

COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

NOVEMBER TOWN MEETING

Memorial Auditorium
Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR: David T. Vieira

TOWN CLERK: Michael Palmer

Wednesday, November 13, 2019

7:00 p.m.

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

2 [7:00 p.m.]

3 THE MODERATOR: Okay, all Town Meeting
4 members present please come forward, take your
5 seats. Don't forget to check in and get your
6 clicker so we can vote a quorum.

7 [Pause.]

8 THE MODERATOR: Do we have a quorum
9 slide ready?

10 [Pause.]

11 THE MODERATOR: Okay, all Town Meeting
12 members please come forward, take your seats.
13 May sure you have your clicker. And we're going
14 to run the quorum.

15 All Town Meeting members present please
16 press one A for the establishment of a quorum.

17 [Pause while electronic vote scrolling.]

18 FROM THE FLOOR: It's not working.

19 THE MODERATOR: Yeah, yeah, it stopped.
20 It's stopped, up there.

21 Okay, all members present please press
22 one A for the establishment of a quorum.

23 [Pause while electronic vote scrolling.]

24 THE MODERATOR: By a counted vote of

1 181 we have a quorum, and I call this Town
2 Meeting into session.

3 All present please rise for the
4 presentation of the colors by the Joint Scouting
5 Color Guard of Falmouth.

6 Please follow me in the Pledge of
7 Allegiance.

8 [Pledge of Allegiance taken.]

9 THE MODERATOR: At this time I'll
10 recognize Tom Walrath for the invocation.

11 MR. WALRATH: Heavenly Father, may our
12 meeting this evening not only be an exercise of
13 care and concern for our community and its
14 residents, but also an example of how a community
15 can agree and disagree and still be a community.

16 We ask you to watch over and protect our
17 families, our community, our nation, and our
18 world. May your gift of peace become a reality
19 for all. Amen.

20 THE MODERATOR: And at this moment
21 we'll have a moment of silence in special
22 recognition of a former Selectman and long-time
23 volunteer of the community, Nathan Ellis, and
24 also for Worcester Fire Lieutenant Jason Menard,

1 who many of you may have heard perished this
2 morning while saving lives in a Worcester fire.
3 That's why our flags out front are at half staff.
4 So, our moment of silence tonight for him and his
5 family and our fire service brothers and sisters
6 in our prayers.

7 [Moment of silence held.]

8 THE MODERATOR: Colors post.

9 [Pause.]

10 THE MODERATOR: Falmouth Joint
11 Scouting Color Guard.

12 [Applause.]

13 THE MODERATOR: Okay, we left off last
14 night with Article 12.

15 Before we do that, I would like to
16 mention that sitting in Scoba Rhodes' seat, our
17 longtime former member and good friend, is his
18 daughter, Lynn Rhodes, who is seating tonight as
19 a new Town Meeting member in his seat.

20 So Lynn, welcome. You're making Dad
21 proud.

22 [Applause.]

23 THE MODERATOR: Article 12. Board of
24 Selectmen for the main motion.

1 MR. SHEARER: [No mic:] Mr. Moderator.

2 THE MODERATOR: Mr. Shearer.

3 MR. SHEARER: [No mic: inaudible.]

4 FROM THE FLOOR: Can't hear you.

5 THE MODERATOR: Article - microphone.

6 MR. SHEARER: I would like to ask for
7 reconsideration of Article 9, which was held at
8 the last second.

9 THE MODERATOR: Article 9, yeah, the
10 motion was Indefinite Postponement?

11 MR. SHEARER: Yes.

12 THE MODERATOR: Okay, is there new
13 information that wasn't available to the meeting
14 at the time of the original vote?

15 MR. SHEARER: Well, it wasn't an
16 Indefinite Postponement when we started the
17 meeting and all of a sudden it was for no reason,
18 and I don't think anybody has had a chance to
19 really say anything about it or talk. It was
20 very quickly done. And I believe we're having a
21 new fire station, I hope soon, and I think this
22 Article was put on there for a reason.

23 THE MODERATOR: Okay. And the record
24 will show that I asked twice if anyone wanted to

1 place a positive motion on the floor; no one did.
2 But I'm going to just take the vote.

3 All those in favor of reconsideration,
4 signify by saying aye.

5 [Aye.]

6 THE MODERATOR: All those opposed no.

7 [No.]

8 THE MODERATOR: The nos have it, and
9 we're not reconsidering it.

10 Article 12. Article 12. Madame
11 Chairman for the main motion.

12 CHAIRMAN BRAGA: Thank you, Mr.
13 Moderator. I move Article 12 as recommended.

14 THE MODERATOR: Article 12 as
15 recommended. This is to vote to authorize the
16 Board of Selectmen to negotiate the acquisition
17 of a parcel of land at the intersection of
18 Worcester Court and Spring Bars Road, now or
19 formerly owned by Wilbur and Sharon Miller.

20 Mr. Suso.

21 MR. SUSO: Thank you, Mr. Moderator.
22 Julian Suso, Town Manager.

23 Article 12 is regarding the lease or
24 purchase of property for municipal parking

1 purposes. Like the prior Article, Article 11,
2 which the Town Meeting approved last evening,
3 Article 12 seeks Town Meeting guidance on a
4 proposal to acquire property for off-street
5 municipal public parking.

6 As we've noted, the demand for parking
7 in downtown for the purposes of accessing not
8 only areas downtown but Woods Hole and Falmouth's
9 beaches, has continued to grow considerably.
10 Those of us who regularly are downtown during the
11 entire year are well aware of the increasing
12 demand, and I know we had comments last night
13 from a number of Town Meeting members, including
14 our president of the Chamber of Commerce, so
15 confirming.

16 A plan is underway to expand the
17 existing Cape Cod RTA shuttle bus service routes
18 to include stops at potentially newly-acquired
19 parking sites. These shuttles would take those
20 who park there to downtown, Woods Hole, and to
21 the beaches, particularly the nearby beaches at
22 Heights and Surf Drive.

23 No overnight parking would be permitted
24 at these proposed sites.

1 This Article is brought to Town Meeting
2 for advisory purposes only. The next step,
3 subject to Town Meeting favorable approval, would
4 be to negotiate the acquisition by mutual
5 agreement only of in this case the parcel at
6 Worcester Court. We have a map coming up next.
7 There would be no hostile environmental taking.

8 I'm sorry, I've got one more bullet
9 point left, there.

10 Future Town Meeting would be approving
11 and required to approve the set-aside of
12 appropriate funds for either lease or purchase.
13 So, if we do go forward this evening, you'll be
14 seeing this again and have the opportunity to
15 further discuss.

16 And now we can go to the map, thank you,
17 Anthony.

18 And again, this is the existing, largely
19 paved parcel at Springs Bars Road and Worcester
20 Court. And it is an existing commercial
21 property. I think it was most recently used for
22 temporary storage purposes for the construction
23 on the wastewater expansion project.

24 Happy to answer any questions, Mr.

1 Moderator, should there be any.

2 THE MODERATOR: Okay, any discussion?

3 Mr. Dufresne.

4 MR. DUFRESNE: Fellow Town Meeting
5 members, Adriane Dufresne, Precinct 2
6 representative.

7 And, as I stood before you last night
8 and didn't talk long enough and I lost the
9 Article, but I'm asking you to vote against this
10 purchase and this acquired parcel which is right
11 next to - I refer to it as a junk yard on
12 Worcester Court. I wish the Building Department
13 would go down and take a look at it. And the
14 129 units of affordable housing that are in that
15 area. I'm very familiar when that was a dead
16 end. Spring Bars Road was a dead end. It was
17 a relief for people coming from East Falmouth.
18 They used Spring Bars Road as a shortcut to get
19 to the shopping complexes. And I would hate to
20 see that parcel as a parking lot next to 129
21 residential units.

22 They can say all they want; I'm familiar
23 with what happens to parking lots after dark.
24 It just puts another burden on the Police

1 Department. I don't think it's necessary. I
2 think it's in good hands and the people that
3 bought it, for whatever reason that they bought
4 it for, they should use it.

5 My concerns are Spring Bars Road is a
6 heavily used road and Worcester Court is a race
7 track. And again, I'm going to repeat: this is
8 a lot not big enough for actually a municipal
9 parking lot.

10 And, whatever your decision is doesn't
11 bother me. I live three streets away and it's
12 not a bother. I go to the plaza and it's only a
13 two minute drive.

14 But I ask for your consideration to
15 don't allow this type of thing to come before us.
16 We have so many important things that Mr. Suso
17 and his people that work with him have to worry
18 about in this Town of Falmouth than finding
19 parking space that may or may not be utilized for
20 their purpose.

21 Thank you very much for listening to me.
22 The vote is in your hands.

23 Thank you.

24 THE MODERATOR: Mr. Noonan and then Mr.

1 Heylin.

2 MR. NOONAN: Mr. Suso said not to take
3 it by eminent domain. Has that been amended?

4 Has this article been amended?

5 THE MODERATOR: The main motion is the
6 recommendation, which is to vote to authorize the
7 Board of Selectmen to negotiate the acquisition
8 of a parcel of land. So the recommendation is
9 the main motion.

10 MR. NOONAN: Okay, so the Article 12
11 where it says the Board of Selectmen to lease,
12 purchase or take by --

13 THE MODERATOR: Yeah, that's the
14 Article, but the motion is below it, which is to
15 vote to authorize the Board of Selectmen to
16 negotiate the acquisition.

17 MR. NOONAN: Thank you.

18 THE MODERATOR: Yeah.

19 Mr. Heylin.

20 MR. HEYLIN: Thank you. Michael
21 Heylin, Precinct 5.

22 I had a similar question, because Mr.
23 Suso last night said that he would not take
24 Article 11 by eminent domain, but Article 11 does

1 say "or take by eminent domain", and the same
2 thing tonight where Mr. Suso on slide two said --

3 THE MODERATOR: And Article 11's main
4 motion last night was to authorize the Board of
5 Selectmen to negotiate the acquisition. That
6 was the main motion last night.

7 MR. HEYLIN: Okay. Can I make an
8 amendment to Article 12 to include "not take my
9 eminent domain"?

10 THE MODERATOR: Well, they're not -
11 it's not in the motion, so they can't take it by
12 eminent domain. They have to negotiate the
13 acquisition. An eminent domain taking is not a
14 negotiation. Okay?

15 MR. HEYLIN: I just think that the
16 clarification of --

17 THE MODERATOR: I think you just --

18 MR. HEYLIN: - what Mr. Suso said --

19 THE MODERATOR: - need to look at the
20 difference between an Article and a motion on the
21 floor of Town Meeting. The Article is the four
22 scope - we have to work within the four corners
23 of the scope of an Article that tells the public
24 what we might discuss at Town Meeting. When you

1 come to Town Meeting you have a series of motions
2 made on the floor and printed in the warrant
3 booklet, which are the actions that this Town
4 Meeting is looking to take.

5 The action before the Town Meeting right
6 now, and last night on Article 11, is to
7 authorize the Board of Selectmen to negotiate the
8 acquisition. So they cannot take by eminent
9 domain this property because you're not
10 authorizing them to use eminent domain.

11 So, it's a moot point because they're
12 not authorized in the motion that's before the
13 body.

14 MR. HEYLIN: But, Mr. Moderator, a
15 quick question. In the motion it says, "as
16 further described in this Article", which would
17 then point to the eminent domain language?

18 THE MODERATOR: No. The description
19 is: Assessors parcel 3915048001B, containing .95
20 acres. That's the further clarification of the
21 description of the parcel. That's the reference
22 in the motion. Further described.

23 Okay. Mr. Duffy.

24 MR. DUFFY: The motion does not mention

1 the power of eminent domain and it will not be
2 exercised for two reasons. Number one, the
3 motion does not contain a request for any money.
4 In order to take by eminent domain you need
5 money; there's no money here.

6 Also, to take by eminent domain you
7 require a two-thirds vote. The motion to
8 authorize negotiation only requires a majority
9 vote. So there's no question of eminent domain
10 here at all.

11 THE MODERATOR: Okay, Mr. Clark.

12 MR. CLARK: Peter Clark, Precinct one.

13 I'd like to speak in favor of this
14 Article. I think this is a strategic piece of
15 land that we ought to have the opportunity to
16 take a look at. It sits above Little Pond
17 Place, which is 40 units of affordable housing.
18 I'm not sure where the other 110 are, but the 40
19 at Little Pond Landing might well be made more
20 secure if the Town were in fact controlling that
21 piece of land.

22 So, whether it's for parking or other
23 municipal purposes, I think it's important to
24 take a look at this piece of property. I

1 support the motion.

2 THE MODERATOR: Okay, Ms. Siegal.

3 MS. SIEGAL: Deborah Siegal, Precinct

4 6.

5 I - in addressing this, as you'll see
6 I'm actually going to be addressing both of these
7 Articles. We have a transportation problem on
8 the Cape. It's going to get much worse when two
9 new bridges are built. Which seems to be a done
10 deed.

11 It's going to get even - it's going to
12 also get worse when we build new parking lots to
13 make parking more accessible to more people.
14 The congestion in this town everybody knows has
15 gotten increasingly worse year by year and, since
16 the Selectmen - Select Persons wanted advice on
17 this, I would just like to talk for the many
18 people who are unhappy about the increase in
19 congestion in our town.

20 Thank you.

21 And I urge you to vote this down.

22 THE MODERATOR: Okay, Mr. Cook.

23 MR. COOK: Peter Cook, Precinct 6.

24 I am in favor of the parking part.

1 And, as a person who works downtown, I can see
2 that impact daily, especially in the summer.

3 My concern with the Worcester Court lot
4 is of course the intersection of Springs Bars
5 Road and Worcester Court, which is currently only
6 a two stop sign intersection, and with increased
7 cars naturally more traffic. And it's already
8 challenging in the summer trying to cross across
9 Spring Bars right across Worcester Court looking
10 both ways, make sure nobody's going to plow you
11 down.

12 So, I'm hoping that's addressed, too.

13 THE MODERATOR: Okay, Mr. Turkington.

14 MR. TURKINGTON: Eric Turkington,
15 Precinct one.

16 I want to commend Julian for taking on
17 this idea of a shuttle bus to move people around.
18 We've talked about that kind of thing for a long
19 time in this town, but we've never done it. So,
20 I think that's a good idea.

21 I think talking to the RTA about how to
22 get the buses up and running is also a good idea.
23 But I don't think buying this lot is a good idea.

24 Given that the idea is to have a shuttle

1 and a transportation, those ducks should be put
2 in a row before we go out and buy a piece of land
3 to park the cars in. You know, we don't have
4 the infrastructure, we don't have the schedule,
5 we don't have anything, and you want to buy a
6 piece of land.

7 This particular piece of land is
8 assessed at \$365,000 for one acre. And you can
9 be sure the owners will think it's worth more
10 than that.

11 I looked up on realtor.com all the empty
12 pieces of land that are for sale in Falmouth
13 right now. This is the second most expensive
14 per acre of all the land that's being currently
15 for sale in Falmouth. So, I say go ahead with
16 the bus, go ahead with the shuttle. We could do
17 this in school lots. We have the Lawrence
18 School lot, we have the Morse Pond School lot.
19 There's lots of ways to do this without spending
20 that amount of money on the second-most expensive
21 piece of land in town.

22 THE MODERATOR: Mr. Netto.

23 MR. NETTO: Joe Netto, Precinct 9.

24 Could I please have the slide up of Mr.

1 Suso's presentation?

2 I think all of you know where this is,
3 the corner of Randolph and Spring Bars. From
4 this lot, you can walk to the Falmouth Mall,
5 where - that's Kappy's, as you see to the left.
6 To make sure you know it when I mention that
7 parcel, there.

8 So, what do we use that plaza for?
9 It's got hundreds of spots. Well, when Falmouth
10 High School football was played at Guv Fuller,
11 that's where the overflow parking would go. On
12 Fourth of July, if you go to the Heights, you see
13 that that parking lot in the plaza is filled.
14 The plaza lets everyone use that at no cost
15 whatsoever to the taxpayer. So there's plenty
16 of parking and that would be to the west.

17 If you leave that lot, and again walk
18 and go to Wal-Mart, there's another plaza with
19 hundreds of parking spots there.

20 Now, if I could have Mr. Suso's
21 presentation slide, the words.

22 How many of you are aware right now that
23 the - I gotta use the right word - the RTA, the
24 transportation system the RTA routes, already

1 stop at those two plazas? I've followed that
2 bus numerous times. That's not going to be
3 invented; that already exists.

4 Now, what we don't have is the RTA or
5 any Falmouth - or the Chamber of Commerce or the
6 Beach Committee organizing a parking shuttle
7 system for maybe again the high school lots,
8 which we already own, to the beaches. I'm sure
9 that's something that would be handled between
10 private commerce and public government, hand in
11 hand.

12 We, to call this buying this parcel to
13 improve the downtown parking is a misnomer.

14 At the Precinct meetings, we were told
15 that these two Articles were to look at the
16 possibilities. I don't think - it's interesting
17 when Mr. Heylin got up that we now see of course
18 it's the recommendation that we vote on. So
19 this recommendation is to acquire this parcel.

20 This didn't get brought up in Article 11
21 last night. It got brought up tonight. I
22 would hope we have better ways to spend the
23 taxpayers money than buying a piece of property
24 that we don't have any idea what it costs. Mr.

1 Turkington said he's done some homework: the
2 highest expensive piece of property in Falmouth?

3 And this is not going to alleviate any
4 parking in downtown. I bet the rest of the hair
5 on this head on that one.

6 Thank you.

7 THE MODERATOR: Ms. Lichtenstein.

8 MS. LICHTENSTEIN: Leslie Lichtenstein,
9 Precinct 8.

10 Last night's Article was for a parking
11 lot that is a parking lot and will never be
12 anything but a parking lot. Here we have a
13 piece of commercially-zoned property which could
14 potentially be a business which could pay taxes
15 to the Town of Falmouth. I don't think we
16 should take a potential taxpaying parcel out of
17 our tax roles.

18 I agree, we need off-street parking, but
19 if you're going to bus people to beaches, you
20 don't want to bus them from downtown. You can
21 have a parking lot that's out of town if you're
22 just worried about busing people to the town.
23 This is just the wrong place to put a parking
24 lot.

1 Thank you.

2 THE MODERATOR: Mr. Lemay.

3 MR. LEMAY: Joe Lemay, Precinct 9.

4 Last night I told you that on Article
5 11, 94 percent of my constituents told me to vote
6 no. But it was an ambivalent No, because they
7 realized a parking lot downtown might be useful;
8 when there are events, it's really hard to find a
9 parking place.

10 On Article 12, I can't say 100 percent,
11 because one voted No Opinion. But, of the ones
12 that voted with an opinion, 100 percent voted No
13 on this property. They saw no reason that we
14 need that parking when you could just park at the
15 plaza.

16 If we truly did want to negotiate some
17 lease for beach parking, maybe we can negotiate
18 something - a portion of the plaza out front
19 where people would see it and know it's there;
20 the tourists could stop there, get on the bus and
21 go to the beach. I don't think tourists are
22 going to get on the bus to go to the beach, but
23 maybe they would.

24 So, when my constituents spoke to me

1 about Article 12, they were more adamant that we
2 should not get this property. Okay?

3 THE MODERATOR: Okay, Ms. Freitag.

4 MS. FREITAG: Good evening, Melissa
5 Freitag, Precinct 6.

6 I just wanted to re-point out to people
7 that this is merely allowing Mr. Suso to look
8 into acquiring this particular parcel. But it's
9 not just for parking. It says for municipal
10 purposes, which could ultimately, I mean if the
11 Town ultimately acquires this parcel, whether
12 it's through leasing or through purchasing, we
13 could use it for open space if we, you know,
14 needed it. We could use it for a flood zone
15 when something happens. We could use it for
16 affordable housing. It doesn't have to be for
17 parking yet, because we don't actually have
18 anything negotiated. Okay?

19 If the price is too high, Town Meeting
20 will reject it.

21 I do have a question, though, about the
22 prior use and earlier use of the parcel. Was it
23 not once a car wash and is there any indication
24 of environmental contamination there?

1 And also, if I may, through the
2 Moderator, the previous speaker, I am really
3 curious what your sample size is.

4 [Laughter.]

5 MS. FREITAG: How many neighbors do you
6 ask?

7 MR. LEMAY: [No mic:] I go to 21
8 houses.

9 MS. FREITAG: 21.

10 THE MODERATOR: 21, yeah, 21.

11 MS. FREITAG: Thank you.

12 THE MODERATOR: Mr. Suso.

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

14 I just wanted to clarify several
15 speakers have suggested that the clear intent is
16 to acquire and take this property off the tax
17 rolls; that is not what is being proposed. In
18 fact, in some very preliminary discussions with
19 the owner, this parcel is only available for
20 lease. So, a leased property remains fully
21 taxable and would not be coming off the tax
22 rolls. So I just wanted to clarify that piece
23 of information.

24 THE MODERATOR: Okay, Mr. Jones. No,

1 you're all set. Okay.

