity would improve this
11 and you wouldn't have to do it with a lot of
12 documents. You could cross-reference this with
13 the department and a brief resume of what it is
14 you're going to do with this.

15 I think that would help everybody a lot.
16 I think that's all that's being asked here, is a
17 little more organization and specificity.

18 I will note, because I must do this,
19 that in almost all cases you're spending money
20 and you're getting something. You're going to
21 spend \$145,000 and you're going to get a
22 truckload of servers are going to arrive
23 somewhere. However, when you spend \$25,000 on
24 beach nourishment -

1 [Laughter.]

2 MR. WILBER: I don't think I have to
3 say that you've probably spent \$25,000 in the
4 last two weekends pushing sand back into the
5 ocean; that's the sand that hasn't gone away.
6 And I would strongly suggest that somewhere in
7 here somebody get the idea that there are facts
8 out there about the coastline in two reports that
9 took ten years to compile and that maybe this
10 \$25,000 could go to funding just one suggestion
11 from one of those reports. Okay? Thank you
12 very much. Because you're not going to get
13 anything from \$25,000 poured back onto those
14 beaches.

15 THE MODERATOR: Mr Lowell. Ms.
16 Murphy, I've got you on the list.

17 MR. LOWELL: Nick Lowell, precinct 5.
18 I am a member of the Finance Committee, and I did
19 want to - I'm a relatively new member of the
20 Finance Committee, just over a year on the
21 Committee, now, and I've learned a lot while I've
22 been on there, and part of that is the process of
23 how this works.

24 In the Finance Committee we do not as a

1 group look at in extreme detail at each one of
2 these articles, or at each one of these lines.
3 But as a subcommittee, we look at them in
4 excruciating detail.

5 I'm personally quite familiar with the
6 DNR vehicle which has come up now, and so I don't
7 actually have my detailed notes with me, but I do
8 recall looking at the quote from Chuck Martinson
9 that he provided which came in at just under
10 \$36,000. We decided to leave the dollar value
11 at \$36,000 because the quote itself expired just
12 before Town Meeting. It had a finite shelf life,
13 the quote, as you usually do when you get these
14 things. So we left in a couple of hundred extra
15 dollars just in case it did go up by a smidge and
16 we wouldn't have to come back in the spring.

17 But it's an example - furthermore, I've
18 gone and looked at the vehicle and looked very
19 carefully through the quote and talked with Chuck
20 about it quite a bit. This is an example of the
21 type of analysis that gets done on every one of
22 these things.

23 You know, I completely agree that we
24 could do better at publishing an at least summary

1 of each one and what is really it entails so that
2 NPEDS Compliance is explained, but as a Finance
3 Committee and as a subcommittee we have looked at
4 these very carefully and I do think that - I
5 don't want to say "trust us", but I do want to
6 say that it's not a nefarious thing that the
7 explanation here isn't as good as it perhaps
8 could be and I hope that we could do better next
9 time.

10 But I do really encourage you to look at
11 these things as something that is very critical
12 to the Town and I encourage your support.

13 THE MODERATOR: Mr. Lewis.

14 MR. LEWIS: Gardner Lewis, also Finance
15 Committee, and I would like to echo Nick. We do,
16 everyone of these lines has been beaten to death
17 by a member of the Finance Committee and I do -
18 if you look in your book, you'll see the orange
19 one - actually it's orange in my book only -
20 school vans, and the question was about why do we
21 round the number. I have a September 24th first
22 bid for \$46,110 for the two vans. And I asked
23 Mr. Dupuis if that was going to be a good number
24 - sorry. I asked Mr. Dupuis if that would be a

1 good number. He went back to his source and
2 said, "We'd better" - because it's two months
3 after the bid was submitted, obviously it's not
4 going to be the same number. And that's why
5 some of the numbers aren't. But we've done our
6 homework.

7 THE MODERATOR: Okay, Mr. Murphy.

8 MS. MURPHY: thank you, Mr. Moderator.
9 Carol Murphy, precinct 9. I'm just looking at
10 the item that says the \$25,000 beach nourishment
11 slash improvements, could somebody speak to that,
12 please, as far as what's entailed in that?

13 And also, there was a bequest of
14 \$100,000 some time ago from Virginia Manduano. I
15 was wondering if any of that could be used for
16 the beach nourishment slash improvements.

17 THE MODERATOR: Mr. Hoffer.

18 MR. HOFFER: Don Hoffer, precinct 4.
19 Several things - I may be wrong and they may
20 correct me. One thing that Mr. Netto was
21 mentioning was going out for specifications for
22 bids, and I was always taught you could never go
23 out unless you had the money in your back pocket,
24 and go out to formal bidding to get those prices.

1 Enough on that.

2 On the beach nourishment. Dr. Wilber
3 represents a school of thought. I'm not a
4 coastal geologist. This Town learned about six
5 years ago -- I know, I think, Mr. Zavala is in
6 the audience. The Chamber of Commerce determined
7 that people come to Falmouth to go to the
8 beaches. Pure and simple. We bring in anywhere
9 from \$800,000 to a million dollars a year to this
10 town.

11 From this last storm, we lost a lot of
12 sand. There's no ifs, ands or buts about it.

13 You might be interested in knowing that
14 because we put sand behind the Surf Drive Beach
15 House, which everybody's been lambasting for the
16 last 12 years, we saved that building. The
17 building had just about negligible damage. That
18 was 3,000 cubic yards of sand. \$25,000 if you use
19 the county dredge, at about seven dollars a cubic
20 yard, maybe eight, depending on how big a hose
21 you have, pipe, you can get another 3,000 cubic
22 yards out of that. And we can put that on the
23 east side of Menauhant. We are under some
24 restrictions on the west side.

1 The piping plovers took care of us last
2 year on Menauhant Beach, so we were kind of
3 handcuffed.

4 We do lose sand. There's no ifs, and,
5 or buts about it. If you let Menauhant go,
6 you've already changed the road maybe in our
7 lifetime two times. If you let that - if you
8 don't put the dunes up at Menauhant, you're going
9 to lose that wonderful road that goes along -
10 Menauhant Road goes along the water.

11 It's one of those things. Why does
12 Duxbury have an annual item in their budget to
13 nourish Duxbury Beach? Go down to Florida, go
14 down to the Jersey Shore. They're constantly
15 dredging.

16 [Laughter.]

17 MR. HOFFER: They're in trouble, I
18 know. But they're constantly dredging. You can
19 bet your bippy that Atlantic City's going to see
20 some new sand there, when all this is said and
21 done.

22 So, people go to Florida and they say,
23 "Well, I see the pipe, the dredges are out there
24 continually."

1 We have this wonderful county dredge;
2 you get a bargain price. Granted, if you're
3 buying sand from some of our shore sand, it is
4 expensive and you don't get much for your money.
5 That \$25,000 will piggyback with our Harbormaster
6 and when we dredge Eel River, when we dredge
7 Falmouth Harbor, we can capture a lot of that
8 sand at a bargain price.

9 So, I'm just saying: I know it sounds
10 foolish. There's two schools of thought. But if
11 you want to keep your beaches, you want to keep
12 that money flowing in, you better - you better
13 think about it, because we are losing our
14 beaches. Thank you.

15 MS. MURPHY: Wait, Mr. Vieira, to Mr.
16 Hoffer, please, what has happened, if anything,
17 to that \$100,000 bequest from Virginia Manduano?

18 MR. HOFFER: The original idea of that
19 Manduano money was to enhance the beach-going
20 experience of the public. That's per the
21 attorney on the bequeathment.

22 We have used that money to put shower
23 towers on every one of our beaches. We've used
24 it very sparingly, because, quite frankly, we're

1 trying to save some of that for that wonderful
2 day when we'll have to nourish Chappaquoit Beach.
3 She was a lover of Chappaquoit Beach, and there
4 are a lot of people that honor her memory because
5 of that.

