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COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

SPRING TOWN MEETING

Memorial Auditorium  
Lawrence School  
Lakeview Avenue  
Falmouth, Massachusetts

MODERATOR: David T. Vieira

Thursday, April 5, 2012

7:00 p.m.

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P R O C E E D I N G S

1  
2 THE MODERATOR: Okay, let's re-  
3 establish a quorum for the Annual Town Meeting.  
4 We're going to pick up where we left off last  
5 night, Article 23.

6 Our tellers this evening, in the first  
7 division will be Mrs. Tashiro; in the second  
8 division will be Mr. Dufresne; and in the third  
9 division will be Mr. Hampson.

10 We've got a few more folks checking in,  
11 so let's let them come down and we'll establish  
12 the quorum.

13 [Pause.]

14 THE MODERATOR: Okay, here we go. All  
15 Town Meeting Members present please rise for the  
16 establishment of a quorum and the tellers will  
17 return a count.

18 [Pause.]

19 THE MODERATOR: In the first division -  
20 I guess they counted before I asked. In the  
21 first division, Mrs. Tashiro?

22 MRS. TASHIRO: 48.

23 THE MODERATOR: 48?

24 MRS. TASHIRO: Yes.

1 THE MODERATOR: 48 in the first  
2 division.

3 In the second division, Mr. Dufresne?

4 MR. DUFRESNE: 82.

5 THE MODERATOR: 82.

6 In the third division, Mr. Hampson?

7 MR. HAMPSON: 48.

8 THE MODERATOR: 48.

9 By a counted vote of 178, we have a  
10 quorum and we'll call the Annual Meeting back  
11 into session.

12 All present please rise for the pledge  
13 of allegiance.

14 [Pledge of Allegiance taken.]

15 THE MODERATOR: At this time I'll  
16 recognize Andrew Putnam for the invocation.

17 MR. PUTNAM: Heavenly Father, may our  
18 meeting this evening be not only an exercise of  
19 care and concern for our community and its  
20 residents, but also an example of how a community  
21 can agree and disagree and still be a community.  
22 We ask you to watch over and protect our  
23 families, our community, our nation, and our  
24 world.

1                   May your gift of peace become a reality  
2                   for all. Amen.

3                   THE MODERATOR: At this point, I'd like  
4                   to have a moment of silence. Last evening a  
5                   longtime member of our School Committee lost a  
6                   spouse. Suzanne McDonald passed, and in our  
7                   thoughts tonight we'd like to recognize the  
8                   MacDonald family. And also Mr. Bob Kelly is  
9                   very ill at this point and we'd like to keep the  
10                  Kelly family in our thoughts this evening.

11 [Moment of Silence.]

12                  THE MODERATOR: All be seated.

13                  Okay, last night we left on Article 23.  
14                  Could we have a slide with the main motion for  
15                  Article 23. It was slightly different than what  
16                  was printed as the article.

17                  I'm going to pick up where I left off on  
18                  the speaker list, so any individuals that want to  
19                  speak, just go through the normal course of  
20                  getting my attention and we'll add you to the  
21                  list. And we're going to ask that Town Meeting  
22                  Members be cognizant of the eleven articles that  
23                  are still on this warrant, and that we focus our  
24                  comments and we be concise and that we refrain

1 from any personalities during the course of  
2 debate.

3 At this time the Chair would recognize  
4 Mr. Moriarty as the next speaker.

5 MR. MORIARTY: Good evening, everyone.  
6 Dave Moriarty, Precinct 6.

7 I'm here tonight to ask you to look  
8 inside your hearts and try to put yourself in  
9 your neighbor's shoes. Just for a brief moment  
10 in time try to envision yourself a prisoner in  
11 your own home with no hope of escape from this  
12 awful manmade plague that's been forced upon you  
13 for no other reason than to generate income for  
14 the Town's coffers.

15 My question to everyone here tonight and  
16 listening at home is: what price would you pay to  
17 protect the health and well-being of your family?  
18 I think we all know the answer to that question,  
19 now don't we?

20 So please just with me tonight in voting  
21 yes on Article 23 so we may correct this  
22 injustice and restore our town back to the kind,  
23 loving, compassionate community that we have all  
24 come to love and cherish here in this great Town



1 of Falmouth.