2 Mr. Hargraves.

3 I'll put you back on the list, yeah.

4 Go ahead, Mr. Hargraves.

5 MR. HARGRAVES: Peter Hargraves,

6 Precinct 9.

7 Just to balance the discussion I'd like
8 to rise in support of this Article. And every
9 comment I've heard here is entirely valid in the
10 world as we know it today, but I'd ask my
11 colleagues to think more strategically about
12 Falmouth as we develop and grow.

13 If you have been to any of the Form
14 Based zoning presentations, dealing with Davis
15 Straits, one of the principals is to put parking
16 and other utility-type services behind the
17 development to maintain the character of our town
18 and to extent the character of Main Street
19 further up and into Davis Straits and beyond.

20 And so I would like to applaud the
21 administration for thinking strategically about
22 how to position ourselves to deliver a really
23 excellent project to have an organized growth and
24 maintains and improves the character of our town,

1 and I'd ask my colleagues here to consider that
2 as a possibility for what we're accomplishing
3 here. This land is a valuable asset in
4 conjunction with the rest of that area, which
5 will be completely redeveloped, as has been
6 presented by the Planning Board on several
7 occasions, as a hypothetical use of Form Based
8 zoning.

9 So.

10 THE MODERATOR: Okay, Ms. Putnam.

11 Mr. Netto, you're on the list again.

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

14 I would ask that you vote this down.
15 You guys just went through last night with the
16 property on Waquoit Highway with finding out that
17 there was a lot of stuff in the house that nobody
18 knew about. Now you've got a piece of property
19 that was used, as was stated, as a car wash.
20 That could be a major 21E problem.

21 And I would also like to ask that this
22 be a roll call vote.

23 THE MODERATOR: Recorded roll call?

24 MS. PUTNAM: Yes.

1 THE MODERATOR: All interested in
2 having a recorded roll call vote, please stand.
3 One, two, three, four, five, six, seven, eight,
4 nine, ten, eleven - okay, a sufficient number
5 having arisen, when we take the vote on this, it
6 will be a recorded roll call vote.

7 Okay, Mr. Potamis.

8 MR. POTAMIS: Is this on? Yes. Gerry
9 Potamis, Precinct 1.

10 A friend of my father's once said, "You
11 take property when it's available, not when you
12 need it."

13 Now, this, I think the Selectmen and Mr.
14 Suso have heard all the concerns about
15 intersection, 21E, and things like that, and when
16 they come back they will probably have that well
17 in hand.

18 The other thing is, this is a commercial
19 property. There's nothing to prevent it from
20 being a 40B. And if you look around, people are
21 acquiring larger parcels of land for high density
22 and they're not always friendly to the
23 neighborhood.

24 So, I urge support. I think yesterday

1 we were critical that people don't plan. All
2 this is is a planning effort to come back to us
3 and say these are the pros and cons. And, since
4 this is a lease, I don't think we're looking at a
5 large expenditure to purchase it.

6 Thank you.

7 THE MODERATOR: Okay, Ms. Connolly.

8 MS. CONNOLLY: Hi. Annie Connolly,
9 Precinct 6.

10 So, and I wanted to follow-up a little
11 bit more with Mr. Hargraves' points about the
12 Davis Straits reset project. Wasn't there also
13 a fairly rigorous Cape Cod Commission study done
14 on this whole, I don't know, street scape,
15 whatever we want to call it, in anticipation of
16 Falmouth Housing Corp.'s housing project on
17 Spring Bars Road? And, if so, does that shed
18 any light about - or any points about additional
19 parking and things like that, Mr. Suso? Or the
20 Planning Board.

21 MR. SUSO: I don't have that
22 information at my fingertips. We'd have to
23 secure that, which we'd be happy to do. I don't
24 know if our Town Planner would have any further

1 insight, but as to those specifics, I don't have
2 that at my fingertips.

3 But it's an excellent point.

4 THE MODERATOR: Okay, Ms. Braga.

5 MS. BRAGA: Not to belabor the point,
6 but again, as we've heard, both it's in the
7 Article and then we've heard from Mr. Suso: we're
8 looking at most likely a lease situation.
9 There's no money that's attached to this. This
10 just gives us the ability to sort of suss-out
11 whether or not this is something that can work
12 for us.

13 As far as directing people who come to
14 visit us, the many people, particularly in the
15 summer, the Chamber and other organizations that
16 help sort of move people around our community to
17 keep our small businesses alive that really
18 depend on our summer tourism - I know it's a
19 crowded place in the summer, but it wouldn't be
20 the community that we love the rest of the year
21 if we didn't put up with that. That's just
22 where we live.

23 But the Chamber and those folks cannot
24 direct individuals who come to visit our town to

1 just haphazardly park at the plaza or in some
2 overflow parking by Wal-Mart and get on an RTA
3 bus. I mean, we have to have a plan. There
4 has to be some organization. And that's what
5 this is trying to do: look at ways that we can
6 relieve the pressures from that downtown Main
7 Street area where people - we've all done it -
8 circle for a very long time trying to find a
9 place to park when you want to have lunch, you
10 need to go to the hardware store. Sometimes you
11 need to go to Town Hall - alleviate some of that
12 intense pressure. And again, this may only be a
13 temporary solution as we look at sort of further
14 options.

15 We're having our Transportation
16 Committee reconstituted, Transportation
17 Management Committee. And so, you know, we're
18 just trying to have options to present back to
19 the Town, to Town Meeting, to this body, to think
20 about how we address some of the concerns that we
21 hear about all the time. That Ms. Siegal is
22 raising, and that we, you know, really just to be
23 forward-thinking in a way that's cost effective.
24 And a lease potentially could be.

1 This doesn't commit us in any way.

2 THE MODERATOR: Okay, to my left.

3 Yeah.

4 MS. VENDITTI: Hi. Ellen Venditti,
5 Precinct 3.

6 I happen to live in the vicinity of this
7 area. I live off of Maravista. My neighbors
8 are all pretty much concerned about the impact in
9 the traffic volumes when Little Pond Place
10 populates. So I think it's a little premature
11 to discuss the potential, even, of putting a
12 parking lot in that vicinity until we see what
13 happens when that opens up.

14 Thank you.

15 THE MODERATOR: Okay, Mr. Netto.

16 MR. NETTO: Mr. Moderator, if we're
17 going to be voting on the recommendation, and
18 after Mr. Suso just mentioned again that this
19 would be a lease, then how come the word
20 "purchase" appears twice in the recommendation?
21 Shouldn't we be taking the words - you know,
22 "said acquisition to be by lease or purchase",
23 shouldn't we take the words purchase out of
24 there, that if we're only interested in leasing

1 this? Because, right now, the way I read this,
2 if we vote this - - which I hope we don't - -
3 they're going to have the option of either/or.

4 So, if it's only by lease, I feel we
5 should be taking the word "purchase" out of the
6 recommendation.

7 THE MODERATOR: So you have an
8 amendment to remove purchase?

9 MR. NETTO: Oh, yes, I'd make the
10 amendment --

11 THE MODERATOR: Okay, so there's an
12 amendment to remove "or purchase" from the last
13 sentence. Second to the last line.

14 Yeah, so it would say, "Said acquisition
15 to be by lease and with the necessary funding to
16 be subject to future Town Meeting appropriation."

17 MR. NETTO: Correct. That's the
18 amendment that I'd like to make, Mr. Moderator.

19 THE MODERATOR: Okay.

20 MR. NETTO: Thank you.

21 THE MODERATOR: Okay. Any discussion
22 on the amendment?

23 Yeah, Mr. Noonan.

24 MR. NOONAN: I would like to suggest

1 leaving "purchase" in. It gives more
2 flexibility. You're going to come back to the
3 Town Meeting anyways for either lease or
4 purchase, so I'd say vote down the amendment and
5 then let's vote on the Article.

6 THE MODERATOR: Okay, so let's take a
7 vote on whether or not to remove the words "or
8 purchase".

9 All those in favor of the amendment,
10 signify by saying aye.

11 [Aye.]

12 THE MODERATOR: All those opposed no.

13 [None opposed.]

14 THE MODERATOR: It's the opinion of the
15 chair that the nos have it by a majority and we
16 go back to the underlying main motion.

17 Next on my list is Mr. Donahue.

18 MR. DONAHUE: Bob Donahue, Precinct 3.

19 MR. LATIMER: [No mic:] Mr. Moderator,
20 [Inaudible.]

21 THE MODERATOR: You're on the list.
22 We're --

23 MR. LATIMER: I had my hand up the
24 first time Joe Netto spoke. You called him to

1 speak a second time before recognizing him. I
2 had my hand up long --

3 THE MODERATOR: Okay, you're on my
4 list. You're on my list. Keep it up, you
5 won't speak at all tonight.

6 Go ahead.

7 MR. DONAHUE: Bob Donahue, Precinct 3.

8 I want to remind you folks that this
9 used to be an automobile dealership. So --

10 FROM THE FLOOR: No, no, no.

11 MR. DONAHUE: It was Falmouth Chevrolet

12 --

13 FROM THE FLOOR: No, no, no.

14 MR. DONAHUE: - [Inaudible] right next
15 door. And --

16 THE MODERATOR: All right, folks, let
17 him say what he wants to say so we can vote on
18 this. Because Mr. Latimer still wants to speak.

19 MR. DONAHUE: Also, this property has
20 been up for sale, or lease, or whatever, for over
21 eight years. And why - why wouldn't some
22 business be interested in that? Over eight
23 years. For 350,000. Let's put another 300 on
24 it - for 650. That's a pretty good deal for

1 that lot, isn't it, for a business? There must
2 be something radically wrong, is what I'm saying,
3 with that property.

4 I don't think the Town should get
5 involved. Or, if we do get involved, I would
6 like to make sure that we have soil samples and
7 all the rest of it to make sure that we're not
8 buying a toxic dump.

9 Thank you very much.

10 THE MODERATOR: Okay, Mr. Latimer.

11 MR. LATIMER: Thank you, Mr. Moderator.

12 I am in support of this article. But I
13 wanted to address two points that were brought
14 up. I initially wasn't even going to speak, but
15 the first is eminent domain.

16 Eminent domain just simply means that
17 the town or the government has higher domain over
18 any property. So, when we acquire property by
19 eminent domain, that's how we acquire property.
20 It doesn't have to be a taking. That's in the
21 constitution, that when the Town acquires - takes
22 property by eminent domain, it means it has to
23 pay fair compensation and it has to be for public
24 use.

1 But the Town can also - in fact, this
2 property here that we're standing on was acquired
3 by eminent domain back in the 1950's, but it's
4 called Lawrence School and was Lawrence High
5 School because the Lawrence family donated it.
6 So, eminent domain is not a bad word and it's not
7 a hostile word. It's a taking that is hostile.

8 So, I think people should understand
9 that.

10 The second point I wanted to make, you
11 know, a friend and I were driving around down
12 Cape and we noticed how many traffic lights there
13 are in downtown Hyannis and throughout the Town
14 of Barnstable, and that got us thinking, "Well,
15 how many traffic lights are there in Falmouth?"
16 So we counted them; I think there are eleven.
17 And, with the increase of traffic that we've been
18 having here, you know, we've got to start
19 thinking about lighted intersections, and this
20 one in particular.

21 We've heard that, well, yes, there
22 already is a problem there. Yes, that's true.
23 And that's going to be true no matter what goes
24 on that parcel; it's going to get worse. That

1 would be a prime place to start putting in, you
2 know, traffic lights where they're needed. And
3 so that's not an argument against this article,
4 it just raises an issue that we should be dealing
5 with.

6 Thank you.

7 THE MODERATOR: Let's cue up the slide
8 for the recorded roll call vote.

9 Okay, all members present that want to
10 vote yes, signify by pressing one A; all those
11 opposed, 2B. This is a majority vote.

12 [Pause while electronic vote scrolling.]

13 THE MODERATOR: By a counted vote of I
14 can't read it to 92, it passes. What's that
15 number?

16 IT PERSON: 115.

17 THE MODERATOR: 115. By a counted
18 vote of 115 to 92, the Article passes.

19 Article 14. Finance Committee for the
20 main motion.

21 CHAIRMAN SCHWEGEL: Mr. Moderator, I
22 move Article 14 as recommended.

23 THE MODERATOR: As recommended. This
24 is to vote to transfer \$2,500,000 from Certified

1 Free Cash for the purpose of initiating the
2 process of disposition of the turbines, which
3 include dismantling, relocation, engineering,
4 permitting, and other related costs.

5 Mr. Suso.

6 MR. SUSO: Thank you again, Mr.
7 Moderator, Town Meeting members.

8 Article 14 deals with the proposed
9 disposition of the wind turbine and options
10 therein. The relocation of both turbines to
11 sites outside of Falmouth, A, to seek financial
12 benefit to offset the cost of dismantling and
13 construction debt. Relocation of Wind II
14 outside of Falmouth and potentially re-purposing
15 Wind I for cell tower or other communications
16 purposes, that's another option that the
17 Selectmen have noted, and it is part of our
18 exploration.

19 Also an option could be the sale of the
20 existing components of one or both wind turbines,
21 as well.

22 Our best case scenario would be that the
23 Town avoids having to repay the Clean Water Trust
24 for the original grant for Wind II, the amount

1 remaining of approximately \$3.5 million. That,
2 to satisfy that would require that the Wind II be
3 operated as an energy efficiency project
4 somewhere. No guarantees on that, but that
5 would be our intent.

6 The Town receives some revenue from a
7 new turbine operator. Again, a best case
8 scenario.

9 Finally, it's unrealistic to expect a
10 new turbine operator to come forward and front
11 \$2.5 million in cost to dismantle and store both
12 Wind I and Wind II.

13 The actual cost will be determined as
14 per requirements of state statute through a
15 competitive procurement process. Our
16 consultants Weston and Sampson have provided the
17 estimate. There have been copies provided at
18 all the Precinct meetings as well as out front
19 last night and this evening. The estimate is
20 \$2.3 million; it's quite a detailed estimate.
21 We've not put it on a PowerPoint slide because
22 there are many sub-elements to it, as those of
23 you who have reviewed it have seen.

24 A request for qualifications or

1 proposals will be forthcoming. It will attract
2 more interest if the Town has the funds to
3 execute the portion that we know we need to
4 undertake. Also, as we have stated in the past,
5 additional funds may be further required, which
6 will have us returning to Town Meeting, asking
7 for your support for a future step, as well,
8 dependent upon how procurement unfolds.

9 There will be future updates presented
10 to both the Selectmen and Town Meeting, as well.

11 Thank you for your consideration of
12 supporting this critical next step in moving
13 forward with taking care of business.

14 THE MODERATOR: Okay, discussion?

15 Mr. Zweig.

16 MR. ZWEIG: Thank you, Mr. Moderator.

17 I have a presentation to be put up.

18 My name is Ron Zweig; I'm from Precinct
19 one and I would like to actually propose a motion
20 regarding this particular Article. And I have a
21 printout.

22 Do you have my presentation? Okay,
23 great, thank you.

24 Okay, this works. Okay, basically I'm

1 raising three essential question, here. There
2 are more that I have that I've been approached
3 about. But one of them is that, you know, on
4 page 2 of your booklet there's a guideline about
5 "Is this the tip of the iceberg?" Now, Mr.
6 Suso gave us some ideas about what the ultimate
7 cost could be, but now it's estimated just to
8 take them down and store them, it's 2.5 million.
9 And then if we dismantle them, if the Town - we -
10 if the Town dismantles them, what are the risks?

11 And then there was a vote in 2013
12 concerning the funding the - the removal of the
13 turbines.

14 So, the tip of the iceberg: \$2.5
15 million.

16 Now, that could be used for a lot of
17 different things in town, such as, you know,
18 we've got this Article 23 coming up. If it
19 passes, the Senior - the old Senior Center, or
20 the current one, would need probably if it were
21 transferred to the Veterans of Foreign Wars, it
22 would probably need some little upgrading. But,
23 the thing is, is that this is only for the
24 dismantling and storage of the turbine.

1 Then, in addition to that, there's no
2 explanation - a detailed explanation of other
3 potential costs. Some estimates have been 8
4 million. I've seen in the Enterprise from 2015
5 that the Town Manager's Office said it could be
6 as much a \$12-15 million in total. And if
7 they're not returned to operation.

8 There's other, you know, uncertainty on
9 other future costs, a relocation and
10 establishment, especially if no buyers or
11 partners come forward.

12 Now, the \$2.5 million, right now it
13 costs the Town \$35,000 a year to maintain the
14 turbines, to take care of them. 35,000.
15 That's the equivalent in \$2.5 million, if you do
16 the math, it's 71 years of costs, okay? The
17 average time that people live in their homes in
18 the United States, according to the National
19 Builders Association, is 13 years. Now, we're
20 already about ten years into the turbines, here.
21 So, what's happening with the community there, we
22 don't know. What we do know is that one of the
23 homes - one of the complainants' homes sold and
24 it was bought and we haven't heard a peep from

1 the new buyers since.

2 Dismantling the turbines by Town risks.
3 Okay, they could get damaged. There could be
4 improper dismantling and storage. They could
5 be, you know, found to be unacceptable by
6 potential buyers or partners because of that
7 process. And it's much better to involve
8 potential buyers or partners directly in advance
9 of dismantling the turbines.

10 And, now the third point is some of you
11 - many of you probably remember the vote in 2013.
12 Things have changed since then. Again, a lot of
13 people maybe moving in and out of the area, but
14 the - we had a ballot question. The people of
15 the Town voted not to remove - not to finance
16 removing the turbines. And it was by a two-
17 thirds majority: No. 6001 No to 2940 Yes,
18 according to the Town records. All Precincts,
19 all Precincts voted No.

20 So, what I'd like to - before I move on
21 to the motion, I think that - I think I would
22 just move onto the motion that I would like to
23 put forward.

24 And the motion is on Article 14, is: I,

1 Ronald D. Zweig, Precinct one, move that the town
2 vote to support the Board of Selectmen placing a
3 question on the ballot seeking the vote of the
4 town in advance of appropriating any sum of money
5 on whether to approve initiation of the process
6 of disposition of Wind I and Wind II municipal
7 wind turbines at Falmouth Wastewater Treatment
8 Facility on Blacksmith Shop Road which could
9 include dismantling, relocation, engineering,
10 permitting, storing and other related costs, and
11 to determine how the same shall be raised and by
12 whom expended. Or do or take any other action
13 on the matter.

14 So, what I'm trying to say here is that
15 this town voted overwhelmingly not to finance the
16 removal of the turbines in 2013. So I think
17 it's well worth, once again, to - to approach the
18 town, put a question on the ballot, and see what
19 the town thinks. We have - there's no harm in
20 keeping them right where they are, and at that
21 expense of annual maintenance, it isn't a - you
22 know, if it takes ten years, what would that be?
23 \$350,000. If something, you know, came up or
24 something were able to change in that time with

1 climate change and other risks to the town.
2 We're talking about millions of dollars in
3 Coastal Resiliency costs, etcetera.

4 So, anyway, I'd appreciate your
5 consideration of this motion. If you don't like
6 this motion, then just vote the Article down.
7 Thank you very much.

8 THE MODERATOR: Okay, so we have a
9 motion, and this is to support the Board of
10 Selectmen placing a question on the ballot. So,
11 Town Meeting doesn't have the legal authority to
12 place it on the ballot, but you can support them
13 recommend it. The decision whether or not to
14 put a question on the ballot under statute would
15 be solely that of the Board of Selectmen at one
16 of their future meetings that they duly post.

17 So, I just want to make sure everybody
18 understands this motion would be a sense of this
19 body that you'd like the Selectmen to put
20 something on the ballot, but we do not bind the
21 Selectmen. We don't have the legal authority to
22 bind the Selectmen to put it on the ballot.

23 So, this would support them in their
24 deliberation to do such.

1 MR. ZWEIG: Yes, thank you.

2 THE MODERATOR: Okay.

3 So, discussion on just this amendment
4 for now.

5 Did you - are you still? Yeah.

6 That's correct. There's no money spent. This
7 would be just place it on the ballot and then
8 he'd have to come back for the money, that's
9 correct. Yeah.

10 Mr. Potamis. Then Mr. Latimer.

11 MR. POTAMIS: I had a quick question on
12 history. I think the court orders say we can't
13 use them. But I think it's a zoning requirement
14 and the building commissioner that said - and
15 correct me if I'm wrong, this is to Mr. Suso or
16 Town Counsel - that we have to come up with a
17 plan to dismantle them by date certain.

18 And I don't know if we've given a date
19 certain.

20 I think to leave them running --

21 THE MODERATOR: Okay, Mr. Duffy will
22 answer that for you.

23 MR. POTAMIS: Ah. Okay.

24 THE MODERATOR: Yeah, Mr. Duffy.

1 MR. DUFFY: Do you want to finish, Mr.
2 Potamis?

3 MR. POTAMIS: To leave them running I
4 think would require - or standing, would require
5 an amendment to the current zoning bylaw that
6 says if something's inactive for a certain period
7 of time, I think it's twelve months or two years,
8 it has to be dismantled. Those are all
9 procedural issues.

10 Thank you.

11 MR. DUFFY: The status is the Appeals
12 Court said we cannot run them. We filed a
13 petition with the Supreme Judicial Court for
14 further appellate review; that was denied. So
15 the final judgment of the courts is that we can't
16 run them.