6 The other thing is: we are not to use
7 that, at least the mandate I've been given is not
8 to use the Manduano funds for routine maintenance
9 on our beaches. Whether you could use it for
10 sand nourishment, that's a decision that you need
11 the Beach Committee to approve and you need the
12 Selectmen to approve, that's the deal.

13 MS. MURPHY: I think it should be
14 looked into. And also how much money of that
15 \$100,000 has been spent to date?

16 MR. HOFFER: Well, number one, it was
17 \$200,000, and there's about \$150,000 left in
18 that.

19 MS. MURPHY: All right, thank you.

20 MR. HOFFER: Yeah.

21 THE MODERATOR: Mr. Shearer.

22 MR. SHEARER: Dan Shearer, precinct 6.
23 As I look at this and I look in the back of the
24 warrant book at what a capital expense is, it

1 sort of doesn't jive. These really are not
2 capital expenses. They should be in items. And
3 we need to know what happens.

4 I mean, I have a very good feeling that
5 I'd like to stand up here and say - call
6 everyone of these and ask for an explanation,
7 because I think I owe it to the people who voted
8 for me. I'm not going to do it, because it's ten
9 o'clock at night. Which is not a good excuse.
10 But I'd like to see this voted down because it is
11 a terrible way of presenting it to the people who
12 are paying the taxes in this town. I think it's
13 a disgrace.

14 THE MODERATOR: Okay, Mr. Netto in the
15 back right.

16 Mr. Donahue, I'll add you to the list,
17 Ms. O'Connell.

18 MR. NETTO: I'd like to now speak on a
19 specific line item, because again I just have an
20 uneasy feeling because if my memory serves me a
21 couple years back, or perhaps a couple Town
22 Meetings ago, I stood up in front of everyone
23 here and I spoke against improvements to the Surf
24 Drive Beach House.

1 Now the gentleman to the Moderator's
2 right has told me that we should entrust all the
3 work that they have done and the hundreds of
4 pages that they've gone through and all the
5 details. Ms. Harper has stated that I should ask
6 the questions to the department heads, which I
7 appreciate Mr. Hoffer's time. And to echo what
8 Mr. Shearer just said, I just don't feel
9 comfortable approving all 27 line items when I
10 really have no idea where the \$50,000 for the
11 Surf Drive Bathhouse are going to go, and if Mr.
12 Hoffer wouldn't mind just giving me maybe a
13 couple more minutes of his time and explain
14 specifically what we're going to purchase,
15 actually what the taxpayers in this Town of
16 Falmouth are going to purchase for \$50,000.
17 Because I have no idea.

18 And, you know, again, I still don't know
19 what NPEDS Compliance is. I can't explain that
20 to anyone. So, you know, through you, Mr.
21 Moderator, if Mr. Hoffer could explain what the
22 scope of the work -

23 THE MODERATOR: I think Ms. Newton has
24 an answer to that question.

1 MR. NETTO: Very good.

2 THE MODERATOR: Ms Newton.

3 MS. NEWTON: Chardell Newton,
4 Facilities Manager for the Town of Falmouth.
5 Mr. Hoffer has come before you before several
6 Town Meetings to ask for money for the Surf Drive
7 Beach House, and I know we have a lot of fans in
8 here of the Old Silver Beach House, which we've
9 done a lot of renovation to. We've done decking
10 out there, we've given you picnic tables,
11 observation decking.

12 And the one thing we really lack is a
13 Surf Drive Beach House. So we took some time to
14 do a little bit of research on the Surf Drive
15 Beach House, and I just want to show you some
16 photographs, and I'm not sure if you can see
17 these real clear, but the photograph up there
18 indicates to your left where the roof is failing.

19 You can go to the next one. Yes. I'd
20 point out in the front here that this is the
21 front side of the beach house where the roof is
22 also failing. We've lost a lot of shingles.

23 This is the rot that's on the Surf side
24 Drive side, which that is entailed all around the

1 building, not just that one particular area.

2 This is a hole in the roof, from the
3 interior.

4 These are the original sinks, and let me
5 just read you a brief description of what the
6 Surf Drive Beach House entails, that we submitted
7 to the Finance Committee along with other
8 photographs and some more history of it:

9 Surf Drive Beach House was originally
10 constructed in 1956. It's of wood construction
11 with an asphalt shingle roof. The fixtures are
12 original and the roof has been patched on several
13 occasions.

14 On August 19th, 1991, Hurricane Bob did a
15 substantial amount of damage to this building,
16 but the main footprint of the structure remained
17 in place. The damage included but not limited
18 to the concession stand, exterior walls and roof
19 shingles.

20 The pictures indicate the age of the
21 fixtures and the need for the interior and the
22 exterior paint.

23 Currently the building is not ADA
24 compliant. There is a handicap stall but it is

1 not up to code.

2 Most of the plumbing is old cast iron
3 and it's difficult to repair due to the rust and
4 the age of the piping. The building is very
5 much open to the weather due to cracks in the
6 slab, holes in the roof and rot in the doors.

7 The request for the CIP monies would
8 allow us to upgrade the ADA restrooms, do repairs
9 to the roof, paint interior and exterior, repair
10 the exterior shingles and replace the rotted
11 exterior doors.

12 Without confusing you to the fact that I
13 can't do all of this for \$50,000, we'll use an
14 example of what we did at the DPW. Our Sheriff's
15 Department has been extremely helpful in helping
16 us with projects. We had a DPW renovation
17 project that was bid out at \$189,000 and, with
18 the help of our own DPW, our Facilities
19 Maintenance and the Sheriff's Department, we
20 completed the interior of that building for
21 \$87,000.

22 Our goal here is to seek help from the
23 Sheriff's Department as well as the Vocational
24 School, which just helped us renovate the

1 residence side rest rooms up at Old Silver.

2 I can't ask for the money in the spring
3 because it's too late to ask for the project to
4 start. We need to get the money now so that we
5 can seek help from these individuals to get this
6 project underway.

7 And we'll go some more through the
8 fixtures. If you can go back one, Tom. If you
9 look at the bottom of those fixtures, how rotted
10 they are, and I'm sure - well, I'm not old
11 enough, but some of you recognize those handles
12 on the faucets, don't you? Those are the
13 original fixtures. And it's difficult to fix
14 them. You know, we can't get parts for them. We
15 just Micky Mouse them, basically.

16 For those of you who have been in that
17 beach house, you know exactly what those fixtures
18 are.

19 Can you go to the next one. This is
20 the gable end of the concession stand where the
21 chain is. You can see two hinges below that;
22 that's where we lift up the window, and it's a
23 rotted window, is what it is. And every year we
24 try to repair it and we patch it and we just

1 don't have the funds to keep up with the
2 building.

3 These are the cracks in the flooring on
4 the slab outside of where individuals take a
5 shower. We spoke about safety earlier for the
6 children; this is a real safety hazard. And
7 these cracks are everywhere in that building.

8 Again, these are - you can see the cast
9 iron piping that's coming down the center between
10 the two sinks.

11 This is the ADA non-handicap accessible
12 stall. And these are all wooden doors.

13 I think that's - yeah, that should be
14 it.

15 So what we really need to do is if we
16 can't - and I know Don has spoken several times
17 at Town Meeting to get several hundred thousands
18 of dollars to rebuild it. If we can't rebuild
19 it, can we at least maintain it? It really is a
20 money-maker for the Town. That building alone
21 takes in \$125,000 a year. And in return to the
22 residents and the people who visit, they visit a
23 building that has original fixtures in it and
24 cracks in the flooring, rot outside.

1 So, please support this article and give
2 us some money to at least spruce it up and make
3 it respectable for this town. Are there any
4 questions?