2 Thank you for your time and  
3 consideration on this matter. Thank you very  
4 much.

5 THE MODERATOR: Ms. Tobey was next on  
6 our list.

7 Yes, could we get that slide up there  
8 with the main motion, please.

9 MS. TOBEY: Linda Tobey, Precinct 4. I  
10 support this article 100 percent for several  
11 reasons. But one in particular is that when we  
12 left in November and our Board of Selectmen had  
13 reached an agreement with the residents to listen  
14 to them, take into consideration what their needs  
15 were, I felt so good about being part of this  
16 town and this community and these decisions. I  
17 felt that it was small town government at its  
18 best. And I felt so good that we - I thought we  
19 had helped these residents. I mean, everybody  
20 makes mistakes, and it was a huge mistake that  
21 they weren't contacted in the beginning. But I  
22 really felt like we had made a difference, we had  
23 helped. And when I heard them get up last night  
24 and say that they had gone to the Selectmen's

1 Meetings and had not been allowed to speak and  
2 comment, I was appalled.

3 Now I'm feeling like it was the worst of  
4 decisions to allow that to have gone on and I'm  
5 very sorry. I'm very sorry that it happened and  
6 that tonight if we take this into our own hands  
7 and shut off those turbines, maybe something will  
8 be done. I have lost faith in our Selectmen that  
9 they can actually do what they say they are going  
10 to do, because they didn't do it the last time,  
11 and I'm sorry.

12 [Applause.]

13 THE MODERATOR: The Chair would ask if  
14 everyone on the stage could check to see whether  
15 or not your microphones are on, because we're  
16 starting to get some feedback. Just make sure  
17 that the microphones are off on the stage, thank  
18 you.

19 Next was Mr. Nidositko, from last night.

20 MR. Nidositko: Jim Nidositko,  
21 Precinct 6.

22 My only question is, along with Mr.  
23 Drumme, I believe he said the DEP did some  
24 studies or was also using some instruments; are

1 those results in and or are they part of the  
2 state tests?

3 And the other thing is, what concerns me  
4 is the decibel for average conversational speech,  
5 which would be if I stepped away from this  
6 microphone and spoke in a normal tone of voice,  
7 is 60 decibels. And I know that it was mentioned  
8 about infra sound or low tones and everything,  
9 but most of those decibel ratings I believe were  
10 in the 20's, 30's, and there might have been one  
11 that approached 56. But could you address  
12 whether or not the DEP's results are in and do  
13 they coincide with yours?

14 THE MODERATOR: Mr. Drummey.

15 MR. DRUMMEY: Good evening, Todd  
16 Drummey.

17 No, we finished - as far as I know, the  
18 last night of testing with Mass. DEP was March  
19 27<sup>th</sup>. So the report has not been created yet.

20 I've shared my results with them; they  
21 have not shared theirs with me, so I don't know  
22 the answer to that question.

23 THE MODERATOR: Okay. Mr. Latimer.

24 Mr. Latimer. Do we have a microphone for - okay.

1 MR. LATIMER: I'm Richard Latimer and  
2 I'm from Precinct 2 and I'm going to make some  
3 remarks. Unusual for me, they're prepared  
4 remarks. And the things that have to be said,  
5 I'm sure that everyone in this room is going to  
6 not like something I'm saying, but still these  
7 remarks have to be said.

8 We all must agree with Ms. Whitehead's  
9 statement that it is very wrong to inflict harm  
10 on others for our own economic benefit. That's a  
11 basic moral premise and it is so important that  
12 it must be kept in a rational perspective in our  
13 deliberations.

14 There is ample evidence that these wind  
15 turbines, especially the size that we are dealing  
16 with here in Falmouth, impose impacts adverse to  
17 health of people living near them. That's a  
18 significant concern. But those wind turbines are  
19 not the only energy related items that are  
20 contributing seriously to the ill health of not  
21 only those people living in West Falmouth near  
22 those turbines, but every one of us in this room,  
23 every one of us across the United States. And  
24 the world.

1           This is another local concern that we're  
2           dealing with that cannot be considered in any  
3           responsible way apart from what is happening  
4           nationally and worldwide.

5           There are large significant health  
6           effects from siting large wind turbines too close  
7           to residential homes. But there are even more  
8           significant health problems associated with  
9           generating corporate profits and indeed for our  
10          own economic interests, selfish interests in  
11          getting cheap energy that are produced by the  
12          petroleum industry, the coal industry, and other  
13          fossil fuel burning industries.

14          The 2009 report from the National  
15          Research Counsel on Energy Related Health Costs.  
16          The United States loses approximately \$120  
17          billion every year due to health costs associated  
18          with the burning of coal, gas, oil and even  
19          hepafied [sp?] ethanol - that's corn-based.

20          That's not just an economic issue in  
21          terms of the dollars being spent. That is,  
22          again, to get to Ms. Whitehead's standard of what  
23          are we doing to the health of other people and  
24          the welfare of other people in the name of cheap

1 energy and profits for the oil industry.