17 There was then a request made to the
18 building commissioner to order them removed. He
19 directed the Town Manager to implement a plan to
20 remove them. I think this Article is complying
21 with that directive from the building
22 commissioner.

23 As to when they're to be removed, I
24 don't think a date has absolutely been set, but

1 it's going to be sometime in the future.

2 [Laughter.]

3 THE MODERATOR: I wish it was some time
4 in the past, but - Mr. Latimer.

5 MR. LATIMER: I support this amendment,
6 and I would point out that Mr. Zweig has told us
7 what his polling sample is: it's 6,000 to 3,000 -
8 or 2,000. That's very significant. That was
9 the voice of our voters, the people that vote for
10 us, six years ago. They ought to be given a
11 chance to weigh in again on this question.

12 Thank you.

13 THE MODERATOR: Okay, further
14 discussion on the amendment.

15 Ms. Lichtenstein, then Mr. Smolowitz.

16 MS. LICHTENSTEIN: [No mic:] I'd like
17 to ask for a roll call vote.

18 THE MODERATOR: With the microphone,
19 please.

20 MS. LICHTENSTEIN: Leslie Lichtenstein,
21 Precinct 8.

22 I'd like to ask for a roll call vote on
23 this motion.

24 THE MODERATOR: Okay, recorded roll

1 call vote. All those interested in a recorded
2 roll call vote, please stand.

3 One, two, three, four --

4 MS. KAPP: [No mic:] Point of order.

5 THE MODERATOR: Yeah, what's the point
6 of order? What's the point of order?

7 MS. KAPP: [No mic:] Is this on the
8 amendment? I'm sorry, just for clarification.

9 THE MODERATOR: For the roll call vote?

10 MS. KAPP: [No mic:] Yes.

11 THE MODERATOR: The recorded roll call
12 vote would be on the motion that's on the floor,
13 so this would be for the amendment.

14 MS. KAPP: [No mic:] Thank you.

15 THE MODERATOR: If you want to do it on
16 the main motion, you'd have to request it when
17 we're back on the main motion.

18 So, all those interested, please stand.

19 One, two, three, four, five, six, seven, eight,
20 nine, ten, eleven, 12, 13, 14, 15, 16, 17, 18,
21 19, 20. Just made it.

22 By 20, we'll cue a slide when we're
23 ready to vote on the amendment.

24 Okay, so that was Lichtenstein. And

1 Mr. Smolowitz was next.

2 MR. SMOLOWITZ: Thank you, Mr.
3 Moderator. Ron Smolowitz, Precinct 8.

4 To the maker of the motion, I'm
5 interested in the rationale. And the reason I
6 bring that up is we're - from what I understand
7 is that we have to take this down. There is
8 some requirement, legal requirement that we have
9 to remove this. Is that correct, Mr. Duffy?

10 MR. DUFFY: Yes.

11 MR. SMOLOWITZ: But however, we could
12 re-purpose one and make it a cell tower. And
13 then we don't have to take it down.

14 MR. DUFFY: You have to take the
15 turbine down. You can leave the pole up.

16 MR. SMOLOWITZ: Not if we stick an
17 antenna on it, or something. I mean, if we
18 don't call it a wind turbine, if we call it - you
19 know, I grew up near Coney Island. We'd make a
20 parachute jump out of it.

21 [Laughter.]

22 MR. SMOLOWITZ: And make some money off
23 the damn thing.

24 I mean, it's all a part of the

1 rationale. I don't know what's driving the
2 process, is my question.

3 MR. DUFFY: Yes, that's right. It
4 could be --

5 MR. SMOLOWITZ: And what the rationale
6 is in this case, it's to leave it up, so there
7 must be some long-term rationale to leave it up.
8 Are we going to make parachute jumps or another
9 cell - two cell towers?

10 THE MODERATOR: Maybe do a zip line
11 between the two of them.

12 [Laughter.]

13 MR. SMOLOWITZ: But we'll need parking.

14 THE MODERATOR: Well, we'll shuttle
15 people in from here, what the heck.

16 Mr. Bushy, can we use your parking lot
17 for the new zip line?

18 [Laughter.]

19 THE MODERATOR: Mr. Zweig. Do you
20 want to answer the question: what's driving this
21 motion?

22 MR. ZWEIG: Oh, oh, driving the motion.
23 Well, basically, one of the main things is is
24 that we as a town, we are representing a

1 population of almost 35,000 people, and we had
2 this vote by the voters before, and I think it's
3 really important to return that consideration to
4 the people who we are representing in this body.
5 And there's no harm in that. I think it would
6 just basically make it very clear what the
7 sentiment of the town is and that we might very
8 well save - maybe not two million. Maybe - 2.5
9 million, we may save \$2 million on this thing
10 because it may be that by the time we, you know,
11 ten more years pass, ten, fifteen years pass,
12 we're still ahead of the game and maybe it would
13 be worthwhile to starting them up. And there
14 may be a change in sentiment in the neighborhood.
15 And there may be - the opposition may actually
16 disappear.

17 Considering the turnover, on average, of
18 homes.

19 Thank you.

20 THE MODERATOR: Okay, Mr. Jones.

21 SELECTMAN JONES: Concerning the
22 amendment, my concern about this is it does push
23 the timetable forward. It's saying the Article
24 the way it was originally written would allow us

1 to take the money out of Free Cash so we could
2 move forward; that when the request for proposal
3 or request for codes comes through, we can
4 actually take steps forward to finish up this
5 whole process.

6 If we take this to the ballot, we
7 wouldn't be able to - then we'd get a sense of
8 the Town Meeting - or a sense of the town. We
9 would then have to come back to the November Town
10 Meeting to actually get money. So we really
11 would be putting this off a long, long time and I
12 think it's time to really move forward.

13 The vote that Mr. Zweig has been talking
14 about was prior to the Town being told by the
15 courts we can't run these turbines. It's a
16 completely different vote and our job as
17 representatives of Town Meeting is to make these
18 decisions for the town. We don't always have to
19 run back to the individuals. We can represent
20 our town the way we've been voted to do so.

21 THE MODERATOR: Okay, Ms. Siegal, Ms.
22 Siegal.

23 MS. SIEGAL: [No mic:] I pass.

24 THE MODERATOR: You're all set?

1 Okay, Ms. Whitehead.

2 MS. WHITEHEAD: I'm going to go down
3 front.

4 I have some different - it's a little
5 disjointed. We've been in touch with Colorado,
6 the turbine companies, Montana. We took a trip
7 this summer to do the Lewis and Clark Expedition
8 and ended up doing turbines.

9 First of all, these - you said store
10 them. Now, you can't store them, I don't think,
11 because what I found out, and I have it - I have
12 it documented - these are antiquated. They were
13 built in 2004. It's the old engineering. The
14 gear boxes break continually on them. They have
15 a 15 year limit. That's what they found.

16 And we got interested in it because when
17 we crossed the country, which we've done so many
18 times, first we saw all of these beautiful wind
19 farms. They're gorgeous. Next time we went,
20 some of them were - just some of them did not
21 work.

22 Then, more didn't work. The next year,
23 they were like a quarter working.

24 This last time, we saw many, many un-

1 working. They're not working at all.

2 And then we started to do some research,
3 and it said that 12,000 of these wind turbines,
4 the old ones like we have, are being trashed.
5 In Casper, Wyoming, they've got a good waste
6 place, and what they do is they grind up the
7 blades and then they use all that metal to sell.
8 But they have a great big place where the
9 turbines are placed.

10 So they grind up the blades, and they
11 have technology to do that, which is quite
12 interesting.

13 The cannot sell the parts to these old
14 things. They don't want them. People do not
15 want them because when someone wants a wind
16 turbine, they do not buy one of these old things.
17 The old engineering. They use the state of the
18 art turbines.

19 So, if we wanted a turbine placed
20 somewhere - which I hope we will not ever do that
21 again. But if we were, we would go to the state
22 of the art, which actually is a \$4 million
23 purchase.

24 So, I think we should not store them

1 unless you wanted to put them in a dump heap and
2 bury them. Although you'd surely have to be
3 careful about the environment.

4 So, first of all, if you want to sell
5 any of the parts, they are not buying these
6 parts.

7 So, I think storing them is out of the
8 question. I think we have to get rid of them.

9 The other thing I have a question for,
10 maybe our moderator can tell me. The CEC, you
11 know, notoriously had these in storage and spent
12 a lot of money. In those days, it was called a
13 different name. I can't remember what it was,
14 but anyway, they had to pay a lot of money to
15 store these. They bought them, Wind I and Wind
16 II. They asked many communities if they would
17 like to buy them; no community wanted to buy
18 them. And then Falmouth of course did.

19 So, what happened was they did a sound
20 study. They - let's see, what did they do?
21 They made a very acoustic - acoustic study all
22 based by computers, and it was a very serious
23 mistake they made. They miscalculated - and I
24 don't know whether it was on purpose. A couple

1 of people we talked to out west said, "No, they
2 probably did not make a mistake on just by an
3 accident. They wanted to get rid of them."
4 And that was the flavor that we felt at the time.
5 Because they wanted to get rid of them
6 completely.

7 So we bought Wind I and then we had the
8 notice one from Webb.

9 But, anyway, the CEC admitted in a memo
10 in 2013, which was interesting, that it had made
11 a major mistake in the original noise studies
12 prior to the installation of Wind II. It did
13 not include a detailed acoustic analysis -

14 THE MODERATOR: Ms. Whitehead, your
15 four minutes has expired.

16 MS. WHITEHEAD: Okay. I want to know
17 the question --

18 THE MODERATOR: Well, your four minutes
19 has expired. I'll put you back on the list.
20 You can speak a second time for two minutes.

21 MS. WHITEHEAD: Okay. I'd like to
22 know if the CEC is responsible. Okay.

23 THE MODERATOR: Dr. Clark, you're
24 next.

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MR. CLARK: Peter Clark, Precinct one.

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What I'm confused about is whether going to the ballot - let's assume the population voted in favor of some kind of maintenance of those; how does that square with the court action? Would it be a legal step that would override the court action, or would it just take us back to court to resolve an issue?

MR. DUFFY: No. It wouldn't have any effect.

THE MODERATOR: Yeah, you can't overturn a decision of the court by a ballot vote.

Mr. Brown.

SELECTMAN BROWN: I'd just like to say, we just can't just let this go dragging on forever. The court has ordered Wind I to be removed. It's ordered Wind II not to operate in its current location. So, if there's any hope of these things operating, it'll be in a new location.

So I'd like to fund the Town Manager to look into any possibility of them being used

1 somewhere and become a renewable energy product
2 again. Then perhaps we would be forgiven that
3 loan.

4 If that doesn't turn out to be viable,
5 if nobody wants them, maybe we could have the
6 military come out and do explosives - demolition
7 test.

8 [Laughter.]

9 THE MODERATOR: Okay, Ms. Peterson.

10 MS. PETERSON: Is this on? Yes.

11 Laura Peterson, Precinct 3.

12 I just think it's really important. We
13 had 181 people when we established our quorum
14 tonight. In Precinct 3, 652 people voted
15 against dismantling them. And I understand that
16 we want to move past this. But I know how hard
17 it is to store large things. I own a sand and
18 gravel operation and, you know, it's not easy to
19 find places to store things.

20 I would not - it sounds like the only
21 thing we're going to be able to do with these is
22 sell them for scrap metal. If we put it out to
23 vote, why not see if we can get somebody to agree
24 to buy - to use it as scrap metal? To take it

1 and buy it? And then we'll have a number.
2 But I don't think it's fair not to go back to the
3 town and let them have another say on this,
4 because it was overwhelming.

5 And I understand that they cannot
6 operate ever again. But I don't necessarily
7 think I want to spend two and a half million to
8 take them down and then who knows how long I have
9 to pay for storage. So, I'd rather just have
10 them stay, and it would be a great reminder of
11 what happens, sometimes. And you have mistakes
12 are made, but I'm not interested in spending two
13 and a half billion dollars when we don't even
14 know if that will fix the problem.

15 So, I think it needs to go back to the
16 voters and let - let them decide.

17 THE MODERATOR: Okay, Ms. Braga, and
18 then Mr. Suso.

19 CHAIRMAN BRAGA: The problem about
20 going back for a vote is that it's just an empty
21 vote. So we're asking the town to weigh in on
22 something that ultimately has no bearing on our
23 final, you know, resolution of this issue. We
24 cannot through, you know, an act of vote overturn

1 a court judgment. It's just - it would be sort
2 of putting a false option in front of the public
3 and I think, you know, frankly sort of delaying a
4 process that has been very long and very
5 difficult for this community.

6 The issue is we are no longer in a
7 position where we have many options available.
8 We have a court order that directs us to do a
9 particular thing. And we have to take these
10 down. We don't have an exact time line but we
11 have to have a plan to do so.

12 This town, there's nobody up here,
13 there's no Town Manager, there's no Board of
14 Selectmen, there's no Town Meeting member that
15 wants to maximize what we spend. The goal is to
16 minimize it. But we have some sort of expert
17 weigh-in on, you know, what this might cost.

18 The idea of storing it, we're talking
19 about all the options available. Ideally, we've
20 seen what -- Town Manager presented what we'd
21 ideally like to do: try to put this in another
22 community. Minimize the costs that we'll bear,
23 both in terms of taking it down and then perhaps
24 not have to pay back, you know, the loans because

1 it's being run in another community, perhaps.

2 But we have to address it, whatever that
3 final resolution is. And I think that we're
4 just sort of just moving in a circle for asking
5 to go back to the public to ask them to vote on
6 something that they have no control over.

7 So I hope that we - nobody here wants to
8 spend \$2.5 million. This Board worked really
9 hard and took a lot of steps to try to prevent us
10 from coming to the position that we're in now.
11 But, the process played out. The judicial
12 process played out and we have to live with the
13 result of that.

14 Unfortunately it's a significant burden
15 to this community, but it's something that I
16 think it's irresponsible for us as Town Meeting
17 members not to address it.

18 THE MODERATOR: Okay, Mr. Suso.

19 MR. SUSO: Thank you, Mr. Moderator,
20 and I appreciate Selectwoman Braga's comments on
21 this that help clarify the issue.

22 I do want to mention a couple of other
23 things.

24 We do not - doing nothing is not a

1 reasonable option. Doing nothing increases the
2 likelihood that I'm going to get a bill tomorrow
3 for three and a half million dollars. And so,
4 doing nothing and spending 31,000 or 35 grand a
5 year is not an option.

6 We're also paying on bonds for Wind I.
7 That's going to go on for a number of years.
8 Those are decisions made in the past. But we
9 have a responsibility to take appropriate action
10 based upon the circumstances that the cards were
11 dealt. And that's what we're attempting to do.

12 No one is suggesting that if Town
13 Meeting approves this Article that these turbines
14 are going to go into permanent storage somewhere.
15 This is merely the next step in a multi-step
16 procurement process. We need to be able to
17 demonstrate that a reasonable amount of funding
18 is in place to dismantle these turbines, and in
19 the best case scenario being able to turn them
20 over to another party, whether it's for scrap,
21 whether it's relocation to another site that
22 might be able to generate some revenue from which
23 the town and taxpayers would benefit.

24 Or some other alternative.

1 But our failing to move forward
2 reasonably is going to take all these options
3 away and we're going to face some much more
4 difficult scenarios.

5 So, I brought that to you in that spirit
6 that we need to send the message out, including
7 to the Clean Water Trust, that we are taking
8 responsible action in the hope that we may be
9 able to find a location where these turbines can
10 again operate. Otherwise, we're rolling the
11 dice and running the risk of much larger
12 expenses. And I think that would be
13 inappropriate and irresponsible.

14 I'm also not suggesting that we would be
15 spending this money tomorrow. Again, we need to
16 have it in hand and asking for that appropriation
17 based on a reasonable approximation from our
18 consultant so we can take the next few
19 procurement steps that we've already outlined.
20 And we appeal to Town Meeting in that spirit.

21 THE MODERATOR: Okay, Ms. Moran. Ms.
22 Moran.

23 SELECTMAN MORAN: Thank you, Mr.
24 Moderator.

1 I want to just focus on the money for a
2 minute. So the three and a half million is
3 something that our legislators, Mr. Vieira
4 included, as well as Senator DeMacedo, have
5 worked extremely hard in trying to get forgiven
6 from the state. Given the fact that Falmouth
7 was a pioneer in this effort and now you look all
8 around at the harbors and there's a lot of
9 optimism about more clean energy and
10 possibilities with ocean turbines.

11 And so, part of this process is to show
12 the state the impact financially that being a
13 pioneer with these turbines has had on this
14 community. Not just the money, the cost of re-
15 purposing, dismantling of which is part of it,
16 but also the cost to this community. And this
17 is something that has been going on for years we
18 have been advocating.

19 This is part of the next step to move
20 that effort forward, and I for one am optimistic
21 that that is still a possibility with this state,
22 and that's one reason why I would move that this
23 be brought forward, this long-term plan; take the
24 next step.

1 THE MODERATOR: Ms. Tobey -- yeah.

2 MR. CLARK: [No mic:] I believe we're
3 not speaking about the amendment anymore; we're
4 back to the Article.

5 THE MODERATOR: Yeah, we're - it's
6 drifting a little bit, but we're also going to
7 take the vote very quickly when we're done with
8 the amendment.

9 So, Ms. Tobey. This is whether or not
10 to go to the ballot, and not appropriate the
11 money. Is that what you want to talk about? Or
12 do you want to talk about the main motion? No.
13 Okay.

14 So, on the main motion - on the
15 amendment, still?

16 MR. ZWEIG: Yeah, on the amendment,
17 thank you.

18 THE MODERATOR: And then, Mr. Potamis.
19 I got five people on the list, if you're going to
20 talk about the amendment.

21 MR. ZWEIG: Yeah, about the amendment.
22 I just want to mention that the two turbines were
23 put up under the old bylaw, and I don't think
24 there's a constraint on how long they can stand

1 there not operating. But that's - that's one
2 question.

3 The other one is that it's my
4 understanding the court order only instructed the
5 Town to not operate the turbines. It didn't
6 instruct the Town to take them down. And so,
7 that was basically that.

8 Again, if the complainants all leave the
9 area, then who has standing with regard to that
10 and things could change. We don't know about
11 that, either.

12 The final point is: I'd just like to
13 read something because Mr. Jones reminded me of.

14 Thank you very much, Selectman Jones, I
15 appreciate that.

16 And, on September 23rd, 2015, Mr. Jones
17 was quoted in the Falmouth Enterprise saying that
18 that basically that the turbines would create a
19 huge financial loss. And the direct quote is:
20 "At this point, I have no idea how we would cover
21 the financial loss. We don't have the money to
22 cover it. It would mean tough choices", he
23 said.

24 And I think that that hasn't changed.

1 We still don't know how much money is going to be
2 needed. Okay? We know the 2.5 million to take
3 it down. Then there are the loans and - and to
4 be repaid. And who knows what else there is.
5 There could be a number of things. But a quote
6 from the Town Manager's Office around the same
7 period said that the cost to take them down could
8 amount to something between 12 to 15 million
9 dollars. To the Town. Now, that may have been
10 cut back a little bit through some forgiveness of
11 some it, but it is not two and a half million.
12 It's probably closer to ten.

13 The eight million is based on basically
14 the loans that have to be returned.

15 So I think that we really need to look
16 at this and consider what - the implications of
17 this. Again, 2.5 million: tip of the iceberg.
18 Keep that in mind. We have no idea when this -
19 when we may end up right beached on that iceberg.

20 So, thank you.

21 THE MODERATOR: Okay, Mr. Potamis on
22 the amendment.

23 MR. POTAMIS: Excuse me, is the
24 Building Commissioner here?

1 Yeah, I would like to assert that it's
2 the Building Commissioner, the zoning article -
3 there's a zoning article - that states a
4 structure has to come down if not used in an
5 appropriate period of time. And that was I
6 think - I know the gentleman's name, why he filed
7 that decision to the Building Commissioner so
8 that the next step if you don't do anything will
9 be he'll probably appeal that and we'll go to
10 court.

11 So, I think we're talking about the
12 courts, but it's our own zoning bylaw that
13 requires us to take them down.

14 The other thing, and forgive me. The
15 life cycle costs done a few years ago included -
16 and this was done by Weston - no. I think it
17 was Weston and Sampson or from the base. It
18 included scrap metal of the turbines. If you
19 look - and it's not a hell of a lot - but, excuse
20 me. It - scrap metal costs, there's estimates
21 around that could be determined.

22 The final thing is that I guess people
23 don't realize that at the time we put up the most
24 efficient turbine around. We bought a Cadillac;

1 it's still a used Cadillac, but it's not
2 obsolete. It was the most efficient turbine in
3 the Vestus operating scheme. Vestus has
4 thousands of them going. Yes, and this is to
5 the fact that no one will want them. Yes, they
6 had a design problem with the [inaudible] or the
7 part that burns out, but that's a small
8 percentage of the total number out there.