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

6 THE MODERATOR: Microphone please, Mr.
7 Donahue.

8 MR. DONAHUE: My question is, if I
9 owned this building, I think the Building
10 Inspector would come and condemn it. Why hasn't
11 that been done? It's obvious that the building
12 is unsafe. It's - and because we're a town, we
13 can get away with it.

14 We tell the Building Inspector, "Don't
15 go over there," we tell the Health Inspector,
16 "Don't go over there", and so they don't go and
17 it doesn't get done.

18 What we need is to allow the Beach
19 Committee to have the million dollars a year that
20 they get and build a beach house that is
21 representative of Falmouth. Something like
22 they've done in Dennis and Yarmouth. Beautiful
23 structures with handicap-accessibility, a
24 restaurant, all kinds of conveniences.

1 If we - we keep saying we want to sell -
2 - our beaches are our best sales tool, here, for
3 our businesses and everything else, but we don't
4 put a nickel into it and we get this every single
5 year.

6 I - I - can I talk further on this
7 later? I mean - or should I -

8 [Laughter.]

9 THE MODERATOR: Actually, you're the -

10 MR. DONAHUE: Let me finish -

11 MS. NEWTON: You could amend the
12 article to give us a new beach house.

13 MR. DONAHUE: Excuse me?

14 [Laughter.]

15 MS. NEWTON: Did you want to amend the
16 article to give us a new beach house?

17 MR. DONAHUE: I wish I could.

18 Speaking of the article itself, and I've
19 spoken on this issue before, the idea of having
20 departments have budgets in this town seems to be
21 as foreign as we speaking a foreign language.
22 Every single year that I've been a member of Town
23 Meeting, the leaders of the town come back every
24 fall and want to add more money to the budgets.

1 The police want modems and police data
2 terminals. That should be in the police budget.
3 And when we look at the police budget or we look
4 at the Department of Public Works budget or any
5 other budget, we should be able to say, within
6 certainty, that that is the money that they are
7 spending. That's what they have allocated to be
8 spent.

9 We don't do it, and I'd like to know why
10 we don't do it. I understand on police vehicles
11 and fire trucks, those are capital expenses and
12 they are a ton of money so we do it that way and
13 that's the way it's done. But on the basic
14 uniforms and things like that, isn't that a
15 budget item and why can't it be in the budget?

16 THE MODERATOR: Okay.

17 MR. DONAHUE: Thank you.

18 THE MODERATOR: Okay, Mr. Chairman.

19 CHAIRMAN RIPLEY: I think it was said
20 on Tuesday night when Gary was being recognized
21 that the Finance Committee maybe member or chair
22 is one of the most thankless jobs, but we do it
23 because we love it and we love our community.
24 And, again, I think it's interesting and

1 important to note, here, when we talk about the
2 detail that the Finance Committee went through,
3 is we have our many subcommittees and you know we
4 spend one to two nights a week together as a
5 group going over the subcommittee's work, who
6 spend time during the day and then the evening.

7 While I know no one doubts the time we
8 spend and the effort we spend, what I think is
9 important is this, for example, is again there's
10 27 items represented here. The department
11 heads, for example, the fire chief had put
12 together a very detailed list of items that was
13 probably about this thick, and I think it was
14 maybe - don't quote me, Chief, if you're here,
15 but I think it was maybe, you know, ten to eleven
16 million dollars. And we had, you know, Mr.
17 Hoffer, on the Beach Committee, and we had chief
18 of police and things like that. So, again, we
19 looked at significant capital items ranging from
20 small to large that really were things that to
21 really our infrastructure.

22 Again, one of the things that I think is
23 important to notice, you know, being a seashore
24 community - I was on a Finance Committee up in

1 Holden; we didn't have a seashore. We had a
2 couple of ponds, but our infrastructure was very
3 different. Here, our infrastructure is really -
4 it's significant in that every square mile has
5 some infrastructure item to it. And so we looked
6 again at 40 to 50 million dollars worth of
7 capital items and we pared it down, looking at
8 the opportunity that we had here.

9 So, again, we looked at it and said,
10 okay, as Fin Com members, as taxpayers, making
11 recommendations that will be held on Town Meeting
12 floor, is we wanted to come to you with something
13 that we felt went across the entire town. Again,
14 we play no favorites in the Finance Committee.
15 The Town is ours, as it is yours. So we looked
16 across. So, we looked so carefully here and
17 said, "We have this once in a lifetime
18 opportunity, maybe. We can't squander it."

19 We have to through and every - every,
20 again, 27 items, here. Going across a dozen
21 departments. You know.

22 So, again, I can't emphasize the work
23 that was put in this, but more importantly I
24 can't emphasize is the amount of needs that were

1 really brought down to something that we feel
2 strongly about supporting, the Finance Committee,
3 and asking for your support on.

4 THE MODERATOR: The gentleman in the
5 center. Yes. Right there. Yes.

6 No, Mr. McNamara, you're on the list.
7 The gentleman in the center. You're on the
8 list, though.

9 FROM THE FLOOR: I think I reflect what
10 I expect many people are thinking. Everything
11 that you said is fine, but it's not relevant to
12 our concerns. That's all true; we accept that.
13 We just want to know what the items are. A one
14 or two sentence explanation would enable us to
15 say, "Yes, that's a wonderful expenditure and
16 we're happy to vote for it." But, unless we
17 know what we're being asked to fund, it's very
18 difficult to say yes.

19 THE MODERATOR: Okay. Next on my list
20 is Ms. O'Connell.

21 MS. O'CONNELL: Maureen O'Connell,
22 precinct 4. I'm representing my little group
23 here for a moment, and everyone wants to know
24 what NPEDS Compliance is, and then I'll have my

1 comment, please.

2 THE MODERATOR: Okay. The Town
3 Engineer, yeah. Mr. McConarty.

4 MR. MCCONARTY: Thank you, Mr.
5 Moderator, Peter McConarty, Town Engineer.
6 Actually we do, the Engineering Department has
7 several items on this list that we have been
8 working with, but the NPEDS is actually NPDES.
9 It's the National Pollution Discharge Elimination
10 System, and what that is, it's a federal
11 regulation for all cities and towns throughout
12 the country that they have to follow storm water
13 regulations for the federal.

14 So, each year we have to comply - we
15 have to send in a report to the EPA and the DEP
16 to comply with their regulations. Right now
17 we're in Phase 2 for the EPA and we're heading
18 into Phase 3, which is going to be new
19 regulations, new sampling, new processes that
20 need to be done.

21 We try to do as much as we can in-house
22 with our staffing levels. We do have to send
23 out - we have to do some work on our storm water.
24 Regulations need to be updated. So that's what

1 the NPDES is, National Pollution Discharge
2 Elimination System and it's a federal regulated
3 system.

4 MS. O'CONNELL: Thank you very much.
5 I'd like to echo a bit what's already been said,
6 that without details and to the even that we have
7 - we're voting for something that isn't even what
8 it is, is a bit of some concern.

9 You know, when Mr. Suso came to town and
10 he had a proposal which we agreed to, to bring in
11 a finance advisor of his own, and I think that a
12 lot of us were worried that that would interrupt
13 the chain of the - the conveyance of information
14 between the Town Meeting and the Finance
15 Committee. And I think - I guess I'm - I'm a
16 little concerned that this sort of catchall
17 article is something that makes me - and maybe
18 I'm not alone in worrying about that this year.

19 So, I am all for what I'm learning about
20 each of these items as they're being explained to
21 us, but this is not the way - this is almost a
22 little disrespectful, I think, of the Town
23 Meeting, and I would like to say, as others have,
24 that this is not the way to do this. Thank you

1 very much.

2 [Applause.]

3 THE MODERATOR: Okay, we're - I'm going
4 to go to Ms. Harper and then I'm going to ask if
5 anybody has specific questions on specific line
6 items because I think the administration
7 understands our frustration.