2 The largest portion of this expense is  
3 excess mortality, increased human deaths as a  
4 result of the air pollutants emitted by power  
5 plants and vehicles. This is the author of the  
6 report by the National Research Counsel, a Mr.  
7 Doctor Jared L. Conlon of Carnegie Mellon  
8 University: nearly 20,000 people die every -  
9 prematurely every year from those causes.

10 A more recent study, February, 2011,  
11 reported in the New York Academy of Sciences,  
12 this is in the Annals of the New York Academy of  
13 Sciences, it was a report authored by Dr. Paul  
14 Epstein, the Director of Harvard Medical School's  
15 Center for Health and Global Environment, and  
16 eleven other scientists, put the cost of dealing  
17 with this health issue at significantly higher.  
18 And, in terms of overall costs, including health  
19 and other adverse effects, about a trillion  
20 dollars annually. These are figures that cannot  
21 be responsibly ignored on the local level or the  
22 national level.

23 We also have to consider the military  
24 costs, billions of dollars every year being spent

1 at the Fifth Fleet to guard the Strait of Hormuz  
2 primarily to safeguard oil tankers bringing that  
3 product here to the United States and other  
4 places. And the military expense, again, that's  
5 a dollar expense, but what does the military do  
6 when it has to? Again, inflict harm on others,  
7 collateral damage in oil wars. Missile attacks  
8 with drones on countries where we think we have  
9 to protect our natural gas pipeline. That,  
10 again, is harm being inflicted on other people  
11 for our own selfish need for cheap energy and to  
12 protect the profits of big oil.

13 Billions of dollars to operate that  
14 twenty ship Fifth Fleet and now we're talking  
15 about the prospect of having to go to yet another  
16 war. More collateral damage. More young  
17 American lives lost.

18 As taxpayers and on behalf of the  
19 continued obscene profits of Big Oil -

20 THE MODERATOR: Mr. Dufresne, do we  
21 have a point of order?

22 MR. LATIMER: Excuse me.

23 THE MODERATOR: We have a point of  
24 order.

1 MR. DUFRESNE: [No mic:] I call a point  
2 of order. We're getting away from something -

3 FROM THE FLOOR: [No mic:] Not germane.

4 THE MODERATOR: Okay.

5 MR. LATIMER: It is germane.

6 THE MODERATOR: Okay.

7 MR. LATIMER: And I am going to -

8 THE MODERATOR: Okay, all right. Can  
9 we -

10 MR. DUFRESNE: [No mic. Inaudible.]

11 THE MODERATOR: Okay. All right.

12 MR. LATIMER: As I said, Mr. Moderator,  
13 many people aren't going to like what I have to  
14 say, but it has to be said.

15 THE MODERATOR: Let's -

16 FROM THE FLOOR: [Inaudible].

17 THE MODERATOR: Mr. Latimer?

18 MR. LATIMER: I am getting to the  
19 point, and I am getting there much more quickly  
20 than some of the other speakers have done so.

21 As taxpayers, we are continuing to  
22 support this massive assault by Big Oil on our  
23 health. And, as Ms. Whitehead said, that is not  
24 morally responsible and it is not economically



1 responsible, either.

2 So we're dealing with another issue here  
3 of how to get away from that dependence. There  
4 are several technologies that need to be  
5 developed to replace fossil fuel burning. There  
6 could be no question that we have to do that, for  
7 the moral reason that we don't want to keep  
8 inflicting harm on others. That technologies  
9 include wind power.

10 And we have to at this point develop  
11 reasonable standards for regulating the  
12 development of wind power here in Falmouth.  
13 Reasonable standards must be based upon a  
14 rational approach to mitigate documented effects,  
15 and that can only be done by performance  
16 standards. Not by simply saying "No", and  
17 preventing this technology from being built and  
18 therefore prevent it from being developed to  
19 improve, as all other technologies develop and  
20 improve through trial and error.

21 We must not, when we do this, indulge in  
22 hysterical concerns about annoyance, quote, from  
23 blade flicker or the remote possibility of injury  
24 from things like falling turbine blades or ice

1 throw. The documented incidents of those factors  
2 world-wide is statistically insignificant, as  
3 measured against the millions of turbines or the  
4 hundreds of thousands of turbines in operation.  
5 While any new technology involves some risk of  
6 adverse impacts.