9 I urge that we vote this down,
10 because I don't think we've had all the facts
11 necessarily presented, and that I agree with the
12 Selectmen that we have to move forward and if
13 it's more than two and a half million we'll be
14 back here.

15 Thank you.

16 THE MODERATOR: Mr. Duffy, you wanted
17 to --

18 MR. DUFFY: I'd just like to remind
19 the town of an opinion that I had given to the
20 Board of Selectmen and the Town Manager in the
21 past. When you look at the court judgment, when
22 you look at the zoning bylaw in place when we
23 built them and when you look at the amended
24 zoning bylaw that you approved a couple years

1 ago, here is the situation. Wind II will never
2 operate again in the Town of Falmouth. It's out
3 of town, somewhere.

4 Wind I may qualify for a grandfather.
5 It may operate someplace else in the Town of
6 Falmouth but it cannot operate where it is.
7 It's got to come down. Those are your facts.

8 THE MODERATOR: Okay, Ms. Siegal, on
9 the amendment.

10 MS. SIEGAL: Debra Siegal, Precinct 6.
11 I'd like to call the question on the amendment,
12 please.

13 [Applause.]

14 THE MODERATOR: Okay. The motion to
15 close discussion on the amendment. All those in
16 favor signify by saying aye.

17 [Aye.]

18 THE MODERATOR: All those opposed no.

19 [No.]

20 THE MODERATOR: The ayes have it by the
21 two-thirds and we will now take a recorded role
22 call vote on the amendment as presented by Mr.
23 Zweig, which is to place this on the ballot and
24 not appropriate any money at this time.

1 All those in favor of the amendment,
2 signify by pressing one A. All those opposed,
3 two B.

4 [Pause while electronic vote scrolling.]

5 THE MODERATOR: By a counted vote of 51
6 in favor and 156 opposed, the amendment does not
7 pass and we're back on the main motion.

8 Ms. Tobey. Did you want to speak on
9 the main motion?

10 Is she over there?

11 MS. TOBEY: I just have a question.
12 If we end up having to take down the wind
13 turbine, since the CEC admitted in a memo, 2013,
14 it had made a major mistake in the original noise
15 studies, because of this initial serious mistake,
16 wouldn't it seem reasonable for the CEC to accept
17 responsibility for funding the dismantling of
18 this turbine?

19 I don't know, maybe it's been looked
20 into, but we need to look to see if there's some
21 way of getting some funding to help if we do have
22 to take these down.

23 Thank you.

24 THE MODERATOR: Okay, Ms. Harris.

1 MS. HARRIS: Mary Harris, Precinct 5.

2 I have a question. Did we not send out
3 some requests for letters of interest and exactly
4 how much interest have we had generated so far
5 from some other place that might take our
6 turbines?

7 THE MODERATOR: Mr. Suso.

8 MR. SUSO: We had a what I would call a
9 modest response, which we're working with our
10 consultant on. And one of the things that
11 became clear was that the step that we are
12 contemplating and that we have brought to Town
13 Meeting here this evening with Article 14 is an
14 important step to allow us to have the remainder
15 of the disposition unfold. And that's one of
16 the reasons we're here tonight.

17 THE MODERATOR: Okay, Ms. Braga.

18 MS. BRAGA: Just, I know we've said
19 this before, but just to clarify. This Board,
20 this administration with the assistance of our
21 state reps, our state senator, secretaries of
22 energy, we've met with them. We have pled our
23 case. We have explained to everyone who would
24 listen, every agency who would listen, every

1 elected official who would listen what this
2 burden means to our community. And that
3 advocacy continues to go on.

4 There's nobody up here that is going to
5 have any ability to control what CEC decides to
6 do. But, for there to be any misunderstanding
7 about the level of work and advocacy that has
8 gone on for many years from this Board, from
9 previous boards and from this Town
10 administration, as well as our representatives to
11 try and address this issue and mitigate and
12 minimize the harm to this community, I just want
13 people to understand that quite a bit of work has
14 gone on; it continues to go on.

15 We're all taxpayers. We don't want to
16 - this impacts us just like it does every other
17 Town Meeting member and every other citizen in
18 this community. So, the goal is to, you know,
19 keep these funds for important uses for our
20 community rather than to pay them back, if we're
21 able to address that.

22 THE MODERATOR: Ms. Lichtenstein.

23 I'll add you to the list.

24 MS. LICHTENSTEIN: Leslie Lichtenstein

1 from Precinct 8.

2 I don't know about you, but the people
3 that elected me, when they talk to me, they say,
4 "Please don't spend any money you don't have to."
5 Um. It seems that it's a bylaw, our Town bylaw,
6 that's making us take them down. Excuse me,
7 Folks, but aren't we here to approve bylaws? Is
8 it possible to have a change in the bylaw that
9 will allow them to stand up and stay there?

10 I personally think they should stay
11 there and we should paint them a horrible color,
12 to remind people to think before they act.

13 I mean, I think we should go the
14 cheapest way we can. And if we can change the
15 by - if we have a change in a bylaw to allow
16 these turbines to stand as a memorial to
17 something we shouldn't have done?

18 Thank you.

19 THE MODERATOR: Mr. Heylin.

20 MR. HEYLIN: I just had a couple of
21 questions for clarification.

22 The \$2.3 million that Mr. Suso spoke of,
23 that is the initial cost and there could be added
24 costs on top of that? And then the 3.5 million

1 to get paid back is only real money to us if
2 someone else takes it? Could you just clarify
3 that real quickly?

4 THE MODERATOR: That's if we don't
5 operate it. When we took the ARRA grant, the
6 Town Manager at the time signed a legally binding
7 contract that said if you don't operate this
8 turbine, you owe us principal and interest.
9 That was the contract that was signed for the
10 grant to the Town of Falmouth. And so, when the
11 court ordered it not to run, the legally binding
12 contract that the Town signed said, "You now owe
13 principal and interest".

14 MR. HEYLIN: Okay, thank you for the
15 clarification.

16 So, if I'm correct, this is 2.3 million
17 to dismantle it, store it, etcetera, and we still
18 could owe the 3.5 million if no other community
19 decides to take it from us, correct?

20 THE MODERATOR: That could happen.

21 MR. HEYLIN: So, why would we spend
22 that much extra money if they can't be used,
23 anyway? Why not just dismantle them, trash
24 them, because it's a big gamble to store them for

1 long periods of time. And, what Ms. Whitehead
2 said, it's old technology. We're just going to
3 keep on paying a company to store them forever,
4 and then have to pay the 3.5 million back at some
5 point in time?

6 THE MODERATOR: Ms. Braga.

7 MS. BRAGA: The goal is not to store
8 them. We're just putting all the options here.
9 The goal would be to sell them in any capacity we
10 can. Again, ultimately the best thing to do is
11 if we can sell them to a community that will run
12 them, we have an argument to make to the CEC that
13 it's still getting the benefit of the contract
14 that we're bound by.

15 That's what we're trying to do.

16 If all we can do is sell them for scrap,
17 to try to recoup some amount of money, then
18 that's what we'll do. The goal -

19 I'm sorry?

20 SELECTMAN JONES: And it won't cost 2.5
21 million.

22 MS. BRAGA: And that then may not be
23 \$2.5 million.

24 But the goal is not to store these

1 things indefinitely. It's just we don't have
2 anyone right now. We don't have a buyer waiting
3 to take these off our hands. So the goal is to
4 have the option to address it, because that's
5 what the bylaw requires and again, we'll try to
6 maximize whatever benefit we can get from it.

7 MR. HEYLIN: Then one quick follow-up
8 to Mr. Suso's had a modest response: can we get a
9 number for modest? How many communities are
10 actually interested in this? Because.

11 MR. SUSO: I would say we had between
12 six and ten different entities respond.

13 MR. HEYLIN: So eight? I mean, that's
14 the average. Okay. I mean, I just like to have
15 real numbers when I'm looking at \$2.5 million of
16 our tax money.

17 And then, also, real quick, one more
18 question. 2.3 million was the estimate; how
19 many people came out to give you that estimate to
20 dismantle them and store them?

21 Just one company or were there multiple
22 modest amount of companies or?

23 MR. SUSO: I don't understand the
24 question, Mr. Moderator.

1 THE MODERATOR: Did you get more than
2 one quote for the 2.3 million?

3 MR. SUSO: That came from our
4 consultant, Weston and Sampson, who specializes
5 in that work.

6 MR. HEYLIN: And then who was the
7 company that put the turbines up in the first
8 place?

9 MR. SUSO: The Town of Falmouth had the
10 turbines installed.

11 MR. HEYLIN: And who was the consultant
12 who helped with that --

13 MR. SUSO: There were multiple
14 consultants. One of those was also Weston and
15 Sampson.

16 MR. HEYLIN: Thank you.

17 THE MODERATOR: Okay, Mr. Noonan.

18 MR. NOONAN: John Noonan, Precinct 7.

19 A little bit of a concern. We've been
20 asked for years for a little bit more money, a
21 little bit more money, a little bit more money.
22 So I think before we vote two and a half million
23 dollars, we might want to know what can it go to.

24 I know we've got the 2.5 and we've got

1 the 3.5, but is there storage fees? And what
2 would be the term of the storage fees?

3 I think that to get piecemeal requests
4 for money is not helping us to make a decision.
5 I think it needs to be "This is the maximum
6 amount it's going to cost us. We're hoping to
7 do it for this much money. We've put out a
8 request for proposal for someone to dismantle it
9 and put it back in operation. This is what they
10 came back and said that they needed."

11 I think it needs a very detailed
12 explanation to spend two and a half million
13 minimum, and then more on top of it.

14 So I would ask you to vote this article
15 down and ask the Town Manager to come back with a
16 detailed plan of what the maximum amount of money
17 is.

18 Thank you.

19 THE MODERATOR: Okay, Ms. Peterson.

20 MS. PETERSON: Hi, Laura Peterson,
21 Precinct 3.

22 Here's what I'd like to see. I'd like,
23 since it's Certified Free Cash, take the 2.3,
24 move it to the 3.5, start paying down that debt.

1 Then, if we still want to take down the wind
2 turbines, we use an override and it goes back to
3 the voters and let the voters have a shot at it.
4 That way our principal and interest both go down.
5 We've got the cash. We're addressing the
6 problem.

7 I'm still not convinced that they have
8 to come down. You know, leave them up, so that
9 way the town has a say. And then, you can do
10 something with it. But let's take the free cash
11 that we have and move it over toward the debt.

12 So, vote this down.

13 Thank you.

14 THE MODERATOR: Okay, Mr. Lowell.

15 MR. LOWELL: Nick Lowell, Precinct 5.

16 I'm also the vice-chairman of the Finance
17 Committee.

18 Obviously this is our recommendation
19 from the Finance Committee that we appropriate
20 the \$2.5 million for this project. The
21 Selectmen and the Town Manager have convinced us
22 this is the right thing to do, the right time to
23 do it.

24 Just a couple thoughts. One is we're

1 in a deep hole. None of us want to spend this
2 money. None of us wanted the wind turbines to
3 turn out the way they have. But we need to
4 start digging out of the hole; this is one way to
5 do it.

6 As far as the storage thing goes,
7 imagine that you have a boat. You've had it out
8 all summer and now you're thinking, "Hmm, I want
9 to sell that boat." Do you leave it out on the
10 mooring all winter, subject to all the storms?
11 Or do you bring it in, winterize the engine, put
12 the cover over it and then try to sell it in the
13 spring? That's what we're doing with the wind
14 turbines. We're going to take them down and
15 it'll make it much more attractive to somebody
16 else so they're not wondering whether we'll ever
17 actually take them down. We'll store them.
18 It's the right thing to do.

19 There was really, from the Finance
20 Committee, we discussed this for a while.
21 There was definitely resignation that we have to
22 do this and it's time to do it.

23 Thank you.

24 THE MODERATOR: Okay, Ms. Shephard.

1 MS. SHEPHARD: Susan Shephard, Precinct
2 one.

3 We're all sort of dancing around this
4 without taking into account that these things are
5 going to become a hazard. If we have to take
6 them down, then the sooner we taken them down,
7 the better. I personally think it's unlikely
8 that we'll find anybody to buy them. They're
9 already 15 years old. I - sooner is better than
10 later. We don't want to wait for one of those
11 blades to fall off and hit something or somebody.

12 THE MODERATOR: Okay, Mr. Donald.

13 MR. DONALD: Yes, I'd like to just kind
14 of just go back a little bit, here.

15 The federal stimulus program, ARRA,
16 granted Falmouth \$5 million free and clear.
17 Now, the money got funneled through Massachusetts
18 I believe it was the Clean Water or Water
19 Resource Authority or whatever it is. Some
20 state agency has converted this free money from
21 the federal government with no strings attached,
22 and they've put their strings on it. And they
23 funneled it to Falmouth.

24 Now, the turbines don't work and they're

1 expecting us to pay it back. Now, if we pay it
2 back, that is a pure windfall for the state of
3 Massachusetts. 3.5 million or five million,
4 whatever we've paid and whatever we continue to
5 pay, it'll be a windfall for Massachusetts.

6 Now, when I sat down with former
7 Governor Deval Patrick, he told me that he
8 wouldn't leave us holding the bag.
9 Unfortunately he's left and we're holding the
10 bag. And it just seems to me that we're pussy-
11 footing around with the Commonwealth of
12 Massachusetts. We're negotiating nicely. But
13 what we have to do is play hardball. Don't pay
14 the money back, tell them, "Come on and get your
15 turbines; here they are."

16 If you buy a car and finance it and
17 don't pay it, the bank comes after it. Well,
18 let the Commonwealth of Massachusetts come after
19 it. Let's have some pressure, public pressure,
20 on the Commonwealth. This is outrageous. Why
21 should the Commonwealth have a windfall of money?
22 Congress has said it's free and clear. The
23 Commonwealth is going to - I mean, this is crazy.

24 The second point is: why should we spend

1 any more money to take these things down? Once
2 we take them down, you're going to have to store
3 them. You're going to have to find someplace to
4 store them. I mean, we don't know what the
5 revenue stream is, here. You're asking us to
6 pay 2.5 million; well, what do we get for our 2.5
7 million? What comes next? What are they
8 worth?

9 Are we going to get any money for them?
10 Why can't we wait until we have a buyer and have
11 the buyer take the damn things down?

12 THE MODERATOR: Okay --

13 MR. DONALD: I vote - I recommend
14 voting this article down.

15 THE MODERATOR: Okay, the question's
16 going to come on the main motion. This is to
17 transfer the sum of \$2.5 million from Certified
18 Free Cash to initiate the process of the
19 disposition of the turbines.

20 All those in favor signify by saying
21 Aye.

22 [Aye.]

23 THE MODERATOR: All those opposed no.

24 [No.]

1 THE MODERATOR: Let's cue up a slide.
2 We're going to do it on a recorded vote. Or, an
3 electronic vote, not a recorded vote.

4 MR. SHEARER: [No mic:] Point of order.

5 THE MODERATOR: Yeah.

6 MR. SHEARER: [No mic:] Who called the
7 question?

8 THE MODERATOR: I did. We've been on
9 this one for an hour. It's very clear what the
10 issues are. You all need to decide based on the
11 hour-long conversation whether or not you want to
12 vote to appropriate this money.

13 MR. SHEARER: [No mic:] So you screwed
14 me last night and you're screwing me again?

15 FROM THE FLOOR: Oh, no.

16 THE MODERATOR: The constable's going
17 to get active tonight.

18 Go ahead, let's cue the slide.

19 MR. SHEARER: [No mic:] Show some
20 respect. [Inaudible.]

21 THE MODERATOR: Are you ready on the
22 slide?

23 Okay, all those in favor, signify by
24 pressing one A; all those opposed two B.

1 [Pause while electronic vote scrolling.]

2 THE MODERATOR: By a counted vote of
3 143 in favor and 63 opposed, the Article passes.

4 Article 14 - that was Article 14.

5 Article 16, a new main motion from the
6 Board of Selectmen.

7 MS. BRAGA: Mr. Moderator, I move that
8 the Town vote to amend Chapter 140, Section 3 of
9 the Code of Falmouth relative to licenses and
10 permits by deleting the words "for not less than
11 a 12 month period", and replacing the deleted
12 words with "for not less than a six month
13 period". This is an amendment to the original
14 Article.

15 THE MODERATOR: Okay, so the main
16 motion will be as printed, but instead of 12
17 months, we're going to go "not less than six
18 month period".

19 Discussion on Article 16.

20 Hearing none, the question will come on
21 the main motion. All those in favor signify by
22 saying aye.

23 [Aye.]

24 THE MODERATOR: All those opposed no.

1 [No.]

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

4 Article 17. The recommendation of the
5 Board of Selectmen is Indefinite Postponement.

6 Mr. Duffany. With a microphone,
7 though, please.

8 MR. DUFFANY: Macy, I hope you're on
9 the track team at the high school. You're doing
10 a lot of running.

11 Michael Duffany, Precinct 6. I just
12 actually was asked to hold this article for the
13 proponent because he's not a Town Meeting member.

14 THE MODERATOR: Okay.

15 MR. DUFFANY: So I would defer to - to
16 Nate.

17 THE MODERATOR: Yeah, so you've got to
18 make a positive motion, as well.

19 MR. DUFFANY: [No mic:] Yes, I'm sorry.

20 THE MODERATOR: Yeah, as printed?

21 MR. DUFFANY: [No mic:] As printed.

22 THE MODERATOR: Okay, the main motion
23 is as printed.

24 Mr. Holcomb.

1 MR. HOLCOMB: Good evening. I'm
2 Nathan Holcomb; I'm the petitioner for Article
3 17, which is intended to address the issue that
4 under the current Falmouth Wetlands Bylaw as
5 interpreted and applied by the Conservation
6 Commission, if you have a puddle in your yard or
7 your neighbor does, you can be subject to very
8 stringent regulation. And puddles are not the
9 valuable natural resources that the bylaw was
10 intended to protect.

11 FROM THE FLOOR: Can't hear you.

12 MR. HOLCOMB: You can't hear me?
13 Sorry.

14 So, puddle's not my word. It's the
15 word of the Massachusetts DEP, which in
16 explaining it's approach to wetlands regulations
17 to differentiate between those areas that serve
18 the interests of the Massachusetts Wetlands
19 Protection Act in a significant way in areas
20 where small amounts of water may collect
21 occasionally, puddles in effect.

22 Now, there's a very important basic
23 point here, which is that the Massachusetts
24 D.E.P. has a comprehensive set of wetlands

1 regulations. If Falmouth had no bylaw with
2 specific definitions of wetlands, it could just
3 apply those definitions that the Massachusetts
4 D.E.P. has come up with. The Town does have the
5 ability to regulate more stringently than the
6 state, and it's done that.

7 The proposal in Article 17 would be a
8 revision to the definition of what's called an
9 isolated freshwater wetland. That's an area
10 where the soil's moist and where, as a result,
11 plants that like moisture tend to thrive.
12 Those aren't necessarily rare or endangered
13 plants. It includes plants like inkberry or
14 winterberry that you can buy at Mahoney's.

15 What this amendment would do would be to
16 take the definition of that area, which isn't
17 regulated by the D.E.P. at all, and require that
18 there would be a minimum area of at least 10,000
19 square feet, or about a quarter of an acre before
20 that would be regulated under Falmouth's law.

21 [Inaudible] targeted. It wouldn't affect
22 protection of any other kinds of wetlands such as
23 vernal pools where amphibians like frogs or
24 salamanders breed, or water bodies such as lakes,

1 ponds, streams or estuaries.

2 Now, if you think about the kinds of
3 wetlands that the bylaw was intended to protect,
4 you might think about something like Great
5 Sippewissett Marsh. It's a fragile ecosystem.
6 It's a precious natural resource that we should
7 do everything we can to protect.

8 You probably wouldn't think about
9 something like my family's back yard. This is
10 an older photo, but you can see that there's sort
11 of a hill that slopes down and there's no water
12 there. There usually isn't water, but sometimes
13 during heavy rain you get some water at the
14 bottom, and as a result that area counts as an
15 isolated freshwater wetland. You can see at the
16 top, that's where the Conservation Commission
17 wants to install a fence to keep me from going
18 down in that area.

19 And, to give you an illustration of how
20 stringent the regulations are, this is a map of
21 my family's property. That little area in green
22 is what counts as a wetland. And, because
23 there's a hundred foot buffer surrounding that --
24 that's the area outlined in red -- that entire

1 area is very stringently regulated. So that
2 includes most of our family's property and large
3 portions of the neighbor's property, and that
4 will give you an idea of how people who have
5 these sort of areas in their yards have a great,
6 you know, levels of difficulty in dealing with
7 their properties.

8 So, this issue was recently discussed on
9 the Conservation Commission. One minority view
10 was that of Mr. Walsh, who said of the present
11 definition "If you have a wetland the size of my
12 cell phone, with a hundred foot buffer, it's
13 31,416 square feet. We have to do what's best
14 where our limited resources are. I'd like to
15 say that were doing our best for the environment
16 and the residents and citizens of Falmouth, both.
17 So I have to vote my conscience and say that the
18 10,000 proposed is reasonable and in accordance
19 with all the other regulations."