8 Ms. Harper.

9 MS. HARPER: And that's really all I
10 wanted to say. I think, you know, we're hearing
11 you. Clearly we missed the mark on this.

12 And what I want to say is there has been
13 such a significant amount of internal review.
14 These projects have been before us, before our
15 Capital Advisory Committee, before the Board of
16 Selectmen, before the Finance Committee for over
17 four years. These projects haven't changed.
18 They haven't been funded.

19 They're so familiar to us; I think
20 certainly from where I am, I had a sense that
21 Town Meeting was comfortable with the projects
22 and was familiar with them. Clearly that's not
23 the case. We accept that.

24 You'll see more from us next time.

1 We're happy to do it. I don't want to speak to
2 you as a public body unless you want to hear from
3 us. We'll be prepared with a lot more detail
4 the next time and I really do hear and understand
5 what you're asking for.

6 THE MODERATOR: Okay, Mr. Latimer,
7 specific item? This goes specific questions on
8 line items and then we're going to vote. Yes.

9 MR. LATIMER: Yes. Ms. Newton's
10 presentation on the Beach House is something
11 that's been quite obvious to those of us who live
12 downtown and who drive along that way every day
13 and to watch what's happening to it. That
14 building was built in 1956; I worked there in
15 1958 and I use those facilities.

16 But, what my concern is this: that's a
17 nice old building. I don't think it has to be
18 torn down but it hasn't been maintained. And do
19 we or do we not have in every department's budget
20 an ongoing item for building maintenance? Is
21 that in there? And, if not, why not?

22 THE MODERATOR: Okay. Ms. Newton.
23 The ongoing building maintenance budget.

24 MS. NEWTON: We do have an ongoing line

1 item for building maintenance, but that
2 particular line item covers 24 buildings that
3 fall under my jurisdiction.

4 I want to give you a little history on
5 what we've had for CIP and building maintenance
6 throughout the years and how we've come every
7 year to ask for money. In FY '03, between the
8 building maintenance and my CIP, I had \$231,600.
9 FY '04, \$302,241. FY '05, \$217. '06,
10 \$344,150. '07, \$235,000. '08, \$215,000.
11 '09, \$185,000. '010, \$80,000. FY '11, \$80,000.
12 FY '12, \$75,000.

13 The buildings have not gone away, but
14 the money certainly has. So there is a line
15 item for the budget every year, but the line item
16 decreases every year and without the CIP being
17 funded every year, this is the situation we end
18 up in. We just have buildings that are falling
19 apart.

20 And you know, you hear it on the radio
21 all the time and I'm sure you've heard this ad
22 that they've had it for quite some time now,
23 where the guy says on the radio, he says, "Gee, I
24 just had to replace my hot water heater, and I

1 had it for 12 years but the new one I got only
2 has a two year warranty." Well, that's the
3 situation we're in with the equipment that we
4 have in these buildings. I have a fire station
5 water heater that just went, and it's five years
6 old.

7 If we don't have the funding every year
8 to maintain these buildings, we're going to be in
9 the situation that the beach house is in. And
10 I'd be more than happy for anybody who wants to
11 see the spreadsheet that we submitted to the
12 Finance Committee, who does a good job of
13 reviewing our spreadsheets, to show where every
14 dime goes into building maintenance. And every
15 year the prevailing wage goes up and the cost
16 increases, but as you can see in the last eight
17 years my budget has gone down significantly.

18 THE MODERATOR: Okay, Ms. Tobey, next
19 on the list.

20 MS. TOBEY: Thank you, Mr. Moderator.
21 I'm hearing how everybody is torn, as at least
22 that's how I'm hearing it. I'm torn about this.
23 I can see that there's a lot of projects here
24 that people have put in a lot of thought. We

1 just don't know a lot of the details.

2 So, I'm wondering if this could be a
3 possibility, if we could - well, maybe we would
4 vote, but if it doesn't pass, would it be
5 possible to have this brought back, rewritten for
6 tomorrow night, with details, and brought back
7 and vote on it again tomorrow night?

8 THE MODERATOR: Well, we're going to
9 take a vote tonight, and if it doesn't pass, then
10 we can see whether or not that's a possibility.

11 Mr. McNamara.

12 MR. MCNAMARA: Matt McNamara, precinct
13 7, just a quick question specifically on the DEP
14 Compliance, if somebody could explain that, I'm
15 wondering if that's related to the water
16 violation issue.

17 THE MODERATOR: Mr McConarty.

18 MR. MCCONARTY: Thank you, Mr.
19 Moderator. The DEP requirement is the Town has
20 several sites that require underground monitoring
21 for our fuel storage facilities. They're for
22 tanks that have been removed in previous years.
23 So that's - it's bringing in a consultant for a
24 licensed - LSP, Licensed Site Professional, to do

1 the monitoring and report to DEP, the Department
2 of Environmental Protection.

3 THE MODERATOR: Okay, Ms. Davis.

4 MS. DAVIS: Yes, Linda Davis, precinct
5 4. I know that the - it's very clear and it's
6 very obvious that the way in which this article
7 is organized and presented is getting in the way
8 of what some of the important issues are, and
9 we're being asked to transfer money from a
10 variety of funds to support some very well-needed
11 Capital projects and improvements. Many of
12 these have come before this Town Meeting over the
13 last four years, and if you went back to some of
14 your warrants from those previous years, you
15 would see these requests.

16 I cannot speak for many of the
17 departments, but I will tell you this: I have
18 attended just about every Beach Committee meeting
19 and I know from those meetings what the Beach
20 Department and the Beach Committee have gone
21 through to scrutinize their needs.

22 I also know that the Finance Committee
23 really has looked at all the particulars in these
24 different departments. That they told the

1 department heads, "What are your needs? Throw
2 half of them away because we can't even fulfill
3 those. We need to know your absolute basics."
4 That Ellen T. Mitchell bathhouse that you saw up
5 here is a prime example of what is happening in
6 other places. We could bring in photos of all
7 other areas that are addressed in those needs.

8 Please think carefully. I'm supporting
9 this article because I went out to find the
10 information and I know what these department
11 heads had to do. Don't let the lack of
12 information - and I understand that - get in the
13 way.

14 I would suggest, and I don't know if
15 it's appropriate at this point, if there is a
16 need, and I understand the need, for more detail
17 on these 27 items, that we get that information,
18 table this Article 32, come back tomorrow and
19 look at the facts. Thank you.

20 FROM THE FLOOR: No, no, question.

21 THE MODERATOR: Mr. Suso.

22 MR. SUSO: Thank you, Mr. Moderator.

23 Just one comment. I want to assure the Board of
24 Selectmen and Town Meeting Members that it's

1 clear to me that I've missed the mark with what
2 I've brought you tonight on the capital side. I
3 want to acknowledge that and I want to assure you
4 that this will - we will not have capital
5 projects coming to you in the future without a
6 considerable level of detail that you're asking
7 for and you deserve. I do want to acknowledge
8 that.

9 I apologize for my oversight. I do ask
10 you nonetheless for your consideration. As
11 you've heard many individuals say, countless
12 hours that the department heads have put in, the
13 Finance Committee Members have put in countless
14 hours, and I regret that that work has not
15 translated - been translated appropriately to
16 you. Again, that is my oversight for which I'm
17 solely responsible.

18 It will not happen again and, given
19 that, I would urge your consideration nonetheless
20 for this package of critical, critical projects.
21 I assure you they're brought to you in good
22 faith. They've been fully vetted and we would
23 only spend your tax dollars as good stewards and
24 in a wise manner and procured properly if you

1 give us this opportunity. Thank you.