7 I consulted an anti-wind website today.  
8 I was looking for the one that was most  
9 vehemently anti-wind to get the strongest  
10 possible case against wind and this website was  
11 documenting the number of injuries resulting from  
12 wind turbine accidents from 1970 through the end  
13 of 2011. That's about 42 years. The total  
14 number of injuries from things like blades  
15 falling off, ice throw, and all those other  
16 things, was 11,042, including a total of 87  
17 fatalities.

18 In the end of - that's as of the end of  
19 2011.

20 In 2011, with 656,000 wind turbines in  
21 operation worldwide, There were exactly 140 wind  
22 turbine accidents from things like blades falling  
23 off, flicker, ice throw. That is to say that  
24 about 2/100ths of a percent of the active wind

1 turbines in operation today have been responsible  
2 for any kind of serious accidental injury. That  
3 2011 figure for total wind turbine accidents  
4 pales beside the more than 20,000 deaths per year  
5 related to burning fossil fuels.

6 To put this into even sharper  
7 perspective, each year about 205,000 preschoolers  
8 have to go to the emergency room for injuries  
9 relating to using playground equipment. So why  
10 don't we just decide to eliminate all the swing  
11 sets and climbing bars on our public school  
12 grounds? The answer is simple: because, despite  
13 such a clear risk of injury, much greater risk of  
14 injury than results from things like blades  
15 falling off of wind turbines, the health and  
16 conditioning benefits of giving children access  
17 to such facilities far outweighs the potential  
18 for injury. That is true in spades when we're  
19 talking about wind turbines.

20 If the anti-wind zealots had been around  
21 100 years ago arguing about annoyances and  
22 statistically remote possibilities of injuries,  
23 we wouldn't have automobiles today, there would  
24 be no airports, there'd be no radio and

1 television towers and there'd be no schoolyard  
2 playgrounds.

3 We have to regulate wind turbines for  
4 one thing only: the very serious issues that are  
5 raised about health effects. And we must do so  
6 in a rational way, for reasonable and balanced  
7 performance standards that measures the effects,  
8 allows for a reasonable degree of adverse effect.  
9 As with any other technology, there's nothing we  
10 do on earth that doesn't hurt somebody, somehow,  
11 somewhere.

12 And we must do so in a way that doesn't  
13 just impose arbitrary setback rules that seek to  
14 impose some kind of zero tolerance standard. We  
15 don't do that with anything else; why should we  
16 do that with turbines? To do that is nothing  
17 but mindless Luddism, and, far from protecting  
18 any real threat to the health of our neighbors in  
19 West Falmouth, it would only serve to perpetuate  
20 Big Oil's massive assault on everyone's health  
21 worldwide.

22 Now, having said all that, and I know it  
23 doesn't please everybody, I'm going to say  
24 something else that's not going to please a whole

1 bunch of other people. And that is: to me, it is  
2 clear that the wind turbines in West Falmouth are  
3 simply too big to meet what we would probably  
4 come up with as being any reasonable performance  
5 standards.

6 I said this last fall. And I said this last  
7 fall for political reasons as much as anything  
8 else.

9 so we have to remove and relocate those  
10 turbines. Either that, or we have to bite the  
11 bullet and do an eminent domain taking of the  
12 properties around them in a fair way that  
13 reasonably compensates everybody.

14 We cannot tolerate the continued  
15 acrimony that we are experiencing over these wind  
16 turbines, and for economic reasons, for reasons  
17 of fairness to the neighbors in West Falmouth,  
18 and for reasons for allowing us to go forward in  
19 a rational and sane way on regulating wind  
20 turbines throughout the town, those turbines have  
21 to go. One way or another.

22 And I would say that I support this  
23 article for one reason only, and that would be to  
24 give the Selectmen direction to be working on

1 ways of removing those turbines in the most  
2 economical way and letting us then go forward on  
3 a sane basis, a rational basis that focuses in  
4 regulatory terms on the genuine health effects  
5 without getting into all the hysteria about wind  
6 turbine blades falling off onto somebody's house.  
7 Thank you.

8 [Applause.]

9 THE MODERATOR: Ms. Siegel. Ms.  
10 Siegel.

11 Could I have the mic carriers watch when  
12 somebody stands that I've called on them, to  
13 expedite the meeting so that everyone doesn't  
14 have to come to the front.

15 MS. SIEGEL: Deborah Siegel, Precinct  
16 6.

17 We are trying to find our way, and by  
18 "we", I mean all of us in this room, all of us  
19 and the town, in what has become a nationwide  
20 learning experience.

21 Boards of Health across our country have  
22 a new challenge from industrial wind turbines.  
23 These boards, like our own, commonly face a lack  
24 of regulations, a lack of documented history, a

1 lack of experience.