20 Now another minority view was that of
21 Mr. Gurney, who said, "If you look the regs, all
22 you have to do is find a couple wetland plans,
23 anything is a wetland. That's an awful stretch.
24 We don't have a way of fixing that right now

1 because a reg is a reg and the offering is 10,000
2 square feet, which is too big, but I think we
3 should recognize that our reg is way too
4 stringent."

5 Now, of course, the Conservation
6 Commission can do something because it writes the
7 regulations. But it won't, absent action by
8 Town Meeting, because the majority view is that
9 expressed by Mr. Bird. "I think it's far better
10 that there's no limit on the minimum size of a
11 wetland because it becomes very subjective
12 whether it's 10,000 square feet or a hundred
13 square feet or 50 square feet. We are being far
14 more consistent if we stick with our regulations
15 as they are now defined and not try to put a
16 minimum size on it, because the minute we do that
17 there may be some habitat that we are not
18 protecting."

19 So, according to the majority view, if
20 you have a one square foot area that's moist and
21 hospitable to moisture-loving plants, you
22 regulate the three-quarter acre buffer zone that
23 surrounds that. So, that's really like the
24 polar opposite of the Massachusetts D.E.P.'s view

1 and I suggest that Falmouth could come back a
2 little bit more toward the D.E.P.'s approach to
3 regulation.

4 One reason is that the status quo wastes
5 tax dollars. There are better uses for our
6 money than regulating puddles in people's back
7 yards.

8 It creates uncertainty for landowners.
9 As stated on the Town's website, there's no way
10 to know if your puddle in your yard counts as a
11 wetland unless you hire a wetland scientist to do
12 testing and have that testing reviewed by the
13 Conservation Commission. That costs thousands
14 of dollars, so obviously most people who have
15 puddles in their yards that look like mine don't
16 do that. As a result, the people who are
17 singled out for enforcement, you know, it's
18 really the results of bad luck and that's not
19 fair.

20 So, meanwhile, the D.E.P. does keep a
21 map of wetlands; they use a quarter acre as a
22 minimum size for inclusion on the map.

23 This is an example of an excerpt from
24 that map. That's Sippewissett. And, as you

1 can see, you know, it shows vernal pools. Those
2 are those like those white and blue dots. And
3 then wetlands that are outlined in that sort of
4 yellowish green. These areas that are a quarter
5 acre or larger in size would still be regulated.

6 The status quo wastes landowner's
7 resources. It's very expensive to get any
8 project through the system of Conservation
9 Commission approval. So, even for a pretty
10 simple project like invasive removal, you can, as
11 I know all too well, spend tens of thousands of
12 dollars. That's not reasonable.

13 The status quo threatens property
14 values. If a puddle in your yard can be an
15 issue for you, it can be an issue for somebody
16 who might be interested in buying your house.
17 Puddles should not threaten property values for
18 Falmouth homeowners.

19 So, a 10,000 square foot minimum is I
20 think reasonable and it fits with existing
21 standards. One is the minimum size for an
22 isolated land subject to flooding under the
23 Conservation Commission's regulations. It
24 creates proportionality with that 100 foot buffer

1 zone, which under the current regulations is a
2 minimum of three-quarters of an acre. And it's
3 consistent with the one-quarter acre minimum
4 threshold for the D.E.P.'s state wetlands map.

5 Ultimately it's a matter of choosing
6 priorities. Falmouth should be using it's
7 resources to protect real wetlands, not puddles.

8 Thanks for your consideration.

9 THE MODERATOR: Okay, Mr. Matthews.

10 MR. MATTHEWS: Thank you, Mr.
11 Moderator.

12 Good evening. My name's Jamie
13 Matthews. I'm the Chairman of the Conservation
14 Commission. My colleagues and I would like to
15 share with you why we oppose Article 17.

16 Article 17 seeks to eliminate protection
17 of any isolated freshwater wetlands that are less
18 than 10,000 square feet. Wetlands are a
19 distinct ecosystem with special characteristics.
20 Wetlands provide unique ecosystem services for
21 our town. There are more than 350 mapped
22 freshwater wetlands throughout Falmouth that
23 would be affected by this article.

24 What is a freshwater wetland? A

1 wetland is a distinct ecosystem that is inundated
2 by water either permanently or seasonally where
3 oxygen-free processes prevail. The primary
4 factor that distinguishes wetlands from other
5 land forms or water bodies is the characteristic
6 vegetation the wetland plants adapted to the
7 unique hydric soils.

8 What characterizes freshwater wetlands?
9 Evidence of hydrology. Wetlands are saturated
10 with water at or near ground surface during some
11 period through the year. Hydric soils, a
12 specific soil type, saturated with water that
13 often becomes anoxic. This favors the growth of
14 specialized plants.

15 Wetland plant species. Certain plant
16 species can only live in hydric soils. We call
17 them the obligate wetland species. Other
18 species that can tolerate wetland conditions can
19 also be found.

20 Some common benefits to our environment.
21 Filters. Water that enters the groundwater
22 through wetlands becomes purified because of the
23 bacteria within hydric soils, which removes
24 nitrogen and other pollutants. Kidney, if you

1 will.

2 Flood storage. Water can be stored in
3 hydric soils in wetland depressions and absorbed
4 by wetland plants much like a sponge.

5 Carbon storage. Wetland plants
6 sequester carbon in their roots and, as they
7 decompose, is combined as an element of the
8 hydric soils.

9 Wildlife habitat. Wetlands and their
10 buffers are an important habitat for amphibians,
11 insects, birds, and other species that are
12 important in the terrestrial food web.

13 How do wetlands help you? Well,
14 remember the groundwater becomes your drinking
15 water. Wetlands filter out the pollutants. If
16 wetlands are filled, where's the water going to
17 go? Your basement? Mine?

18 Wetland habitats are probably Falmouth's
19 most important inland habitat for wildlife.
20 Even smaller wetlands with their vegetated
21 buffers serve as an island refuge, linking
22 together these important places, especially for
23 the smaller, less mobile species.

24 You'll note the black box on the right

1 side of this slide. That represents 10,000
2 square feet, a quarter acre. You'll also notice
3 in this slide how many isolated wetlands are in
4 this neighborhood alone.

5 Ed Perry, who is a consulting biologist
6 to the U.S. Fish and Wildlife Service often
7 quips, "Build your house in a wetland, you've got
8 a hobby for the rest of your life. You'll be
9 fighting that water forever."

10 And of course you can search what we've
11 already said.

12 Finally, sometimes a puddle is just
13 that, a puddle. It's not a wetland if it
14 doesn't have the hydric soils and it doesn't have
15 the specialized wetland plants. Then it's just
16 a puddle.

17 So, we ask for your support by voting to
18 protect all of our wetlands.

19 Thanks for your time.

20 THE MODERATOR: Okay, discussion on the
21 article.

22 Yes, Mr. Latimer.

23 MR. LATIMER: Richard Latimer, Precinct
24 one.

1 I am against this article that would
2 change the bylaw.

3 10,000 square feet, that's a damn big
4 puddle. Look at this room. I don't think any
5 of us could jump over it. I'm not going to add
6 to what the chairman has said because he's nailed
7 it precisely. We're not talking about size,
8 here, we're talking about function. And it's
9 very important that we protect those functions.

10 One of the things that's been happening
11 along with sea level rise is the water table's
12 been coming up a little bit. Such that if we go
13 down to the end of Walker Street, for example,
14 there are houses down there that are continuously
15 pumping water out of their basements because the
16 drainage system has not been adequate to carry
17 off the storm drainage that goes to - into the
18 Sound because the sea level is up.

19 So, what we see there is people that
20 have that problem where the water - they have the
21 hobby of removing water from their basements -
22 create a public nuisance. So it's just bad
23 policy to do anything that would weaken our
24 environmental protections, especially with

1 concerning, you know, ground water and wetland
2 resources.

3 Thank you.

4 THE MODERATOR: Okay. Further
5 discussion?

6 Ms. Lowell.

7 MS. LOWELL: Vicky Lowell.

8 I just have a procedural question.

9 I know in the past a couple of times
10 over the years we've had an Article to ask that
11 the town have to approve the wetlands
12 regulations, and my memory is we voted it down
13 every time. So, if we did this, are we
14 piecemeal going to get into voting on wetlands
15 regulations when we voted down previously that
16 the Town Meeting would not be the body that
17 approves wetland regulations. Like subdivision
18 regulations, they would be done by - which are
19 done by Planning Board, the wetlands regulations
20 we said would be left under the guise of the
21 Conservation Commission. They have a process
22 for amending them, having public hearings and
23 then voting on the amendments.

24 But I'm just wondering if we're - I

1 think we're in danger of getting into piecemeal
2 amending of wetlands regulations which, like most
3 regulations, they tend to be intertwined with
4 each other and once you start changing one thing
5 you can get in well over your head.

6 So, that's my concern.

7 And also, I think that 10,000 square
8 feet, you can argue any dimensional regulation is
9 arbitrary, but I think that is not exactly a
10 puddle.

11 Thank you.

12 THE MODERATOR: Mr. Duffy, you wanted
13 to.

14 MR. DUFFY: If you vote to amend the
15 wetlands bylaw, then the Conservation Commission
16 will be challenged to amend their regulations to
17 conform to the bylaw as amended.

18 THE MODERATOR: Okay, yeah.

19 Yeah, you got a follow-up? One second,
20 we got a follow-up here, I think.

21 MS. LOWELL: So, we're amending the
22 bylaw, not the regulation, is what you said.
23 Okay, thank you.

24 MR. DUFFY: We're amending the bylaw,

1 that's correct.

2 THE MODERATOR: Yeah, Chapter 235.

3 MR. DUFFY: And then, they'll have to
4 amend their regulations to conform to it, as you
5 amend it tonight, if you do so amend it.

6 THE MODERATOR: Okay, we got a
7 microphone over there? Where did the microphone
8 go? Oh.

9 MR. RADER: Charles Rader from Precinct
10 two.

11 I'm bothered that we're here tonight
12 given a choice between a regulation that says
13 something the size of a cell phone is a wetland
14 versus 10,000 square feet, which is pretty big.

15 I'm very disappointed that the
16 Conservation Commission was not able to come up
17 with a compromise that was a number that was
18 small enough that it eliminates ridiculous cases,
19 and yet large enough to give us almost all the
20 protection we need. And I'm not prepared to
21 make an amendment, but I would be really pleased
22 if somebody else did, to find the middle ground.

23 THE MODERATOR: Okay, Mr. Patterson.

24 MR. PATTERSON: I would just like to

1 remind all of us that we have a sole source
2 aquifer. Our fresh water, our drinking water,
3 comes out of that aquifer. If we start
4 eliminating these restrictions around our
5 wetlands, what we're inviting is the development
6 of those wetland areas, and that's contamination
7 that's going to get into our drinking water
8 eventually.

9 This is a protection for us as well as
10 it is for our natural resources, and one we
11 should not take for granted, because is it our
12 only source of drinking water. We don't have
13 any rivers that flow onto Cape Cod. The rivers
14 that are here come out of that aquifer and flow
15 into our estuaries.

16 THE MODERATOR: Okay. Further
17 discussion on the main motion?

18 Yeah, go ahead.

19 MS. VOGEL: Hi. Wendy Vogel, Precinct
20 four.

21 I think we're all in favor of wetland
22 protection, but I would just like to say that
23 having some quantification of the size I think
24 would be very beneficial to homeowners and people

1 who are trying to figure out how to manage their
2 property in the right way and be good stewards of
3 the land and having, you know, one water plant,
4 does that mean you have a wetland? It creates a
5 situation where it's always vague and I think if
6 there were - if there were an established size
7 for a wetland it would also clarify and make
8 Conservation Commission's job easier so that they
9 could focus on the more important wetlands that
10 they have to address.

11 Thank you.

12 THE MODERATOR: Mr. Latimer.

13 MR. LATIMER: Thank you, Mr. Moderator.
14 Richard Latimer, Precinct one again.

15 As the Chairman of the Conservation
16 Commission quite cogently explained, it's not an
17 issue of size. It's an issue of function and
18 form, and what does the wetland consist of.
19 Every wetland that is a wetland by definition
20 based on its function is important, no matter how
21 big and no matter how small it is. We don't
22 need a cookie-cutter size limit because that is
23 counter-productive. It doesn't give us the
24 protection we need.

1 If it's not a wetland in terms of its
2 characteristics, if it is a puddle, it doesn't
3 come under the bylaw, no matter how big it is.
4 So, I would just suggest that we just vote this
5 one down.

6 Thank you.

7 THE MODERATOR: Okay, the question will
8 come on - Ms. Buesseler.

9 MS. BUESSELER: Hi. Wendi Buesseler,
10 Precinct 2.

11 I would like some clarification from the
12 Conservation Commission, please. As I recall in
13 the regulations, isn't there a certain percentage
14 of the water body in question have to be covered
15 by wetland plants? It's just not like there's
16 one wetland plant in this body of water. Isn't
17 there a certain percentage of the area has to be
18 covered?

19 And it's - and if you could also clarify
20 this discussion about whether a wetland the size
21 of a cell phone qualifies or not.

22 Thank you.

23 THE MODERATOR: Ms. Gladfelter.

24 MS. GLADFELTER: So the key issue is

1 we've mentioned that there are three aspects to
2 it. One is saturation all or part of the year.

3 The second is hydric soils, which are
4 very specific soils containing bacteria,
5 anaerobic bacteria that can basically remove
6 nitrogen - remove - denitrify ground water.

7 And the third is very specific obligate
8 wetland plants.

9 And so, in an area, it's unlikely
10 anybody in their yard has a wetland that's the
11 size of a cell phone.

12 But most of the people who are going to
13 build in town -- but any building project has to
14 go to the Conservation Commission and they look
15 at these maps that we showed you which have the
16 wetlands map already mapped. These wetlands are
17 already mapped in Town. And if you have a
18 mapped wetland, then you have a consultant - you
19 would hire a consultant to go out and the
20 Conservation Commission would also go out and
21 verify what the delineation of that wetland is.

22 And hydric soils are very - there's a
23 very specific characteristic of hydric soils.

24 And the other aspect of is, for those of

1 you who are concerned with excess carbon dioxide
2 in the air and global warming, wetlands serve a
3 really important role in sequestering carbon; in
4 the roots of these hydric plants become part of
5 the hydric soil.

6 THE MODERATOR: Okay. Mr. Donahue.

7 MR. DONAHUE: Bob Donahue, Precinct 3.

8 The lady who just spoke, could I ask you
9 a couple questions? Because I know absolutely
10 nothing about wetlands.

11 MS. GLADFELTER: I should have
12 introduced myself, too. I'm Betsy Gladfelter;
13 I'm on the Conservation Commission.

14 MR. DONAHUE: We're talking about
15 10,000 square feet, here. If we said a thousand
16 square feet, how does that - is that a thousand
17 square feet from the center of the water body
18 that we find?

19 MS. GLADFELTER: It isn't a water body.
20 These are wetlands. These are --

21 MR. DONAHUE: Well, the wetland, the
22 wet ground that we find. I assume it's wet
23 ground.

24 MS. GLADFELTER: Yeah, well some of

1 them are oblong and some of them are circular.

2 MR. DONAHUE: Okay. But, I'm hung up
3 on this 10,000 square feet. I don't know if
4 anybody else is.

5 What I'm saying is if we reduced it to
6 5,000 feet --

7 MS. GLADFELTER: I would not recommend
8 you reduce it to 5,000 square feet. As Mr.
9 Latimer pointed out, all of these wetlands are
10 important.

11 MR. DONAHUE: What would the
12 implication be to the town, to people - what are
13 the benefits and what are the --

14 MS. GLADFELTER: The benefits are you
15 are filtering the water - you're filtering
16 nitrogen out of the water. This is, as Mr.
17 Patterson pointed out, it's a sole source
18 aquifer. Nitrogen and other pollutants that get
19 into the groundwater, eventually we have to pay
20 to have it removed in our - in our - those of us
21 who have Town water, our drinking water system,
22 if you're pulling water out of the - if you have
23 a well, you're polluting that groundwater system.

24 So, one of the aspects is it filters out

1 - it acts as the kidneys of the ecosystem.

2 MR. DONAHUE: But does this limit me
3 from building - in other words, if I reduced it
4 to 5,000, could I build closer to it? Is that
5 what we're talking about here?

6 MS. GLADFELTER: No, no, no, you
7 wouldn't - any size --

8 MR. DONAHUE: I'm trying to figure out
9 --

10 MS. GLADFELTER: Any size wetland plays
11 an important role. It's the function of the
12 wetland.

13 MR. DONAHUE: We're into --

14 THE MODERATOR: So you have to have a
15 hundred foot buffer, no matter what the square
16 footage of this actual wetland is.

17 MS. GLADFELTER: Correct --

18 THE MODERATOR: The buffer is a
19 hundred feet from whatever you've defined.

20 MS. GLADFELTER: But I will also point
21 out - and correct me if I'm wrong, Jen - but all
22 of our resources have 100 foot buffers. But we
23 call them - we call A and B buffer, and I believe
24 for these wetlands the - the 50 feet around the

1 wetland is totally protected. We call it the no
2 touch zone.

3 The next 50 feet, a homeowner can do
4 things in it, but have to provide if - if it's
5 not - if the whole A buffer, if the 100 - if the
6 50 feet around the wetland is not vegetated, then
7 if you're doing work, you have to complete the
8 vegetation or improve the environment in some
9 other way.

10 MR. DONAHUE: Thank you.

11 MS. GLADFELTER: You're welcome.

12 THE MODERATOR: Okay, Ms. Siegal.

13 MS. SIEGAL: Deborah Siegal, Precinct
14 6.

15 What Mr. Patterson said about being
16 protected by the wetlands is a very important
17 point.

18 Another very important point is that
19 wetlands are - is a very complex system and a
20 very complex issue. And to try to tie the hands
21 of the Conservation Commission by enacting
22 something like this is a disservice to us and
23 it's a disservice to the wetlands and it - it
24 makes me very uncomfortable to see things tying

1 their hands like this.

2 So I urge you to vote this down.

3 THE MODERATOR: Okay, Ms. Freitag?

4 MS. FREITAG: [No mic:] Already
5 [inaudible.]

6 THE MODERATOR: All set.

7 Mr. Clark, Dr. Clark.

8 DR. CLARK: [No mic:] Call the
9 question, please.

10 THE MODERATOR: Move the previous
11 question. To close discussion, all in favor,
12 signify by saying aye.

13 [Aye.]

14 THE MODERATOR: All those opposed, no.

15 [No.]

16 THE MODERATOR: The ayes have it by the
17 two-thirds and the question will come on the main
18 motion as printed.

19 This is to vote to amend the wetlands
20 regulation by adding this section E.

21 All those in favor of the amendment
22 signify by saying aye.

23 [No response.]

24 THE MODERATOR: All those opposed.

1 [No.]

2 THE MODERATOR: It's the opinion of the
3 Chair is that the no's have it and the Article
4 doesn't pass.

5 And we'll stand in a 15 minute recess.

6 [Whereupon, recess taken.]

7 THE MODERATOR: All Town Meeting
8 members please come forward, take your seats.
9 We've got a slide cued up here for a quorum.

10 Okay, Town Meeting members present
11 please come forward for the re-establishment of
12 the quorum.

13 We're going to come back on Article 18.
14 This is the Stretch Code Article.

15 [Pause.]

16 THE MODERATOR: Okay, all Town Meeting
17 members present please press one A for the
18 establishment of the quorum.

19 [Pause while electronic vote scrolling.]

20 THE MODERATOR: By a counted vote of
21 193, we have a quorum and I call the Town Meeting
22 back into session.

23 Also would like to - yeah - would like
24 to make an announcement as we always do in the

1 fall that the Falmouth Service Center is having
2 the drop-off for fresh turkeys on November 24th
3 between 12:00 and four o'clock.

4 And during the break one of our members
5 actually received a text message from Brenda
6 Swain. And so we want to thank Brenda. Our
7 thoughts and prayers are with her and her family
8 during this difficult time. But for all she's
9 done for this community, all she's done for those
10 in need --

11 [Cheers and standing ovation.]

12 THE MODERATOR: - thank you, Brenda.

13 Article 18 -

14 DR. CLARK: Mr. Moderator, point of
15 order?

16 THE MODERATOR: Yes, Mr. Clark.

17 DR. CLARK: Peter Clark, Precinct one.

18 In light of the fact that this has been
19 on our warrants in the past, may I - is it
20 appropriate to ask for a vote to limit the time
21 on this debate to perhaps 20 minutes?

22 THE MODERATOR: Ah, you could put a
23 rule - make a motion, but that's up to you.

24 DR. CLARK: I'm allowed to make a

1 motion that will limit - try to limit debate to
2 20 minutes on this Article?

3 THE MODERATOR: Yeah, we just don't -
4 we can't change the per speaker limit.

5 DR CLARK: I make such a motion.

6 THE MODERATOR: Okay.

7 FROM THE FLOOR: Second.

8 THE MODERATOR: Twenty minute debate
9 limit on this Article, is the rule that Dr. Clark
10 is asking for.

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

13 [Aye.]

14 THE MODERATOR: All those opposed no.

15 [No.]