2 THE MODERATOR: Ms. Bissler. You're
3 on the list, Mr. Stumcke. This list keeps
4 growing and we're not going to get out of here
5 tonight. We could have went through all 27
6 items, give you two or three minutes apiece, and
7 you could have gotten all your explanation. And
8 I asked you to ask questions specifically. So
9 let's focus on the questions you have and stop
10 saying you have questions. Ask them.

11 Ms. Bissler. You don't have a question,
12 okay. It's been answered? Okay.

13 The gentleman behind Mr. Waasdorp.

14 MR. KENNY: Yeah, Mike Kenny, precinct
15 4. Also Waterways Committee. I just want Town
16 Meeting to understand that, you know, in the past
17 we've come at this Town Meeting to get money for
18 dredging because it has to be done during a
19 specific time of year. And you know, we put it
20 in the Capital Budget in the past we've come with
21 articles. So I think that there's some
22 additional thinking that needs to go on here, and
23 that some of us are tied with our projects to
24 time, and it's very important that we do this

1 stuff during the winter. Thank you.

2 THE MODERATOR: Okay, Mr. Stumcke.

3 MR. STUMCKE: Mr. Moderator, Brad
4 Stumcke, precinct 4. I say we table this right
5 now, come back tomorrow, ask the Town Manager or
6 whomever to give us a two or three line
7 explanation for each one of the 27 items so we
8 know what we're dealing with. Thank you.

9 THE MODERATOR: Okay, there's a motion
10 to lay on the table that requires two-thirds.
11 All those in favor of laying the motion on the
12 table signify by saying aye.

13 [Aye.]

14 THE MODERATOR: All those opposed no.

15 [No.]

16 THE MODERATOR: It is the opinion of
17 the chair that there is not a two thirds and the
18 motion is not on the table.

19 Mr. Hoffer.

20 MR. HOFFER: I know you're in a hurry.
21 Don Hoffer, precinct 4. I just - I'm going to
22 give you one of the answers. Nobody's asked the
23 question.

24 [Laughter.]

1 MR. HOFFER: The Old Silver septic
2 system. The reason I'm here is I just want to
3 acknowledge you have no idea the amount of work
4 that went in with our own Engineering Department,
5 Peter McConarty and Scott Schluter have just done
6 a marvelous job on this, and there were public
7 hearings on this. Conservation, it had to pass
8 Conservation. It had to go through the
9 Department of Health.

10 And, just as a side issue, if we don't
11 have that septic system working this summer, we
12 bring in about \$100,000 in concession money at
13 that concession over the period of the contract -
14 not all in one year, but over the period of four
15 years, you're bringing in about \$100,000. And
16 you do need the head there for the sanitary, for
17 the Board of Health. You have to have that head.
18 So that's kind of a hidden thing, there.

19 But you talk about in-house work? Our
20 Engineering Department is outstanding, thank you.

21 [Applause.]

22 THE MODERATOR: Okay, Mr. Finneran.

23 MR. FINNERAN: This isn't a criticism,
24 it's just an observation, Chardell. I mean, you

1 listed off what your expenses were for building
2 maintenance for the last ten years and they ran
3 anywhere from 80 to 300,000 dollars. I mean,
4 you have about \$250,000 of maintenance here, plus
5 the 80 you have in your budget. It's actually
6 more than the average you've ever gotten. And,
7 again, it's not a criticism of you, but I think
8 this is almost sleight of hand, we have, moving
9 money from one place to another when it belongs
10 in their budgets to begin with.

11 And secondly I'd like to say that the
12 Finance Committee or whoever put this together,
13 management, they didn't even abide by their own
14 rules. A capital expenditure is supposed to be
15 \$25,000 or more and have a life of longer than
16 five years. I see a minimum of five items on
17 this that don't even abide by your own rules. I
18 think that's worth noting.

19 THE MODERATOR: Mr. Hampson.

20 MR. HAMPSON: George Hampson, precinct
21 5. Ladies and gentlemen, I've had enough of
22 this. I'm telling you, this is very, very
23 painful. I just want to leave you with one
24 message: I've always had faith in the Finance

1 Committee, and I do tonight.

2 I'd like to call the question, please.

3 [Applause.]

4 THE MODERATOR: The question comes on
5 moving the question. All those in favor of
6 closing discussion, signify by saying aye.

7 [Aye.]

8 THE MODERATOR: All those opposed no.

9 [None opposed.]

10 THE MODERATOR: The ayes have it
11 unanimous.

12 Okay. So, the main motion as presented
13 by the Finance Committee on the budget. All
14 those in favor of the main motion signify by
15 saying aye.

16 [Aye.]

17 THE MODERATOR: All those opposed no.

18 [No.]

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

21 [Applause.]

22 THE MODERATOR: Article 35. Article
23 35, the recommendation of the Board of Selectmen
24 is indefinite postponement -

1 MS. Seganic: [No mic.] Sorry, can we
2 move Article [inaudible].

3 THE MODERATOR: You want to make a
4 motion? Go up to the microphone. We have a
5 motion, here.

6 MS. SEGANIC: Hello? Oh. I make a
7 motion that we move Article 40 forward. It's a
8 petitioner's article brought forward by a
9 resident of Falmouth. He's a non-Town Meeting
10 Member and he's been here, this is his second
11 night in a row until 11:00 and I think he
12 probably doesn't want to go a third night.

13 THE MODERATOR: Okay, the question has
14 come - the question will come on whether or not
15 to move Article 40 out of line. All those in
16 favor say aye.

17 [Aye.]

18 THE MODERATOR: All those opposed no.

19 [No.]

20 THE MODERATOR: All those in favor of
21 taking 40 out of line, signify by standing and
22 the tellers will return a count.

23 [Pause.]

24 THE MODERATOR: Okay, we're voting to

1 take Article 40 out of line, to make that -.

2 In the first division, Mrs. Tashiro.

3 MRS. TASHIRO: 15.

4 THE MODERATOR: 15.

5 The second division, Mr. Dufresne.

6 MR. DUFRESNE: 52.

7 THE MODERATOR: 52.

8 Third division, Mr. Hampson.

9 MR. HAMPSON: 44.

10 THE MODERATOR: 44.

11 All those opposed.

12 [Pause.]

13 THE MODERATOR: Third division, Mr.

14 Hampson.

15 MR. HAMPSON: 14.

16 THE MODERATOR: 14.

17 First division, Mrs. Tashiro?

18 MRS. TASHIRO: 23.

19 THE MODERATOR: 23.

20 Second division, Mr. Dufresne.

21 MR. DUFRESNE: 31.

22 THE MODERATOR: 31.

23 By a counted vote of 111 in favor and 68

24 opposed, the motion to take Article 40 passes and

1 we'll go to Article 40.

2 Article 40's recommendation by the Board
3 of Selectmen is indefinite postponement. Mr.
4 Rowitz held this article; would you like to put a
5 positive motion on the floor?

6 MR. ROWITZ: Ray Rowitz, precinct 5. I
7 would like to put a positive motion on the floor,
8 as written.

9 THE MODERATOR: Okay, main motion on
10 Article 40, as printed. And, Mr. Bunker.

11 MR. ROWITZ: Yes, Mr. Bunker.

12 THE MODERATOR: Mr. Bunker, the
13 petitioner.

14 MR. BUNKER: Andrew Bunker, precinct 6.
15 Thank you, Mr. Moderator.

16 Okay. Article 40 is a response to
17 Falmouth's Wastewater Discharge Plans for West
18 Falmouth. We want to protect Crocker Pond, which
19 is only 1500 feet from one of the planned
20 discharge sites. The plan to sewer the area is
21 on the south coast of Falmouth, with discharge
22 possible more than 1.6 million gallons per day to
23 the two new sites, called site 7 and site 10.

24 According to the Town's preferred

1 scenario 1 E, explained in Technical Memorandum
2 9, the treatment facility will be expanded to
3 handle 2.1 million gallons per day. If that
4 scenario is carried through, then 1.6 million
5 gallons per day will be discharged at sites 7 and
6 10. Other, lesser numbers will be discussed as far
7 as gallons, but no one person is in the position
8 to make promises about the future use of these
9 sites.

10 Slide two. Thank you.

11 Crocker Pond is only 1500 feet downhill
12 from site 7. The pond is a deep kettle hole pond
13 set well below the discharge site. Being so
14 deep, it will intercept a large portion of the
15 wastewater. We are very concerned that the
16 planning and management of this project, because
17 Crocker Pond was not mentioned even once in the
18 Draft Environmental Impact Review that the Town
19 submitted to the Massachusetts Environmental
20 Protection Agency or MEPA. In fact the report
21 stated that no surface waters are in the vicinity
22 of the discharge site.

23 Slide three. The state has finally
24 ordered the Town to evaluate the threat to

1 Crocker Pond, however in this article we ask that
2 no action be taken to utilize sites 7 and 10
3 until studies are completed, reviewed and
4 discussed. We feel that the use of these sites
5 could be just as detrimental to Crocker Pond,
6 Wings Pond, Herring Creek and Buzzards Bay as the
7 current site is to West Falmouth Harbor.

8 We should not rush to decide to use any
9 site, but make well-thought-out decisions based
10 on the facts. Design of the sewer system should
11 follow the determination of where the collected
12 wastewater will go.

13 At this point, Crocker Pond is the
14 epicenter of the Town's plans.

15 Slide four. How important is Crocker
16 Pond? Crocker Pond is an extremely important
17 piece in our community. Bourne Farm is here.
18 Bunker Tree Farm is here. Adults and children
19 swim here. The fishing is excellent. Many
20 weddings are celebrated here every year.

21 Pumpkin Day in the fall and skating in
22 the winter. There is a cut your own tree farm
23 and organic vegetable farming. The pond is used
24 for irrigation. Thousands of people park at

1 Bourne Farm for walks, bike rides and walking
2 dogs every year.

3 Next slide. Since the 1980's, Falmouth
4 has discharged wastewater into West Falmouth
5 ground water which then flowed to West Falmouth
6 Harbor and had devastating effects on water
7 quality. Many citizens have come to realize
8 that the choice of this location was a mistake,
9 with serious consequences for the ecology of West
10 Falmouth.

11 Nevertheless, Falmouth is taking steps
12 to begin sewer design and increase the capacity
13 of the treatment plant to 2.1 million gallons per
14 day. The state has imposed a cap on the
15 discharge to the current site, so sites 7 and 10
16 have become the preferred destination for the
17 extra effluent. This scenario proposes the
18 pumping of millions of gallons of effluent from
19 the Vineyard Sound watershed for release next to
20 Crocker Pond and Wings Pond and then into
21 Buzzards Bay on a daily basis.

22 Buzzards Bay is experiencing algae blooms,
23 fish die-off and low oxygen levels already.

24 Next slide. Sites 7 and 10 are a short

1 distance to the north of the current wastewater
2 treatment plant. These discharge sites will
3 impact Crocker Pond, Wings Pond, Herring Creek
4 and Buzzards Bay, cedar swamps, plus numerous
5 small wetlands and vernal pools and possibly even
6 West Falmouth Harbor.

7 We're told that the only thing in
8 question is how much effluent will be discharged
9 at sites 7 and 10. However, since all ponds on
10 the Cape are impacted by pollution, we find it
11 hard to understand that any scientific studies
12 could determine an amount that is not
13 increasingly harmful. Tons of extra nutrients
14 as well as pharmaceuticals and endocrine blockers
15 from the Vineyard Sound watershed will be
16 introduced here on top of the nutrient loads that
17 currently exist.

18 The Town cannot know until their
19 scientifically viable intensive studies and
20 discussion are completed. This is why no action
21 should be taken to develop site 7 or 10 until
22 studies are complete.

23 Next slide. Projected effluent
24 scenario 12A illustrates an educated guess at how

1 much nitrogen will reach various water bodies.
2 Crocker Pond, which is the closest of all, was
3 not included in any published projections.

4 Next slide. Thank you.

5 Let's not forget the projects about West
6 Falmouth Harbor made in the 1980's were seriously
7 flawed, although well intentioned. The omission
8 of Crocker's Pond demonstrates the fallibility of
9 a project of this scale. A pond of this
10 significance was missed; what else might be
11 forgotten or missed? Thirty years later, we're
12 trying to clean up West Falmouth Harbor due to
13 some mistaken predictions. Hopefully our
14 hindsight can become foresight.

15 Next slide. The 2001 Cape Cod Pond and
16 Lake Atlas shows that Crocker Pond is in the at-
17 risk category for chlorophyll, impacted for
18 nitrogen and phosphorus. This pond is adversely
19 affected by septic systems and fertilizer runoff,
20 but it's still better off than most of the seven
21 ponds in the study in Falmouth.

22 Since Crocker Pond is demonstrating
23 relatively good health but at the same time at
24 risk and impacted by pollution, how can it be

1 considered that more nutrient loads can be
2 acceptable?

3 PALS pond watcher data shows nitrogen
4 levels at .3 milligrams per liter; that is one-
5 tenth that of the effluents nitrogen level, which
6 is three milligrams per liter.

7 Next slide. The Buzzards Bay Coalition
8 says this DCWMP DEIR, which is the documents
9 submitted to the state, will not be a victory for
10 the Town of Falmouth or the environment if water
11 quality improvements in south coast ponds are
12 achieved at the cost of water quality degradation
13 in other water bodies.

14 Next slide. Salt Pond Areas Bird
15 Sanctuary and Bourne Farm, the West Falmouth
16 Village Association and the Association for
17 Crocker's Pond all support Article 40 and the
18 concept that no action should be taken to develop
19 sites 7 and 10 until studies have been completed.

20 The use of sites 7 and 10 - next slide,
21 please. The use of sites 7 and 10 may appear
22 the less expensive option for sewage effluent
23 because it is closer to the wastewater treatment
24 facility, but the loss or further degradation of

1 Crocker's Pond, Wing's Pond, the Herring Run, our
2 vernal pools and cedar swamps will be a high
3 price to pay.

4 Do not forget that Ashumet Pond requires
5 ongoing chemical treatments with alum to
6 counteract nutrient overload. This could be the
7 future for our western surface waters.

8 Next slide. Other concerns. We have
9 the herring run that comes out of Wings Pond.
10 Herring may soon be added to the Endangered
11 Species List, according to the Cape Cod
12 Commission.

13 Next slide. Cedar swamps and vernal
14 pools. Amphibians in the vernal pools will be
15 impacted by the chemicals of new concern, such as
16 endocrine blockers and pharmaceuticals.

17 Next. The salt marsh at Old Silver
18 Beach. Salt marshes such as the one at Old
19 Silver Beach are literally eroding away from the
20 effects of nitrogen loading.

21 Next. Buzzards Bay. Buzzards Bay will
22 be subjected to effluent from the Vineyard Sound
23 watershed. The bay's health is already in
24 decline. Algae blooms, fish die-off and low

1 oxygen levels are occurring with some regularity
2 now. It is wrong to pump pollution to this
3 shallow and closed body of water from Vineyard
4 Sound.

5 Next. This article is not intended to
6 delay or obstruct the design of the sewer system,
7 but rather to be sure that things are done in the
8 proper sequence. Site 7 and Crocker's Pond were
9 discussed one year ago during the debate on the
10 land swap deal. A full year has passed and
11 still no studies have been completed. There is
12 much work to be done before Falmouth allots
13 hundreds of thousands for the design of the sewer
14 system at spring Town Meeting. We must know
15 where that wastewater will go and what the affect
16 will be.