16 THE MODERATOR: It's the opinion of the
17 Chair is that the ayes have it, and once we
18 finish the presentation, we'll do a 20 minute
19 limit.

20 That's for the debate, right?

21 DR. CLARK: Yes.

22 THE MODERATOR: Yeah. So we'll have
23 the presentation and then 20 minutes for the
24 debate. Okay.

1 So, the main motion, Board of Selectmen.

2 CHAIRMAN BRAGA: Mr. Moderator, we
3 recommend Article 18 as printed.

4 THE MODERATOR: As printed.
5 Mr. Walker.

6 MR. WALKER: Mr. Moderator, I recommend
7 - I move that the Town Meeting vote Article 18 as
8 recommended.

9 THE MODERATOR: Okay, we already have
10 the motion from the Board of Selectmen, yeah.

11 MR. WALKER: Proceed?

12 THE MODERATOR: Yeah.

13 MR. WALKER: Okay.

14 Last night we talked about our beaches,
15 some of our roads, our coastline. We talked
16 about retreating. We talked about buying time.
17 We talked about Mother Nature.

18 Tonight, I found a positive note in our
19 discussion of the wetlands. The wetlands are
20 not simply defense. They are part of our
21 offense, because they enable us to say we are
22 taking carbon dioxide out of the air. We
23 protect those wetlands, we are doing something
24 about the climate.

1 And that, I submit, is what we are doing
2 with the Stretch Code. It is part of our
3 offense. We need defense, but we talked about a
4 lot of things that are threatening us last night
5 and tonight. We need offense. The Stretch
6 Code is just one play in our play book. It's
7 one tiny little thing that won't solve other
8 problems. But we've got some problems with
9 climate disruption; we should take every step we
10 can. That's why I urge you to vote in favor of
11 our town adopting the Stretch Code.

12 Now, I'm going to skip through a lot of
13 my slides because we're going to have limited
14 time tonight. But we know, from the news, that
15 things are getting pretty bad. It's a question
16 of our survival. Scientists all over the world
17 have declared a climate emergency. We are
18 facing changes. Most of us in this room are not
19 going to live most of our lives in the midst of
20 the worst of these changes, but the young people
21 in our world are.

22 And who are these people? These are
23 the people that I hear so many of us saying, "We
24 want to find a way to get them to want to stay

1 here. We want them to come here. We want them
2 to think of Falmouth as a good place to live."
3 What are they looking for? What is important to
4 them? Look at what they're doing. They are
5 concerned about the climate. They are taking
6 action, they are demanding action. What kind of
7 a town do they want to live in? That's what we
8 might ask ourselves.

9 One more thing. The cost of our own
10 living, right now, in the next couple of years.
11 Where are our electricity prices going? Our
12 natural gas prices? Our oil prices? Our
13 energy prices in general, do we think they're
14 going to go down? Or that we need to take some
15 positive offense action with them, as well.
16 That's what the Stretch Code is all about.

17 If we adopt higher levels of energy
18 efficiency as a mandate, yes, as a mandate, we
19 will reduce our carbon footprint. We will
20 reduce our emission of greenhouse gases. We
21 will also save money in our homes.

22 Here's another thing that I've
23 discovered about the Stretch Code now: it is not
24 very different from the base code. As far as

1 the requirements for lighting, nothing different
2 in the Stretch Code. As far as sealing a
3 building, nothing different in the Stretch Code.
4 Same with insulation of the attic, the walls, the
5 basement, nothing different in the Stretch Code.
6 Same with requirement of mechanical ventilation:
7 nothing different. Same with the sealing of the
8 ducts, nothing different.

9 The same tests are required. Blower
10 door test, whole house ventilation test, duct
11 leakage test.

12 So, there are some serious questions
13 that people are raising that we should take
14 seriously and think about. What are some of
15 those questions?

16 Some have said to me: doesn't the base
17 code already demand such a high level of energy
18 efficiency that we are already reaching as high
19 as we can go? Maybe not. Maybe with some
20 change in development we can go higher. 276
21 cities and towns all across Massachusetts are
22 already doing it. They are reaching higher.
23 They have already adopted the Stretch Code.
24 That includes ten on Cape Cod. Four on Martha's

1 Vineyard and the Town of Nantucket.

2 What are some of the differences between
3 the base code and the Stretch Code? The Stretch
4 Code is all about performance. The Stretch Code
5 tests performance of the building to make sure
6 it's doing the right job with energy efficiency.
7 The idea is to guarantee good insulation. It's
8 not enough just to say, "Okay, we got the
9 insulation in there, we've sealed the building".
10 The question is: is it working. Is it doing the
11 job we want it to do?

12 We want to assure the property owner
13 that that house, that building will perform
14 efficiently. So we're going to give the
15 building a score, that's what the Stretch Code
16 does, and it has to get a better score than the
17 standard, mandatory base code.

18 In the Stretch Code world, the low score
19 is the best score, just like in the game of golf.
20 The low score means you're wasting less energy.
21 You're using energy, wasting less. This puts a
22 great deal of responsibility on the builder.
23 And a lot of opportunity too. We need the
24 builder. We have to rely on their judgment,

1 their ability, their knowledge, their experience.
2 They're - they're the ones who know how to do
3 this. They, most of them, are already doing
4 this and we need them to do this with the Stretch
5 Code. For them, it is a matter of intelligent
6 selection of the right club, as it were, in the
7 game of golf, for a given shot.

8 They could do this energy efficiency
9 thing with more efficient windows, with a more
10 efficient heating system, with a more efficient
11 cooling system or more efficient domestic hot
12 water system. More effective sealing of all the
13 ducts.

14 Now, I'm going to skip through some
15 things to get to one more thing.

16 I had to do this. I know it's probably
17 falling short, but I need a little humor, here.

18 One more thing, people want to know -
19 people have asked me well, what comes next? We
20 adopt the Stretch Code, then what? How do we
21 know where the Stretch Code is going? We don't.
22 I can't predict the future, but I think it's
23 clear from what's happened in the last ten years
24 or so, especially here in Massachusetts, that

1 Massachusetts is committed to raising the bar as
2 far as energy efficiency goes.

3 So, here's a question. The Stretch
4 Code applies only to new construction, right?
5 Yes, that's right. Additions, renovation,
6 remodeling, they are exempt. The Stretch Code
7 costs more than the base code, right? Yes, it
8 does, but not much more. And here's an
9 important question: what will this do to
10 affordable housing? We want affordable housing,
11 if we want people to live here. Let's take a
12 look at that.

13 The Massachusetts Department of Energy
14 Resources estimated for a three bedroom, single
15 family detached house of I can tell you 2,550
16 feet, if you build left to the base code, same
17 house right to the Stretch Code, on average it's
18 going to be almost \$3,000 extra. But rebates
19 are going to average almost \$1700. So that
20 means after rebates that one-time down payment is
21 going to be about \$130 extra. Those ongoing
22 mortgage payments every month are going to be
23 about \$6 extra.

24 Does that make the house affordable?

1 You've got to answer that question. But they
2 tell us on average, with the higher energy
3 efficiency, that house will save an average of
4 \$44 a month. That makes it more affordable to
5 live in once you own it.

6 Will people buying the new houses have
7 to pay more because of the Stretch Code? Yes,
8 they will. Some people want to know is that
9 fair to make them pay more. Let's look at new
10 construction. More greenhouse gases than buying
11 an existing house. Why? Extraction of raw
12 materials like aluminum. Cutting of timber for
13 lumber. Milling the lumber. Steel production.
14 Making the concrete. Clearing the site where
15 the house is going to be built. Transporting
16 and pouring the concrete. Transporting those
17 lumber products to the site. Moving people,
18 products, things, equipment in and out of
19 construction site. And disposing of all the
20 waste that that results in. All of those things
21 generate a lot more greenhouse gases than does
22 buying an existing house.

23 You get a beautiful, brand new house.
24 You're going to pay a little bit more because of

1 the Stretch Code.

2 For some people here in Falmouth, that's
3 going to be a second home. They'll pay a little
4 bit more. We have to decide: is that fair to
5 ask them to do that?

6 What does Falmouth have to gain? Well,
7 that's where we went all through the Green
8 Community grants. I can tell you a lot about
9 that. I can tell you what given towns have been
10 given in their grants.

11 THE MODERATOR: Okay, Mr. Walker, we've
12 got ten minutes already.

13 MR. WALKER: Thank you.

14 THE MODERATOR: Do you need additional
15 - request additional time?

16 MR. WALKER: I'd like one more minute.

17 THE MODERATOR: One more minute.

18 It's a two-thirds. All in favor of one
19 more minute signify by saying aye.

20 [Aye.]

21 THE MODERATOR: All those opposed no.

22 [No.]

23 THE MODERATOR: The ayes have it.

24 Go ahead, one more minute.

1 MR. WALKER: Thank you. I appreciate
2 that very much.

3 There's a lot more I'm going to skip
4 right over. I want to get to the central
5 question that seems to be the one that I come
6 down to with the people that I talk to.

7 Getting close to it. Oops. Went
8 right by it. Sorry.

9 Will the Stretch Code be a mandate?
10 Some are concerned about okay, this is great. I
11 just don't want a mandate. Well, yes, it's
12 goign to be a mandate. This is what building
13 codes are all about: rules and regulations. You
14 have to comply with them. Massachusetts has a
15 statewide building code, and so the Stretch Code
16 is going to be a part of that.

17 So that gives some people serious chest
18 pains. And they say, "Mandates, mandates,
19 enough is enough." But the base code, the base
20 energy code is already a mandate we have to
21 comply with. And some mandates can be
22 beneficial.

23 I'm glad we have a mandate to be checked
24 out before we get on airplanes. I'm glad

1 there's a bylaw mandate so my neighbor cannot
2 make his yard a dump site. I'm glad there's a
3 mandate telling us to stop for pedestrians in the
4 crosswalk.

5 A mandate for higher energy efficiency
6 can protect all of us from some of the threats we
7 have to deal with, but I know it's just one tiny
8 little thing. One play in our play book. We
9 need offense and we need the help of those people
10 who are going to be uncomfortable with this.

11 It's not going to be easy. It's not
12 going to be comfortable for us to adopt - adapt,
13 I'm sorry, to what we have to adapt to in the
14 world of climate disruption. We'd better get
15 used to it.

16 Thank you very much.

17 [Applause.]

18 THE MODERATOR: Okay.

19 Mr. Walker, I hear you're on a journey
20 tomorrow and this will be your last Town Meeting.
21 So, excellent - excellent parting presentation.

22 MR. WALKER: Thank you.

23 [Applause.]

24 THE MODERATOR: Discussion on Article

1 18.

2 Ms. Putnam.

3 No - you want Energy Committee? Let's
4 do Energy Committee first.

5 Sorry, I did tell them that we'd
6 recognize them first.

7 MS. CAREY: Hi, I'm Rosemary Carey,
8 Precinct 5.

9 And the Energy Committee wholeheartedly
10 supports this, as we discussed last night, for
11 all of the reasons that Grant mentioned tonight.
12 We worked closely with him on this petition and
13 did lots of homework, talking to neighbors and
14 stakeholders and just to make sure that we
15 understood the objections and - and the - all the
16 benefits completely.

17 So, we are all for it and thank you,
18 Grant, for bringing this petition.

19 I urge fellow Town Meeting members to
20 vote yes on Article 18.

21 Thanks.

22 THE MODERATOR: Mr. Patrick.

23 MR. PATRICK: Thank you, Mr. Moderator.

24 From my perspective, the most practical

1 reason to support this article is that we will
2 not qualify for funding from the Green
3 Communities Act until we do so. We are now
4 paying into the fund and have been doing so since
5 its inception. Because of this rule, Falmouth
6 is missing out on about \$200,000 a year that can
7 go to making the town more energy efficient and
8 which stretches our budget.

9 Another practical reason to consider
10 supporting this article is that the number of new
11 housing units the Stretch Code will affect is
12 less than one percent of our housing stock. It
13 will not impact additions.

14 Is it doable? Absolutely. And 276
15 communities in the Commonwealth, towns are doing
16 it, builders are doing it already.

17 Will these homes have four feet of
18 insulation in the attic and bad air? The answer
19 is an unequivocal no.

20 The Stretch Code will inconvenience
21 builders, yet they can take pride in knowing that
22 the homes they build under the Stretch Code will
23 be models of energy efficiency. Our builders
24 are on the forefront of fighting global warming

1 and they hold the key to a more energy efficient
2 town.

3 The most important reason we should vote
4 for this article is global warming and sea level
5 rise. And I'd like to cede some of my time to
6 Phillip Gessen, who is one of the students, here,
7 from Falmouth High School who I asked to come and
8 speak. And he - I'm glad he did.

9 Come on up.

10 [Applause.]

11 THE MODERATOR: He's not only the
12 microphone carrier but he's also a client.

13 [Laughter.]

14 MR. GESSEN: Hi, my name's Phillip
15 Gessen. I'm from Falmouth High School. And
16 I'm here to provide a student's perspective on
17 the issue.

18 So, I grew up hearing about climate
19 change and global warming. We would have
20 scientists come into our elementary school
21 classes and tell us about the problem: rising
22 temperatures, rising sea levels. I didn't
23 immediately grasp the impact of the issue. I
24 remember thinking if Falmouth looked liked the

1 Caribbean all year long, would it really be that
2 bad?

3 [Laughter.]

4 MR. GESSEN: I know better now.
5 Falmouth would probably look more like New
6 Orleans after Hurricane Katrina than the
7 Caribbean.

8 But, eight years later, I'm in high
9 school, and the issue we were told about in
10 elementary school hasn't been curbed. It hasn't
11 been solved. It's only getting worse. The
12 melting of the ice caps has tripled in the last
13 25 years, yet our CO2 emissions that are raising
14 the temperatures and sea levels are nowhere near
15 where they need to be to fight this issue.

16 Instead of decreasing our fossil fuel
17 consumption, which would decrease our emissions,
18 the U.S. has been increasing its yearly
19 emissions. In 2018, we increased them by 3.1
20 percent compared to previous years. If we
21 follow this trend, changes will be irreversible.
22 Estimates say we have until 2030 to curb climate
23 change or the consequences will be globally
24 catastrophic. We need to do something.

1 The Stretch Code is part of that
2 something. It's a flexible regulation on
3 buildings that will be built in the future in
4 Falmouth. It evaluates the wholistic energy
5 efficiency of a building rather than defining
6 specific insulations that it must have. The
7 code is devised by the state, which is ready to
8 provide a substantial amount of money for towns
9 who follow it.

10 Our regulations as of now are close to
11 the Stretch Code, yet are not enough to reap its
12 financial benefits. So it's practical, it
13 reduces emissions, and it finances future
14 environmental expenditures.

15 So, in a world that has little time to
16 save itself, the Stretch Code is one step closer
17 to a survivable furture. Although Falmouth is
18 one small town in the grand scheme of the globe,
19 we need to stand together with other towns who
20 have passed the Stretch Code and set the example
21 for others to follow.

22 It is through changes like these, that
23 snowball into state, national and global
24 environmental action, that we can truly make a

1 difference.

2 So I ask you now: for your friends, for
3 your family, for your community and your future,
4 vote yes on Article 18.

5 Thank you.

6 [Applause.]

7 THE MODERATOR: Okay. And if you can
8 just deliver that microphone up to Ms. Putnam and
9 we'll - good job.

10 MS. PUTNAM: Rebecca Putnam, Precinct
11 9.

12 That was a very nice presentation, so
13 here comes reality.

14 My father and I do construction. I am
15 on a construction site every day. We just
16 currently last week had a conversation with the
17 Herz raters tester on one of the houses that
18 we're getting ready to close on. We asked him
19 about the Stretch Code. Want to know what he
20 said about the Stretch Code? It actually
21 underperforms below what the current building
22 code is.

23 So, right now houses are having to meet
24 94 percent energy efficiency under the current

1 code. That's what we have to meet. And in
2 order to meet that, I'm going to once again
3 explain.

4 Right now, when you build a house, we
5 put the insulation in the wall, in the framing.
6 Do you know what goes over that? A vapor
7 barrier that has to be fully sealed and stapled.
8 So, think about it: we live on Cape Cod; think
9 about how much humidity we just had this year.
10 Think about what the moisture is in between the
11 four inches - or six inches, because we have to
12 meet two by six construction now -- of wall, and
13 how long does it take to become mold? How long
14 does it take to penetrate the house eventually?
15 How long does it take to affect somebody's
16 insurance or health?

17 The problem is, is that when we do meet
18 this particular building code, currently, we now
19 have to put air handling transfer systems in.
20 So, you're now sucking air out, sucking air back
21 in, 24-7. They cannot be shut off. So, now
22 you're using more electricity, just an FYI, in
23 the house that we're trying to, like, stop using
24 so more electricity. Because it's mandated.

1 We have to actually run two fans: a
2 regular house fan from your bathroom on a timer,
3 for 12 hours a day in order to bring in enough
4 clean, good air, so that you don't get sick in
5 your new house.

6 And, by the way, the sales pitch that if
7 you're doing a renovation, you don't have to meet
8 it? Any addition onto a new house has to meet
9 the current energy efficient standards. It has
10 to be two by six construction. You have to go
11 through all of the testing with presenting plans
12 and having your energy efficiency rated.

13 The Herz raters do a really good job.
14 And I'm going to trust an expert who actually is
15 promoting energy efficiency, over folks that say,
16 "Let's do a Stretch Code because it sounds good
17 and because we're going to get 200,000, maybe, a
18 year out of it." Maybe.

19 So, I would ask that you vote this down
20 based on the fact that we're already doing a
21 really good job as builders, and we don't want
22 people's health at stake.

23 Thank you.

24 THE MODERATOR: Yes, in the back,

1 again.

2 MR. RADER: I'm Charles Rader from
3 Precinct 2.

4 As we know, this was brought up to the
5 town in 2011 and again in 2018 and voted down.
6 And I've watched the video of the 2018 Spring
7 Town Meeting to try to understand the reasons
8 behind those who voted in opposition. And their
9 reasons are well motivated. But, nevertheless,
10 I'm going to criticize them.

11 One common theme of the opponents in
12 2018 was that the Commonwealth was going to far
13 and that Falmouth, both government and citizens,
14 should be in control. Reasonable noted. But
15 rejecting the Stretch Code won't really keep
16 local control. It'll just delay the
17 inevitable.

18 Our present building code incorporates
19 the state's standard building code. The state
20 revises both the standard code and the Stretch
21 Code every three years and the typical pattern
22 has been to move some features of the Stretch
23 Code --

24 FROM THE FLOOR: Can't hear you.

1 MR. RADER: The typical pattern has
2 been to move some features of the Stretch Code
3 into the standard code and hence into our code,
4 and to add a few new features to the Stretch
5 Code. The last time this was done, the Stretch
6 Code changed by just a little and the standard
7 code changed by a lot. All indications are that
8 this will be the future pattern.

9 Our building code today has many of the
10 Stretch Code features that we voted down in 2011.

11 What would bring us more local control?
12 I wish I knew. Sadly, though, rejecting the
13 Stretch Code won't do it.

14 Another common theme of opponents in
15 2018 was that it's just morally wrong to impose
16 regulatory burden on some other person. That's
17 also a worthy motive. But opposition to the
18 Stretch Code doesn't accomplish that very well.
19 Almost nobody gets protected. 99 percent of us
20 aren't about to build a new home. Many of the
21 remaining one percent already opt to adopt to
22 follow the stricter code, anyway, and so they do
23 it to save their energy costs.

24 We might feel virtuous standing up for a

1 principle, but the effect is so diluted that
2 it's hard to see that it can outweigh the
3 economic advantage of getting those grants.

4 THE MODERATOR: Okay, Mr. Duffany.

5 Mr. Patrick, I've got you back on the
6 list.

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

8 Michael Duffany, Precinct 6.

9 It seems that the time has come that the
10 Stretch Code is going to be adopted here in
11 Falmouth. But I've got to say I need to
12 straighten out a few things that have been said
13 here this evening that I don't believe are a
14 hundred percent correct. So that I can have a
15 clear conscience myself when the dust settles on
16 all this.

17 And Rebecca was correct in most
18 everything that she said about what we're faced
19 with, now, as builders.

20 The Stretch Code hasn't been stretched.
21 The last time I spoke about this, that was my
22 fear: it hadn't been stretched and it still
23 hasn't been stretched again today. And so, that
24 said, we are working under the International

1 Energy Council code of 2015 and the Stretch Code
2 is basically following in suit, if you will,
3 behind that. There really are very
4 insignificant differences at the moment.

5 And, again, I don't want to speak
6 against this, but you just need to understand
7 that, that when they stretch this, we're probably
8 talking about triple paned windows, that's one of
9 the things that's on the table. Orientation of
10 homes for PV. And a number of other things that
11 are actually going to be going through the proper
12 protocol that the Stretch did not, which is the
13 biggest issue that the home builders across the
14 state have had, is that Deval Patrick put this in
15 as his own initiative and it's the only one
16 that's been allowed. Every other one's been
17 defeated since then.

18 So, but I just want people to understand
19 that this is not going to make Falmouth a more
20 energy efficient town. We're going to feel a
21 lot better because we're going to be a Stretch
22 community and we're going to be joining the other
23 275 or 7 communities that are Stretch communities
24 and hopefully getting some of the money that

1 you're paying every month in your electric bills
2 as a - which is, to me, is, you know - is another
3 issue in itself that you're paying for this here
4 because the utility companies don't want to do
5 what we're doing. They don't want to put up
6 turbines. They don't want to do the things that
7 are going to make them more efficient. They're
8 being forced to do it and what they're not doing
9 is being - is being subrogated by you and your
10 electric bills, okay? It's anywhere from two to
11 five dollars a month.

12 So, I just want to put these facts out
13 there so that people understand when you do vote
14 this, that it's really about the money, at the
15 end of the day. It's about the Town getting the
16 money that you're all paying in. It's not
17 because, in my opininon, that this is better.
18 Becasue it's not.

19 And I hope that the Energy Committee
20 will take some of the suggestions that I've tried
21 to offer to them to find another criteria to add
22 to the five criteria that we have now. Make a
23 sixth criteria that might be, as Charlie Baker
24 wanted last year, to make your house rated. So

1 that, before you sold your house, the people that
2 buy it know what they're buying, okay? And that
3 also could help you if you were at 80 percent of
4 the median income you could get better
5 insulation. Which, right now, there are great
6 programs out there that are being subsidized.
7 But if you meet a certain criteria, maybe you
8 wouldn't have to pay anything. And rather than
9 the towns getting the money.

10 And I have major heartburn with the
11 towns getting this money, as opposed to
12 individuals.

13 So, that's it. I just want to put
14 those things out there.

15 I think that the Stretch - one of the
16 things the Stretch did was it kicked the BBRS in
17 the butt to get onboard with much more energy
18 efficiency in the state of Massachusetts. And
19 they have done so to the point where they've
20 actually taken the lead and we are, as you all
21 know, or hopefully know, that we are one of the
22 most energy efficient states in the nation, okay?

23 And so that, right now, because we
24 adopted the IECC, you know, that's the highest

1 you can go at the moment. And I believe we're
2 going to continue to adopt that - well, it's
3 mandated. So we're going to continue to adopt
4 that as part of our base code.

5 And, to what Rebecca said - and I'll
6 just finish with this, here - is that you do have
7 to put - make up air units in houses, air
8 exchanges in the house. It's not just putting a
9 bathroom fan in backwards. You need to be able
10 to have your house climatized or else you're
11 going to have issues. I know. We do it -- I
12 do it for a living. We do it in every house
13 that we do. I do it in my own home. It's just
14 the reality, okay? And so - I'm just going to
15 end with that.

16 I think we're going to adopt this, here,
17 but understand that this does not put us up here,
18 where we want to be. Okay? Because, right
19 now, our code is higher. Our base code is
20 higher than the Stretch.

21 Thank you.

22 THE MODERATOR: Mr. Lemay.

23 MR. LEMAY: My people here want to know
24 what the survey says.

1 Joe Lemay, Precinct 9.

2 My survey says 60 percent in favor of
3 the Stretch Code.

4 I'm not on the Affordable Housing
5 Committee but I go to all their meetings, and
6 they deliberated on the Stretch Code and asked me
7 to, as a Town Meeting member, to deliver the
8 Affordable Housing Committee report.

9 The Affordable Housing Committee
10 deliberated on the affect that the Stretch Code
11 might have on the ability to produce affordable
12 housing. Building costs of affordable units
13 will go up, but the Committee does not believe
14 the increase will deter developers from building
15 affordable units that meet the Stretch Code.

16 See, you've got to understand how
17 affordable housing works. The government
18 defines guidelines that puts a limit on how much
19 you can earn to qualify for an affordable unit.
20 That earnings is used by the bank to determine
21 your mortgage-ability. So hypothetically lets
22 just say it's \$220,000. A person can borrow
23 \$220,000 and give it to the builder. In
24 Falmouth, \$220,000 will get you a buildable lot

1 and maybe a foundation. That's about it.

2 Now, you've got to put a house on top of
3 that foundation, so the developer has to go out
4 and get public grants and public money and
5 private donations to finish off the house. So,
6 let's say the house costs 350; they're out there
7 getting \$130,000 of money to finish the house.

8 When the house is done, the qualified
9 buyer gets the mortgage and gives that mortgage
10 to the developer. So, if the developer has
11 built to the Stretch Code, they're not getting
12 more than that 220,000 from the new owner;
13 they're going to have to get larger grants or
14 larger donations, so that that extra money will
15 be paid for by the, you know, going out and
16 getting more money from the subsidies.

17 So, the developer will probably also get
18 the rebates, so when the grant did those things,
19 it says the developer paid for the fancy heating
20 system, the fancy heatin system has a rebate, the
21 developer gets the money. It doesn't go to the
22 new owner.

23 But now the new owner is in the house.
24 They're making their mortgage payment and they're

1 living in a house that now has lower monthly
2 energy costs. So now it's even more affordable
3 than it would have been before for the owner.

4 So that's how it's going to work.

5 So, at the last meeting, the Affordable
6 Housing Committee voted unanimously to support
7 Article 18.

8 THE MODERATOR: Mr. Walker.

9 THE CLERK: That's it.

10 THE MODERATOR: Oh. We're at 20?

11 MR. WALKER: Thank you --

12 THE MODERATOR: We're at 20, sorry.
13 We're at the 20 minutes.

14 So, the question will come on the main
15 motion as printed for adoption of the Stretch
16 Energy Code.

17 All those in favor, signify by saying
18 Aye.

19 [Aye.]

20 THE MODERATOR: All those opposed, no.

21 [No.]

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

24 [Applause.]

1 THE MODERATOR: Safe trip to Colorado.
2 Article 19. Madame Chair for the main
3 motion.

4 CHAIRMAN BRAGA: I recommend the
5 Article as printed.

6 THE MODERATOR: Okay, this is to
7 authorize the Board of Selectmen to sell or
8 convey a portion of Town land at 50 Twin Oaks
9 Road with a structure thereon for use of a single
10 unit of affordable housing in perpetuity.

11 Discussion on the motion.

12 Mr. Dufresne.

13 MR. DUFRESNE: Mr. Moderator, fellow
14 Town Meeting members. Adrien Dufresne Precinct
15 2.

16 I'd like to read one little - a couple
17 of little sentences in the explanation. We're
18 told the house hasn't been occupied in 50 years.
19 And though it may be structurally sound, the
20 interior is gutted. It requires complete
21 rehabilitation. The property does not have
22 electric service, water, or a septic system.

23 It is anticipated that a developer will
24 require a maximum per unit subsidy from the Town

1 of 65,000.

2 When this purchase first came up, some
3 25 years ago -- I can't remember what Committee I
4 was on. I was either on the Finance Committee
5 or - or whatever - a proposal to separate this
6 building was put forth to pay for, quote, the
7 cost of the building. An Article was presented
8 for \$30,000 to tear the house down. Town
9 Meeting at that time voted no.

10 So, \$30,000 was appropriated some 25
11 years ago to tear this building down. This
12 building that does not meet any of the standards,
13 quote, of either habitation or public safety.

14 When I visited the house - and, again,
15 I'm going to - I can't recollect what my purpose
16 was. I think I was either on the Finance
17 Committee or - or something - I said, "Jesus
18 Christ, what a piece of junk." But, anyway,
19 that was me, 25 years ago. I don't think
20 anything has changed.

21 We acquired this property for a future
22 well site. To take - to say we're going to take
23 this parcel, which is I think two acre zoning,
24 and we're going to put a Habitat for Humanity

1 house - it's affordable housing, on that. You
2 know, we've got affordable housing all over town.
3 Why would we want to put this derelict-
4 conditioned house up for a remodel of - the
5 guesstimate is some 150, 250,000 dollars. Is
6 that going to be an affordable house? I don't
7 think so.

8 I am adamant that we should not touch
9 this piece of open space -- I'll use that for my
10 personal thinking - in order to put, quote, a
11 single house for - and it's not - and that house
12 won't be affordable, I can tell you right now.
13 I've banged a few nails in my lifetime and I can
14 tell you right now they can't build that house.

15 First of all, I think they got to take
16 down the original, or spend the original 30,000
17 to demolish it and start over.

18 I just had a hard time that this was
19 approved by the Board of Selectmen. We here in
20 Town Meeting have a lot of things that we have to
21 think about in the next few years. Arguing this
22 on Town Meeting floor, and I don't want to take
23 up any more of your time - whatever your vote is
24 going to be, mine is going to be no. And I

1 could care less who thinks it should be something
2 else.

3 Thank you very much for listening.

4 THE MODERATOR: How does he really
5 feel?

6 Ms. Bissonnette.

7 Ms. Harris, you're on the list.

8 MS. BISSONNETTE: Well, on that note.

9 Mr. Moderator, could I have six minutes
10 instead of four, please? Because I have a
11 PowerPoint with this.

12 FROM THE FLOOR: You have ten.

13 MS. BISSONNETTE: I have ten? I have
14 ten?

15 THE MODERATOR: Well, if you're -
16 that's the main presentation. If it's the
17 opening presentation.

18 MS. BISSONNETTE: Okay, I don't think
19 I'm going to need ten, but.

20 Hi, I am Karen Bissonnette. I am the
21 Executive Director of Falmouth Housing Trust.
22 I'm also a Town Meeting member with Precinct 2,
23 and I have Joanne O'Sullivan, who's the president
24 of our board, here with me tonight.

1 Thank you for the opportunity to come
2 before you to discuss the renovation of the
3 Williams Hollow Road house. Falmouth Housing
4 Trust comes to you tonight to help us create more
5 affordable housing by saving this property. To
6 do this, we will need the Town to give us this
7 house and the land it sits on, which falls under
8 the Selectmen's purview, being on property that
9 is municipal and/or water resource.

10 You may remember that Falmouth Housing
11 Trust answered the call to the Town to have
12 someone save Oddfellow's Hall because it was an
13 eyesore and falling down. This once blighted
14 property is now a gorgeous building which is the
15 centerpiece of Town Hall Square and has four
16 affordable apartments.

17 Falmouth Housing Trust is a nonprofit,
18 501-C3 whose mission is to create affordable
19 workforce housing for a demographic in our
20 community who adds value because they work in
21 jobs that are critical to our local economy and
22 our way of life. Falmouth's lack of affordable
23 housing is an obstacle to attracting and
24 retaining a talented work force. To retain this

1 population, we need someplace for them to live,
2 and only with creative and out of the box ideas
3 is this going to happen.

4 We need this demographic to supply the
5 services that so many of us depend upon for our
6 quality of life.

7 There is no doubt that Falmouth has an
8 affordable housing crisis. The Cape lost 3,000
9 year round units between 2010 and 2015, and 5,000
10 seasonal units were gained. The median cost of
11 a house in Falmouth is approximately \$425,000 and
12 it has increased an astounding \$100,000 in the
13 last eight years. You would need to earn about
14 \$113,000 to purchase this home and renters are
15 paying so much that they can't save for a
16 downpayment.

17 Many of you in this room purchased your
18 homes years ago when the cost of housing was
19 reasonable. Well, it is not anymore. And we
20 all should be concerned about this and doing
21 something about it. We are driving our young
22 people away by not having housing opportunities
23 for them, and I have heard all the arguments as
24 to why this may not be a suitable place for an

1 affordable home. And yes, it is not perfect.
2 But it is an opportunity to provide a home for a
3 member of our community who wants to make
4 Falmouth their permanent home.

5 Mike Duffany will tell you in his own
6 words that this house has good bones and is worth
7 saving. Architect Chris Warner visited the
8 property and finds the project exciting and
9 worthy.

10 In a September 10th editorial in the Cape
11 Cod Times about this property, it states, quote,
12 there is a degree of complexity here, balancing
13 the ability of one family to live in a town versus
14 future viability of the Town's water supply.
15 And, after all, there is little to suggest that
16 the addition of this one home will upset the
17 overall environmental balance or somehow render
18 the remaining 86 acres less worthwhile when it
19 comes to a possible future well.

20 And it goes on to say, quote, that
21 although one home likely will not make a
22 difference in terms of overall water quality, it
23 could be a significant difference in the overall
24 quality of at least one family's life. Which

1 is why Town Meeting voters should support this
2 effort when they get the chance.

3 We will not get out of this housing
4 crisis by doing the same old things. We must be
5 creative, flexible and bold. Otherwise, we will
6 fail.

7 I think we all want Falmouth to be a
8 vital and economically strong community. This
9 housing crisis threatens the way of life as we
10 have known it in Falmouth and I implore you to
11 vote yes on this article.

12 And I think I do have a PowerPoint.
13 This is the home. As you can see, the stonework
14 is absolutely incredible and I know that Mike's
15 going to talk about the structure, itself.

16 In the article, it talks about this
17 being in a remote area, but it is .15 miles off
18 of Sam Turner. So, those of you who live in
19 Hathville, I think all of you live in a remote
20 area according to that. So.

21 That is the road. That's Williams
22 Hollow. It is a dirt road, but it's a nice dirt
23 road.

24 So, area median income. So, an

1 affordable home is sold to someone who makes 80
2 percent of area median income, which is given to
3 us by the federal government. So we're talking
4 about someone, if it were one person, that makes
5 \$51,250 or less. So, we're talking about people
6 that have professions.

7 These are Barnstable County numbers, as
8 far as what people make, and some of the
9 professions that we're talkin about that may be -
10 would want to live in this house. And I think
11 if you look there, can you imagine not having all
12 of those occupations witin our community? I
13 think we'd be in tough shape.

14 So, just to give you a little idea.
15 The plan is to sell this house for \$170,000.
16 And you can just see - there was a handout that I
17 gave that you all should have seen yesterday.

18 So, that would be the mortgage numbers.
19 And here are housing expenses. So, in there, as
20 you notice, I have put homeowner's association
21 fees of \$120,000. It is a private road and the
22 other seven occupants of that road contribute
23 approximately \$857 a year, according to their
24 numbers. And so, I put that number in there

1 just to show you that someone who does make that
2 amount of money could afford to live in that
3 home.

4 These are the numbers that Mr. Duffany
5 provided me, the construction numbers. The soft
6 costs include engineering, legal fees, a housing
7 lottery, things like that.

8 And, as far as the revenue goes, as you
9 see there will be a sale of the house. Now, we
10 will approach the Falmouth Affordable Housing
11 Fund, which is Community Preservation money.
12 And then I will raise the rest of it.

13 So that's where we get the rest of that.

14 And that is it.

15 So, if you have any questions, I would
16 welcome them.

17 THE MODERATOR: Okay. Ms.

18 Lichtenstein.

19 MS. LICHTENSTEIN: Leslie Lichtenstein,
20 Precinct 8.

21 There is no question that we need more
22 affordable housing in Falmouth. What bothers me
23 about this article is process. We were told
24 when we bought it at Town Meeting that it was for

1 a potential well field. It was for water
2 protection.

3 Now, boilerplate always has to say
4 municipal use or whatever we want it for.
5 However, while I've been a Town Meeting member,
6 for some reason very often it doesn't become what
7 it is we voted for. Somebody has decided,
8 "Well, it's better to do this."

9 This bothers me. And I've had other
10 Town Meeting members say maybe they just don't
11 want to be a Town Meeting member anymore because
12 it doesn't matter what you vote, they're going to
13 do what they want to do, anyway.

14 I think this is a very slippery slope.
15 We bought it for watershed protection. If we
16 want affordable housing, we should get land for
17 affordable housing. We should not take a piece
18 that we said was going to be watershed protection
19 and do this.

20 I mean, next year we could take another
21 two acres off of another well shed protection.
22 I think it's time that we hold the Town
23 administration to the fire. If they say, "We're
24 going to do this", we expect them to do it. If

1 they say, "We're not going to do this", we expect
2 them not to do it.

3 So, I'm not going to vote for this
4 article. Not because I'm against affordable
5 housing, but because it is against what we were
6 told when we voted for it.

7 Thank you.

8 [Applause.]

9 THE MODERATOR: Mr. Rafferty.

10 Mr. Heylin, you're on the list.

11 MR. RAFFERTY: Stephen Rafferty, the
12 Water Superintendent in the Town of Falmouth.

13 I've worked with the Affordable Housing
14 folks, helped them to get projects developed.
15 But this is a project that should not go forward.
16 It's very, very difficult, through the state
17 permitting process under the Water Management Act
18 --

19 FROM THE FLOOR: Can't hear you.

20 MR. RAFFERTY: I'm sorry.

21 It's very, very difficult through the
22 Water Management Act to permit a new well.
23 We've already begun the process when we acquired
24 this land to permit upwards of four wells based

1 upon a study done 20 years ago for water from
2 that area. We built a treatment plant a number
3 of years back called the Crooked Pond Water
4 Treatment Plant in that area.

5 The state takes a very dim view when
6 people start to encroach on lands set aside for
7 water treatment and/or water resources. If
8 we're going to grow this community, we need
9 additional sources of water.

10 Road Race weekend, July 4th weekend, and
11 just about every weekend in the summer, we are
12 right on the cusp of using all of our water
13 resources. We are going to embark on a process
14 going forward to develop the next well and/or
15 wells, and this location is a prime location.
16 The Town owns the land. It's been designated
17 for water.

18 I think if we look long and hard - maybe
19 even not so long or hard, there are other
20 locations in town where we can use this money for
21 affordable housing. But there are few other
22 locations in town where we can use this money for
23 another source of water.

24 I ask you to vote against this article.

1 THE MODERATOR: Okay, Mr. Duffany.

2 MR. DUFFANY: Thank you, Mr. Moderator.
3 Michael Duffany, Precinct 6.

4 So, where did this come from? About a
5 year ago we voted for - we voted some money to
6 knock down a house and I honestly thought that we
7 were finishing off the house in Waquoit at the
8 time, where that money was going to. But,
9 instead that money went to tear down the home at
10 Peterson Farm. And that was a house that I had
11 on my radar screen as another house that was well
12 worthy of being able to be put into the housing
13 inventory, you know, for the affordable or
14 workforce housing in Falmouth.

15 So, I pull up to the site and they had
16 just finished the day before and it was all raked
17 out and cleaned and the Peterson Farm house was
18 gone. And that was a house that, we went to
19 school with a girl that lived there. I mean,
20 their house was very active for a number of
21 years.

22 So, I said, where does this money go to?
23 And I called Susan Smith of the Finance Committee
24 and sorry, Sue, I'm going to - I won't pick on

1 you, but I called Sue because I knew that I could
2 get a straight answer from her, "What did we just
3 vote this \$30,000 for?" I believe that was the
4 number. She said, "It's to tear down a house
5 out off of Sam Turner Road." So I said, "Well,
6 I'm going to go take a look at that house before
7 they go tear that one down, as well." Because,
8 again, we have a need.

9 And so I go out and I look at it.

10 And if you can put the slide back up
11 that shows this house.

12 It's on the fringe of the property, for
13 starters. It couldn't get any further away from
14 a potential wellsite than it is. It was an
15 existing home. It has the telephone pole on the
16 property. So it has an aerial eastment. It
17 also has Town water on the road, because we
18 brought the Town water there. So it has water
19 to it. And it needs a new septic system. And
20 regardless of whteher it was built 20 years ago
21 or 50 years ago, it would need a new Title V
22 anyways.

23 So, it will certainly have all of those
24 utilities.

1 But, you look at this - you can't see
2 from here, but on the right-hand side, there's
3 actually a garage under. So that stone goes
4 down another eight feet on the far side. It's
5 in impeccable condition. It has three sets of
6 stairs that you can see are overgrown. It has
7 two chimneys in it. All made of stone. That
8 were all built by hand, all little one man stone,
9 that somebody years ago - and I don't know when
10 the house was built, if it was built in the 30's
11 or the 60's or whatever - did an incredible job.
12 Actually, it was probably in the 40's, because I
13 look at the framing in this house, it looks like
14 it's construction fir that we used a lot of in
15 the mid-'40's to the mid-'50's.

16 So, you look at that and you go, so it's
17 been sitting since, what, 1980 something.
18 Without any maintenance whatsoever to it.

19 Hopefully I won't get arrested for this,
20 but I went in this house on Friday.

21 [Laughter.]

22 MR. DUFFANY: And I took a piece of
23 plywood - haha - I took a piece a plywood off the
24 garage under and I went inside to see what

1 condition it's in since it was boarded up, oh,
2 six months or so ago by the Town because of the
3 vandalism that was taking place and it was kind
4 of an attractive nuisance. And, I got to tell
5 you, it rained I think on Wednesday or Thursday,
6 and I was in there Friday morning about seven
7 o'clock; it was bone dry. I haven't seen a drop
8 of water in the house in the six times that I've
9 been in the house.

10 It has floors that are flat. It's been
11 pretty much gutted by kids or whoever that was in
12 there, so there's not a lot of demolition. It's
13 only a two bedroomn house. It's not a big
14 house. But anybody that's looked at it would
15 have - I think would share the same sentiment
16 that I have, is that any house that has survived
17 the last 35 or 40 years of complete and total
18 utter neglect, that's in the condition that this
19 house is in -- and this picture doesn't do it
20 justice.