17 Vote yes on Article 40. Thank you.

18 THE MODERATOR: Okay, discussion on
19 Article 40. In the back?

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

21 THE MODERATOR: Yeah, but you're a
22 resident, right?

23 MR. RAFFERTY: I am a resident.

24 THE MODERATOR: Yes, so you have a

1 right to speak.

2 MR. RAFFERTY: Okay, just wanted to be
3 sure.

4 MR. HAMPSON: Mr. Moderator, before we
5 go any further -

6 THE MODERATOR: Go past eleven?

7 MR. HAMPSON: I would like to extend it
8 beyond eleven o'clock to finish this article.

9 THE MODERATOR: Okay, to extend beyond
10 eleven o'clock, all those in favor signify by
11 saying aye.

12 [Aye.]

13 THE MODERATOR: All those opposed no.

14 [No.]

15 THE MODERATOR: The ayes have it by the
16 two-thirds and we're going to go on this article.

17 MR. RAFFERTY: I think we will be able
18 to close up very quickly here. Because to the
19 list of groups that basically in spirit support
20 the article, I want to add the Water Quality
21 Management Committee.

22 FROM THE FLOOR: [Inaudible.]

23 MR. RAFFERTY: The Water Quality
24 Management - I'm sorry, I'm Steve Rafferty from

1 precinct 2; I'm the vice chair of the Water
2 Quality Management Committee.

3 I think you all know that our
4 committee's been tasked to find ways to reduce
5 nitrogen to the estuaries, to improve the water
6 quality and to make this a better community all
7 around, basically everything you heard about
8 preserving the water bodies.

9 We in principal and in spirit have no
10 issue with Article 40 with the sole exception of
11 the last sentence. I'm not a Town Meeting
12 Member, so I cannot make an amendment. But I'd
13 like to suggest that if somebody felt favorable
14 to make an amendment striking out in the next -
15 on the last sentence, the phrase, "taking any
16 action to utilize", and replacing it with the
17 phrase, "discharging any treated effluent at",
18 such that the last sentence read, "Said studies
19 should be completed prior to the Town discharging
20 any treated effluent at either site." I think
21 we are all in agreement.

22 MR. FASSETT: So moved.

23 THE MODERATOR: Okay, so "discharging
24 any treated -

1 MR. RAFFERTY: Discharging any treated
2 effluent at" either site.

3 THE MODERATOR: At -

4 MR. RAFFERTY: I have I think two quick
5 slides someplace to show, just to give a very
6 quick background.

7 THE MODERATOR: Mr. Fassett, you made
8 the motion? Okay, Mr. Fassett made the
9 amendment to change the last sentence.

10 MR. RAFFERTY: For several years prior
11 to either my involvement on either the
12 predecessor committee or the Water Quality
13 Management Committee, the issue of what to do
14 with any treated effluent, where it goes to,
15 where it discharges to, and what it will impact
16 or affect or not impact or not affect has been
17 very much of an ongoing discussion. I'm told
18 that, so far to date, there are upwards of 25
19 locations that have been looked at.

20 The slide up here shows basically over
21 the last couple of years, as we've wrestled with
22 some very large cost numbers, the areas in yellow
23 became areas of focus, areas where we thought
24 there was enough land or area or good conditions

1 to warrant a further look.

2 We have advanced a plan forward that
3 talks to using sites 7 and 10, and the Town is in
4 various steps of acquiring or obtaining those
5 sites. And we've held off committing to
6 additional studies until we get the response back
7 on the Comprehensive Wastewater Management Plan,
8 find out what the states wants us to study, as
9 well as the studies that Mr. Bunker has asked for
10 and his other supporters. That information, if
11 not released today will be released tomorrow.
12 Today was the deadline for that. It usually
13 takes a day or two for that document to get out.
14 We are not in any way anticipating that they will
15 say there are no additional studies required.

16 The last thing we want to do is ruin a
17 pond or another body of water.

18 With that, I will turn it back over.

19 THE MODERATOR: Okay, we're going to
20 open discussion on the amendment. Mr. Latimer.

21 MR. LATIMER: Just a question on the
22 meaning of the amendment. What utilization,
23 other than discharge of treated wastewater would
24 you be contemplating should this amendment pass?

1 MR. RAFFERTY: We haven't contemplated
2 - we haven't contemplated anything else yet. I'm
3 a person that likes to never be excluded from
4 everything. I would contend, as a person that's
5 been in the wastewater business for a number of
6 years, that acquiring parcels of land that might
7 be able to be used for things such as windrow-ing
8 - so I'm hypothetically inventing things here.
9 It's more a concern that we might have to do some
10 additional analysis or study or use the parcel.

11 The way it's written right now, the Town
12 couldn't take action to close the deal on the
13 land until all these studies are done, and that
14 may impact the window of opportunity to obtain
15 the land. So, that's why I was trying to come
16 up with a phrase that would say we would do the
17 studies before we got to the point of using it
18 the way we wanted to use it.

19 MR. LATIMER: That would not include -

20 THE MODERATOR: Mr. Latimer.

21 MR. LATIMER: -- discharging untreated
22 wastewater?

23 MR RAFFERTY: No. No. No.

24 THE MODERATOR: I don't think DEP is

1 going to allow that anyway, so I don't think
2 that's a problem.

3 Ms. Putnam.

4 MS. PUTNAM: Rebecca Putnam, precinct
5 9. Through you, Mr. Moderator, I am curious to
6 ask the Board of Selectmen what their reason was
7 for the recommendation of indefinite postponement
8 on this article.

9 THE MODERATOR: Mr. Chairman.

10 CHAIRMAN MURPHY: Yes, the Board of
11 Selectmen thought that as the process moved
12 forward both with the Cape Cod Commission and the
13 state of the review of our wastewater treatment
14 plan, that the state would direct us to in fact
15 do this particular study as well. So we wanted
16 the process to move forward and that's how the
17 Board of Selectmen based their recommendation.

18 I think Mr. Potamis could explain a
19 little bit more in depth with that, as well.

20 THE MODERATOR: Okay, Mr. Potamis, you
21 were next on my list anyway.

22 MR. POTAMIS: Jerry Potamis, Town
23 Meeting Member precinct 2 and also a Wastewater
24 Superintendent.

1 I think it's well-intentioned. I think
2 it's premature. We will have most of the
3 information before we come in front of the Town
4 Meeting next spring. To shut the project down
5 now is a waste of money. It could end up saying,
6 "Okay, we don't do it there, we'll bring all the
7 wastewater back to East Falmouth or someplace
8 else."

9 We need to study. The state needs to
10 give us a permit to discharge there. We don't
11 have that permit yet. We have to do studies to
12 determine the impact, if any. We are not
13 proposing two million, one million. The first
14 phase of the project is for 200,000 gallons. The
15 site can hold one million gallons. We're far
16 below the maximum capacity of the site.

17 The Cape Cod Commission has ruled
18 favorably that this project should go forward.

19 I can assure you, because we're in
20 contact with DEP, that MEP - that the Secretary
21 of Environmental Affairs is going to issue a
22 positive certificate that this project go
23 forward. But we're going to have to do more
24 studies.

1 I think people might have thought that
2 we made mistakes in the past, and we have made
3 mistakes in the past, because people have a
4 tendency to rule on emotion rather than science.
5 You go back, locating New Silver Beach was not a
6 scientific decision; it was a Town Meeting
7 decision that was bad, from a technical point of
8 view. It was good, from civic government.

9 The location of the treatment plant
10 itself you could question whether it was good or
11 bad. But it was a good decision because of the
12 town meeting.

13 We're asking you now to let us do the
14 scientific studies to prove what we can discharge
15 there and how much. That is why I think that
16 amendment went forward, to say, "Let us study it
17 and we'll come back to you." To shut us down
18 now, I'm not sure what the consequences could be.
19 But it doesn't make sense to me.