21 If you go out there, you'll say the same
22 thing to yourself: you're gonna be like, "What is
23 - what am I missing?" You know, it needs a lot
24 of work. It needs new windows, needs siding,

1 needs roof. But it doesn't need to be torn
2 down. I wouldn't tear this house down if it was
3 mine.

4 You'd need to cut back about six inches
5 on the overhang. You can see that the eaves are
6 - are - you know, it not only has fly rafters,
7 but on the front it has a fairly significant
8 overhang that we could cut four inches back and
9 there'd be no rot. And we'd just keep right on
10 going. This house is extremely salvageable.

11 And I'm sorry that - that not everyone
12 has gone out to look at this and has, you know,
13 and has formed an opinion that it needs to come
14 down. It doesn't need to come down. And I
15 think that if you've looked at it, you'd say the
16 same thing. This is an opportunity --

17 THE MODERATOR: Okay, Mr. Duffany,
18 we're at four minutes.

19 MR. DUFFANY - and thank you.

20 I just wish you would consider this. I
21 think this should take a positive motion.

22 Thank you.

23 THE MODERATOR: Okay. Ms. Harris.

24 MS. HARRIS: Thank you, Mr. Moderator.

1 Charlotte Harris, Precinct 5. And I'm
2 a member of the Planning Board, but I don't speak
3 as a member of the Planning Board because the
4 Planning Board hasn't discussed this at all.

5 So, as coming from Precinct 5, I'd like
6 to speak against this project. I'm very much in
7 favor of affordable housing. Karen's
8 statistics are fine. It's true that we need it.
9 I don't think that this is the project that we
10 need.

11 This land was supposed to be for water
12 quality. I'm glad that Steve spoke up for that.
13 You've already heard that part.

14 We're being told that this is going to
15 be affordable housing. I don't believe it.
16 When Mary and I went to find this house, it's a
17 trick to find it. I don't know how many of you
18 have been to Williams Hollow Road. That's the
19 road sign on the little dirt road off Sam Turner.
20 On your GPS map it looks like Crooked Pond Road.
21 It's a winding dirt road that goes in and around
22 the top of Crooked Pond. And it's actually in
23 sight of the pond.

24 The thing that's going to - no matter

1 what it costs to redo the house, no matter how
2 much the builder really sacrifices to make it
3 affordable, the person who's going to live in
4 this is going to have to pay for the upkeep on
5 the house. It happened when we went to go take
6 a look at the house, it's a single track road.
7 We had to back up because another car was coming
8 in and it was Mr. Buchanan who lives at the end
9 of the road. His grandfather built that. He
10 tried to buy it from the Town because he loved
11 his grandfather and he likes the stonework. He
12 wasn't allowed to buy it because the water
13 quality issue was so paramount at that time.
14 So, he was refused.

15 But, what he did say is, is that there
16 are seven houses on the road. Only three of
17 them are people who live there full time. The
18 rest are just summer people because it's an
19 impassable road in the winter. And he said
20 that. He also said for each of the homeowners
21 has to pay about \$400 a month in carrying costs.

22 That telephone pole was put up
23 privately, the one that's in the front of the
24 house. The others were also put up privately.

1 They have to maintain them. They tried to get
2 Eversource to take responsibility for them;
3 Eversource won't do it because they're over ten
4 years old and Eversource won't do that.
5 Everything that comes in has to be paid for by
6 these seven houses, and that's about \$5,000 a
7 year on top of whatever the mortgage might be.

8 It's not going to be an affordable
9 property.

10 Other things. Two more points.

11 This is going to put the Planning Board,
12 should it come to them, and the article you'll
13 see says that it's going to, in a really
14 difficult position because it will invite us to
15 violate our own rules. This house is in two
16 acre zoning. Karen had said at one of the
17 precinct meetings, "Well, you can carve out a
18 little piece." You know, the Planning Board
19 doesn't carve out little pieces when the zoning
20 says too acres --

21 FROM THE FLOOR: Can you speak up.

22 MS. HARRIS: - sorry.

23 That's about the zoning. It's in two
24 acre zoning. The Planning Board doesn't carve

1 out little pieces in two acre zoning to make it
2 possible to make it to be a more affordable lot.

3 The most serious thing wrong with this
4 house is the road. The road is only twelve feet
5 wide at it's very, very widest. It's impossible
6 for two cars to pass one another on this road.
7 One or the other has to give way and find a place
8 to back up to. If you were 1.5 - how far down?
9 It seemed very far down, didn't it?

10 FROM THE FLOOR: .15.

11 MS. HARRIS: You can't see it from Sam
12 Turner Road. In fact, you can't see it when you
13 drive by it; it's covered up by trees. Even
14 though it's close to the road.

15 But it's a long ways in on the road.
16 The road is curvy. The road is hilly. It
17 would only take one tree falling across it and it
18 would be impassible. It would be impassible for
19 a fire truck to get down that road.

20 The zoning would say - or the letter of
21 determination it would need to say they have
22 adequate access says they would need 18 feet wide
23 roadway, and they don't have it there.

24 The final thing I want to say is I

1 really think it's an inappropriate use of public
2 money for affordable housing. The 65,000, after
3 all, is public money and the need for the town is
4 rental housing; it's not single family housing.
5 If the public money, rather than being handed out
6 65 grand apiece, were saved up so that we had
7 incentive money to build rental housing and get
8 in friendly 40B's, then we'd really be making a
9 dent in getting closer to have the 578 units we
10 need. We're not going to get there one at a
11 time.

12 THE MODERATOR: Okay, Ms. Harris you're
13 at four minutes.

14 Dr. Schneider.

15 I can put you back on the list, as well.

16 DR. SCHNEIDER: Barbara Schnieder,
17 Precinct 4.

18 My husband and I went to the house this
19 morning. It is not that hard to find. And it
20 is the second house down the road off of Sam
21 Turner.

22 My husband and I have guttted a 1926
23 English Tudor. We have completely redone an
24 1800's farmhouse in Ohio. We have experience

1 with these houses, as well as building new. And
2 I will tell you that this house is wonderful as
3 far as design, structure and potential. It had
4 icicles hanging down from it this morning. But
5 the stonework, the steps, the shape of it,
6 everything about it says it should be spared.

7 And we need to think of being a little
8 bit out of the box as we go forward.

9 We just - my husband and I went to look
10 at some new condominiums in North Falmouth, two
11 of which are affordable, six of which are not.
12 For ourselves. The two affordable units, which
13 you probably read about in the paper, ended up
14 getting 21 applications for purchase; 17 of which
15 were qualified buyers.

16 When we talk about needing rental
17 housing, you are absolutely right. But you also
18 need this type of ownership housing. This house
19 would make a wonderful house for a lot of people
20 who want to live here and work here and I really
21 hope you will consider this.

22 There are other houses on that road that
23 have been there. They haven't had an issue
24 about a fire truck. They have managed. And I

1 do think, with Mike Duffany's telling us that it
2 can be done in an affordable way, we should
3 believe him.

4 THE MODERATOR: Mr. Heylin.

5 Mr. Nettto, you're on the list.

6 MR. HEYLIN: Michael Heylin, Precinct
7 5.

8 First of all, I should have raised my
9 hand earlier. You all stole most of my thunder.

10 But I agree with Mr. Rafferty about the
11 water issue. We need this water for future
12 wells. Drinking water is very important. I
13 also want to mirror what Ms. Harris said about
14 the road. I drove down there the other day.
15 It is a very narrow road. The road is not
16 paved. The road is privately owned, I believe.
17 And it is not the best place for affordable
18 housing.

19 I'm all for affordable housing, but I
20 know the Planning Board and the Town has
21 discussed putting affordable housing in places
22 where people can get to. This home is not near
23 any public transportation. It is not near
24 shopping. It is not near any of these things.

1 And, one more thing, if we could put up
2 the numbers of what it would cost in that slide,
3 here. Keep on going, if you could. And right
4 here. No, I'm sorry, one more.

5 Where this money is coming from, the
6 money that you're asking the Town to get the
7 money. I sent an email and I apologize to
8 everyone here, reply all to the email. So, if
9 you got my email a couple of weeks ago, that's
10 why. But, a lot of the money that it's asking
11 is being asked to save this home is from CPC
12 money, which is not money in hand yet. So, my
13 issue is that if this does go through and those
14 CPC monies are used for other purposes around
15 town, then what happens to this house? We'll be
16 back here next year asking for it to be
17 demolished like we voted last year for it to be
18 demolished.

19 I urge everyone to vote no on this
20 article.

21 Thank you.

22 THE MODERATOR: Ms. Szuplat.

23 MS. SZUPLAT: Thank you, Mr. Vieira.

24 Peggy Szuplat, Precinct 7.

1 My husband and I did go out and look at
2 that house and I have to commend the photographer
3 that took the picture because that is the best
4 angle of that house.

5 [Laughter.]

6 MS. SZUPLAT: It shows the lovely
7 stonework. There is another fireplace pit that
8 is beautifully built. But if you walk around
9 that house, the other side has a gaping hole up
10 in the roof at the top of the side. That, if it
11 hasn't been boarded up until recently, it has
12 been having all sorts of animals and everything
13 else living in there for quite a while.

14 It's - I understand about the affordable
15 housing. It is a beautiful spot for the woods,
16 if you like that kind of place, but that is not
17 the house we need to buy and refurbish or give to
18 you to refurbish for affordable housing in this
19 town.

20 I'm sorry, I can't approve this.

21 THE MODERATOR: Okay, down in the
22 front, here. I saw a hand. Yep.

23 MS. BENNETT: Joanna Bennett, Precinct
24 8.

1 I'm going to go out on a limb and say
2 that the people who have spoken have not been
3 looking for affordable housing on an entry level
4 salary in the past ten years. My husband and I
5 have been, and all of our contemporaries have
6 been. I was born and raised in this town. I
7 work for the Falmouth Road Race. My husband
8 works for MBL. A lot of our friends work in
9 the community. We love this community. And we
10 want to live here. But it is really close to
11 impossible.

12 I cannot tell you how many times we have
13 seen friends leave the town when they don't want
14 to. Leave their jobs. Because they cannot
15 find anywhere to live.

16 And I'm hearing a lot of people saying
17 this: "I'm all for affordable housing but". And
18 I understand that this is a little out of the
19 box, but the reality is that that is where we are
20 at. We are not going to get this silver bullet
21 that's going to give us all 400 plus units that
22 we need. What we are going to do is do it one
23 at a time like this, or two at a time like the
24 units in North Falmouth.

1 This is how it happens.

2 And this unit may not seem like a big
3 deal to anyone, but for me, having looked for
4 housing for ten years, I am not kidding when I
5 say a decade spent looking at real estate
6 listings twice a day, trying to find somewhere
7 for my husband and myself and our three year old
8 son to live, that house would have saved our
9 lives. That house would have been a godsend.

10 And I can tell you that it would be just
11 that for so many of my firends that I know of,
12 that are looking for somewhere to live with their
13 family. Where they just want to be able to live
14 in this town that they love and that they work
15 in.

16 I would urge you to vote yes on this.

17 Thank you.

18 [Applause.]

19 THE MODERATOR: Okay, Mr. Swain. Mr.
20 Swain.

21 Microphone, please. With a microphone,
22 please.

23 MR. SWAIN: Thank you. Charlie Swain
24 from Precinct one.

1 I'm sorry, I'm a little confused on this
2 Article. We've been pushing affordable housing,
3 which the Town definitely needs. And Mr.
4 Rafferty said we need this piece of land for
5 water for the town.

6 Now, in my opinion, water is more
7 important than housing at this point. So, which
8 way are we headed, here? Is someone able to
9 explain? Should this be definitely saved for
10 water? Or should we reserve it for affordable
11 housing? Is there somebody that can answer that
12 question?

13 THE MODERATOR: No, I think that's why
14 we're here. You're going to make that decision
15 with this vote.

16 I mean, that's a value question. And
17 so you're all going to have to decide that when
18 you take this vote in a few minutes.

19 Ms. Bissonnette.

20 MS. BISONNETTE: So my understanding -
21 it's been quite an education - is that when you
22 site a well, Mr. Rafferty, that you need a 400
23 foot circumference around that spot, is that
24 correct? Right, you know, like, it has to be

1 radius, is that correct?

2 Is there - Peter, is there a picture of
3 that?

4 FROM THE FLOOR: Could you cue up the
5 Bob Shea slide with the red circle showing the
6 location of the house, please?

7 MS. BISSONNETTE: Because where this is
8 located, there wouldn't be - my understanding is
9 this wouldn't be an appropriate place, or the 400
10 feet that need to be around that wouldn't be an
11 appropriate place.

12 MR. RAFFERTY: So, I'm going to try to
13 do my best not to get argumentative about this.
14 There are a series of state regulations through
15 the DEP, referring to Zone 1, Zone 2 and Zone 3,
16 relative to any well that gets put in.

17 There is a Zone 1, and off the top of my
18 head I don't have it memorized for what a Zone 1
19 is. It might be the 400 foot radius you're
20 referring to.

21 And then Zone 2 is determined through a
22 hydrological evaluation of the soils and
23 everything to determine the zone of contribution
24 to the well, and other restrictions apply.

1 The issue is more, from my perspective,
2 that there's a thing called the Water Resource
3 Management Act that looks at how communities
4 manage their water resources and take care of
5 water resources over time, and whether they value
6 them and protect them. And are wasting water or
7 not wasting water in their community.

8 The study that I referred to looked at
9 locations like Beebe Woods, this parcel, and
10 portions of Ballymeade. Well, Ballymeade's no
11 longer available. Beebe Woods is no longer
12 available because of the determination that
13 there's salt water intrusion in that area.

14 This area sits at the top - more towards
15 the top of the aquifer, the Sagamore Lens, than
16 anyplace else than the town currently has options
17 or opportunity to. So, to the extent that the
18 state looks at the fact that the Town of Falmouth
19 wants to start carving little pieces of this land
20 off and giving it away for other purposes, the
21 state will look poorly at our request for more
22 water when we need it and will say, "You need to
23 restrict your growth or change the way you use
24 water", or whatever else.

1 We haven't tried to site another well up
2 there, yet, so I don't have a location for it.
3 I can't argue to the specifics one foot left or
4 right of where you want to do this exchange of
5 property. It's a parcel originally acquired for
6 water resources. Like I say, we built a
7 treatment plant up in North Falmouth there, the
8 Crooked Pond Treatment Plant. There's two
9 wells, one at Coonamesettt, one near Crooked
10 Pond that go to it. It was built so it could
11 take water from four wells over time and sized
12 out accordingly.

13 MS. BISSONNETTE: Thank you.

14 MR. RAFFERTY: I'm in favor of
15 affordable housing.

16 MS. BISSONNETTE: I know you are.

17 MR. Rafferty: I'd - I'd work with you
18 to find other locations.

19 MS. BISSONNETTE: Well. So, I'm just
20 going to answer some of the concerns that people
21 had.

22 As far as the carrying costs, the
23 numbers that I got from Mr. Buchanan was that
24 they spent \$30,000, the seven of them, over five

1 years. And when you divide that, that's \$857 a
2 year. And the number that I put in is \$120 a
3 month, which is almost twice that.

4 If we did get a two acre parcel, we
5 would be happy to put the rest of it in
6 Conservation so that nothing else could be built
7 on that.

8 As far as the 18 foot wide road, this is
9 not new construction; it's an existing house.
10 So I don't believe that that regulation would
11 cover that.

12 As far as rentals versus home ownership,
13 the money that you all have given to the CPC in
14 the last five years or so, 10.4 percent of it has
15 been for home ownership, which is well under the
16 15 percent that the Housing Production Plan
17 states is needed by Falmouth.

18 As far as it being out in the boonies,
19 as someone suggested, the other seven people who
20 live on that road I think eat well and I think
21 get to amenities in our community. I think that
22 the person that lives out there would have a car,
23 so I don't think they would need public
24 transportation.

1 So, all of those arguments, they are
2 arguments, but the reality is that, you know, it
3 is one house at a time and as I said, it's not
4 the most perfect place but I think the other
5 86.49 acres would be sufficient for our water.

6 Thank you.

7 THE MODERATOR: Mr. Netto.

8 MR. NETTO: Joe Netto, Precinct 9.

9 Fellow Town Meeting members, those of
10 you that were here at the beginning of this, as
11 Mr. Dufresne gave you the quick history, we
12 bought this purchase for a well site. Then we
13 were told to buy the 88 acres to protect that
14 well.

15 We were told by the Board of Selectmen
16 that we had to take the house down. And we
17 voted, this body, your predecessors and yourself,
18 some of you were here, we voted the \$30,000 to
19 tear the house down. And that's what we should
20 do.

21 Leslie Lichtenstein said exactly what I
22 was going to say at the podium tonight. This is
23 not a real estate article. This is not an
24 Affordable Housing article. This is an article

1 about protecting our watershed.

2 Previous to this, we had a citizen of
3 the town of Falmouth ask us to change the wetland
4 regulations. And I'm so happy that we didn't
5 listen to him. But that vote was unanimous not
6 to do it. And listening to the argument - I
7 happened to be sitting in the very, very back --
8 listening to the argument, it centered on
9 protecting the sole source aquifer of the Cape.

10 Here, we were told we should take this
11 house down to protect not only that aquifer, but
12 the well that sits on that property that we get
13 our water directly from. One of the Selectmen
14 on the stage talked about protecting the aquifer.
15 Yet, they're sponsoring an article: "Just let us
16 build this one house." No. This article's
17 coming down to the integrity of our legislative
18 body.

19 Previous speakers have spoken. Let's
20 do what we originally said we were going to do.

21 We all have sympathy; of course we do.
22 I think everyone of us has contributed in one way
23 or another by not only our votes, but we've taken
24 money out of our pockets.

1 I have a question for Mr. Rafferty, Mr.
2 Moderator, through you; may I ask?

3 Mr. Rafferty, in the future of the town
4 of Falmouth is there any more wells that could be
5 driven to provide the citizens of the Town of
6 Falmouth with clean, drinkable water from this
7 site?

8 MR. RAFFERTY: I think I've referenced
9 this previously, but a report was done a number
10 of years ago by a company looking at the sources
11 of water in town. This parcel is identified as
12 being capable of having up to four wells on the
13 site. We have one on the site currently.

14 Did that answer your question?

15 MR. NETTO: Yes.

16 One well there now with a future of
17 building four more.

18 We pay Mr. Rafferty - Mr. Jack isn't
19 here; he's ill tonight. I went to go see him.
20 He'd be telling you the same thing. Every
21 department head in the Town of Falmouth at a
22 meeting that had something to do with this
23 project told the Board of Selectmen that they
24 weren't in favor of this, whether it be Planning

1 - go right down the list. And we've got to get
2 this moving.

3 But this is not, again, an Affordable
4 Housing project. This is this body being asked
5 to do something and they do it. And then three
6 years later, as a previous speaker said, we're
7 going to change our mind? One of the Selectmen
8 again on the previous article says we have to
9 protect the sole source aquifer.

10 I would hope - and once we spend some
11 money, correct, Mr. Duffy? - at 630 Waquoit
12 Highway, we're going to have a house that we can
13 turn over to the Falmouth Housing Trust that's
14 right on Route 28, served by public
15 transportation and we can get the land.

16 THE MODERATOR: Okay --

17 MR. NETTO: Thank you.

18 THE MODERATOR: - we're at four
19 minutes. Okay.

20 Mr. Keefe.

21 MR. KEEFE: Brian Keefe, Precinct 4.
22 Motion to move the question, please.

23 THE MODERATOR: All right, we have a
24 motion to move the previous question. All those

1 in favor, signify by saying Aye.

2 [Aye.]

3 THE MODERATOR: All those opposed, no.

4 [No.]

5 THE MODERATOR: It is the opinion of
6 the Chair that the ayes have it by a two-thirds
7 and the question is closed.

8 This requires a two-thirds vote. So
9 let's cue a slide.

10 Okay, all those in favor of Article 19
11 as printed, signify by pressing one A. All those
12 opposed, two B.

13 [Pause while electronic vote scrolling.]

14 FROM THE FLOOR: Mr. Moderator.

15 THE MODERATOR: Yes.

16 FROM THE FLOOR: You said that this
17 takes two-thirds to pass?

18 THE MODERATOR: It requires two-thirds,
19 yeah. Because of the conveyance of land.

20 [Pause while electronic vote scrolling.]

21 THE MODERATOR: By a counted vote of 65
22 in favor and 126 opposed, the Article does not
23 pass.

24 Do you want to try to do one more before

1 we go?

2 FROM THE FLOOR: No.

3 THE MODERATOR: All right, see you

4 tomorrow at 7:00.

5 [10:54 p.m. Whereupon, the meeting adjourned for the
6 evening.]

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Night One of the Falmouth Annual Town Meeting, taken by me on Wednesday, November 13, 2019. To the best of my ability the within transcript is a complete, true and accurate record.

In witness whereof, I have hereunto set my hand and Notary Seal this 9th Day of January, 2020.

 Carol P. Tinkham, Notary Public
 My Commission Expires:
 April 5, 2024

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