20 And we do know we've looked at the
21 Buzzards Bay analysis, because we had our
22 engineers look at it. There's some flawed
23 statements in that, and we'll get back to you;
24 this is not the time to discuss it.

1 Don't trust government unless you can
2 validate it. But don't trust emotions, because
3 emotions are irrational. Thank you.

4 THE MODERATOR: Okay, Ms. Seganic.

5 MR. SEGANIC: Hi, Annie Connolly
6 Seganic, precinct 6. I moved this forward. I'm
7 sorry to keep everybody late, but I have gotten a
8 lot of feedback from my neighbors and friends in
9 West Falmouth and other parts of town. I don't
10 think anyone wants to stop the Wastewater Quality
11 Management - I hope I said that right - Committee
12 and their work. They've done a great job and
13 they certainly have a tough road ahead.

14 I think what the article - the article's
15 spirit - and Andrew, jump in if I don't have it
16 right - is that we want to just make sure that
17 the studies are done on Crocker Pond as well
18 before we make any decisions. And if we can get
19 Mr. Potamis's or the Board of Selectmen's
20 confirmation of that, I'm sure then that's all we
21 need.

22 But we did feel it was important to
23 bring it forward. I also should say I was asked
24 as a Board member of Salt Pond Area Bird

1 Sanctuary that owns Bourne Farm, and it is an
2 historic site in West Falmouth, to speak in favor
3 of the article. So I did.

4 THE MODERATOR: Okay, Mr. Potamis.
5 Yes, Mr. Wilber, Mr. Heath, you're on the list.
6 Mr. Netto, I'll add you.

7 MR. POTAMIS: I'm a Town employee. I
8 can't assure you of anything other than doing
9 what you want me to do. What I can assure is
10 that the way the process works is we're going to
11 get detailed requirements in writing from the
12 state by next week. We have to go over those
13 requirements, develop a response to the comments.
14 We have to develop a monitoring program. We have
15 to develop additional studies. We have to bring
16 that to the regulatory agencies for their
17 approval to make sure we have the right scope of
18 work, and I have no objection to have Mr. Bunker
19 and his consultants. In fact, we encourage
20 people to ask - tell us what you want studied and
21 we'll investigate it.

22 So, my boss says I'm not supposed to
23 promise anything, but I believe in government. I
24 think I can assure you that we're going to do the

1 studies that the regulatory agencies require, and
2 Crocker Pond will be studied in some manner. I
3 cannot tell you the detail, because we have to
4 get back to the scientists to say what should be
5 studied, what shouldn't be studied. But it will
6 be studied.

7 THE MODERATOR: Okay, Ms. Flynn.

8 I'll add you to the list.

9 MS. FLYNN: Thank you, Mr. Moderator.
10 I'm Pat Flynn, precinct 5. I wanted to mention
11 that I happened to be the County Commissioner's
12 appointee to the Cape Cod Commission right now.
13 I have been on the Commission now for the last
14 two years.

15 I was also appointed by the chairman to
16 the subcommittee that is hearing the proposal on
17 the DIR. The DIR and the Comprehensive
18 Wastewater Plan that is now undergoing review by
19 the Cape Cod Commission as well as by the state.

20 So, the Cape Cod Commission, to be
21 clear, had their public hearing here in Falmouth
22 some time in early October, and I don't remember
23 the exact date. And there were a number of
24 people here - a number of people here were at

1 that hearing, including members of the Water
2 Quality Management Committee.

3 The subcommittee did not, at the close
4 of that evening session, did not close the public
5 hearing but left it open, and it was rescheduled
6 for October 29th and that was the day the storm
7 came. So the subcommittee has not yet met. But
8 I can tell you that in the project summary that
9 was prepared by the Cape Cod Commission staff,
10 they particularly stated that sites 7 and 10
11 should have further studies before any further
12 action is taken on those.

13 So, I can tell you I am very confident
14 that when the subcommittee meets again - and it
15 has not yet been scheduled - that we will be very
16 clear that language is in the final report from
17 the Cape Cod Commission regarding further studies
18 on sites 7 and 10.

19 THE MODERATOR: Okay, Mr. Wilber.

20 MR. WILBER: Jude Wilber, precinct 8,
21 and I applaud the people that brought this
22 forward. I think it points out something very
23 important; I'm a big fan of Crocker's Pond and
24 etcetera down that area, my neighborhood.

1 But I do think that the explanation as
2 given here for indefinite postponement, if it's
3 edited a little bit, says clearly, "This issue
4 will be address before the cape Cod Commission
5 and the DER review of the CWMP." Period.
6 "Review findings will be received by the Town in
7 2012." Period. "Additional review and study
8 shall be considered for funding at a future Town
9 Meeting."

10 That seems to me to be exactly what Mr.
11 Potamis just said. And what Pat Flynn just
12 said. This won't be overlooked, but I think it's
13 good to remind us of this, but move - I think
14 this should be indefinitely postponed, just like
15 the recommendation. I think the explanation,
16 once it's edited, makes it very clear that this
17 won't be overlooked.

18 THE MODERATOR: Okay, Mr. Heath? No,
19 you're all set.

20 Mr. Netto? No, you're all set.
21 Gentleman down here. Yes.

22 MR. FREEMAN: Good evening, everyone.
23 Todd Freeman, precinct 5. That is my back yard.
24 I have two little kids that fish and swim, skate,

1 boat. Please deny. And you guys all sitting
2 here all night long, let's, you know, keep
3 everything safe.

4 What about Old Silver Beach? Where is
5 that water going to go? How far is that water
6 going to go, Jerry? Does anyone got answers?

7 I went home today at lunchtime and
8 they're checking the pond depths and all that.
9 The day after the first night of the meeting? I
10 never got a letter saying what was going on.

11 Last year was a red flag. I'm sitting
12 on my couch, and only one person from this
13 audience spoke up: what about Crocker Pond?
14 Yeah, what about Crocker Pond? It's on the end
15 of Thomas B. Landers Road. We're down in a hole.
16 Where do you think that water's gonna go? Thank
17 you.

18 THE MODERATOR: Okay, Mr. Turkington.

19 MR. TURKINGTON: Eric Turkington,
20 precinct 1. When Mr. Bunker's petition first
21 came around, my first reaction was that I can
22 support this, because the kind of studies he's
23 asking for are exactly the kind of studies our
24 committee and the Town is going to ask for, and

1 the state of Massachusetts and the Cape Cod
2 Commission are both going to require more studies
3 than Mr. Bunker and us ever thought of. So there
4 will be no shortage of studies, and Crocker Pond
5 will be right in the middle of them.

6 So, I'm in favor of the article as
7 amended by Steve Fassett and I would move the
8 question.

9 FROM THE FLOOR: Question.

10 THE MODERATOR: Okay, the first motion
11 we have before us is the amendment, which is to
12 change the last sentence to say "discharging any
13 treating effluent at either site". All those in
14 favor of the amendment signify by saying aye.

15 [Aye.]

16 THE MODERATOR: All those opposed no.

17 [None opposed.]

18 THE MODERATOR: The ayes have it
19 unanimous.

20 The question will now come on the main
21 motion as amended. All those in favor signify
22 by saying aye.

23 [Aye.]

24 THE MODERATOR: All those opposed no.

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[No.]

THE MODERATOR: The ayes have it by a majority and we'll stand in recess until seven o'clock tomorrow.

[11:12 p.m., whereupon meeting adjourned.]

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth Annual Fall Town Meeting, taken by me on November 14, 2012. To the best of my ability the within transcript is a complete, true and accurate record of said Town Meeting.

In witness whereof, I have hereunto set my hand and Notary Seal this 2nd day of January, 2013.

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

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