2 Furthermore, the state health  
3 departments from which they get professional  
4 guidance are also inexperienced in this problem.  
5 Guidance on wind turbine health problems  
6 requested by our Board of Health from the state a  
7 year ago has never arrived.

8 But there is precedent for action, and  
9 it is coming from far and near. The Brown County  
10 Board of Health has had to ask the State of  
11 Wisconsin for emergency financial relocation  
12 assistance for families affected by wind turbines  
13 who have had to abandon their homes. They have  
14 recognized Wind Turbine Syndrome as legitimate.  
15 They are taking care of a minority.

16 On Wednesday, August 10<sup>th</sup>, 2011, the  
17 Bourne Board of Health became the first of  
18 Massachusetts' 365 cities and towns to  
19 proactively pass health regulations for the  
20 responsible siting of wind turbines. This was a  
21 unanimous vote and was effective immediately.  
22 The bylaw does not ban wind power, nor does it  
23 call for a moratorium on the construction of wind  
24 turbines. It gives the bylaw some teeth by

1 defining proper acoustic and safety setbacks for  
2 the siting of these turbines.

3 Sometimes the cutting edge of technology  
4 is the bleeding edge, and that seems to be where  
5 we are now. Please pass this article so that we  
6 can stop the bleeding.

7 [Applause.]

8 THE MODERATOR: Okay, Mr. Eastman.  
9 Mr. Eastman was next on the list. Okay --

10 MR. EASTMAN: [No mic:] I'll just  
11 come down here, all right?

12 THE MODERATOR: Yeah, no, that's fine.  
13 But could I have the microphone carrier  
14 come about halfway down to the front of the  
15 auditorium.

16 MR. EASTMAN: Precinct 6, Chuck  
17 Eastman. You have to lean into the microphone,  
18 okay, all right.

19 I would like to express my concerns  
20 about the turbines as I live in Craggy Ridge.  
21 I'm a third generation family resident. Over  
22 time, my grandfather, father and my own  
23 observations, the Town of Falmouth has always  
24 tried to do the right things for its citizens.



1 The turbines are causing health issues in Craggy  
2 Ridge; that alone should be enough of an issue to  
3 shut them off and relocate them to a more  
4 suitable location.

5 I don't believe anyone has spoken to  
6 another very important issue, which is being able  
7 to sell your home. It has become readily  
8 apparent that people living in Craggy Ridge are  
9 not going to be able to sell. Since the turbines  
10 have been turned on, there have been no homes  
11 sold. These people I'm talking about are people  
12 who are trying to retire: nurses, teachers,  
13 firemen, local business owners, hospital  
14 employees, boat captains and carpenters. These  
15 are all lifelong residents who have lived and  
16 worked in Falmouth. It is not right that people  
17 cannot enjoy their homes, work in their yards and  
18 do what everyone else in Falmouth is entitled to  
19 do with their property.

20 I also want to make another point about  
21 the visual impact of the turbines. Driving down  
22 Route 28 or 28A, you see these massive-looking  
23 structures. They are so out of place in what is  
24 considered a historical district. Do you realize

1 that the 400 foot turbines are taller than the  
2 Statute of Liberty?

3 It's time for our leaders to right a  
4 wrong and involve the state to help Falmouth  
5 financially and to give direction in dealing with  
6 the turbines. The state of Massachusetts is part  
7 of the problem and therefore should be part of  
8 the solution.

9 In case anyone has forgotten, it was  
10 written in 1776 that all men are created equal,  
11 have unalienable rights, among these are life,  
12 liberty and the pursuit of happiness.

13 Please vote yes on Article 23. Thank  
14 you.

15 [Applause.]

16 THE MODERATOR: Mr. Zweig. Mr. Zweig.

17 MR. ZWEIG: Thank you, Mr. Moderator,  
18 Ronald Zweig, Precinct one.

19 Many of you may have seen the map that  
20 was in Tuesday's paper, that I have up there, in  
21 the Falmouth Enterprise. And it's quite  
22 interesting when you actually examine it and try  
23 to understand the details. What we find  
24 basically I think through this entire issue we're

1 facing - which is very serious on a lot of levels  
2 - and is that things are not black and white.  
3 And there are a lot of ways of looking at this  
4 and trying to understand really what's going on.  
5 And I think that what this map shows are the  
6 basically the big rings or the half-mile distance  
7 from each of the turbines, the three large ones  
8 in that area. And but I'll basically be just  
9 talking about the two, the Wind I and Wind II,  
10 because this map really is concerned with Wind I  
11 and Wind II.

12 And in this map they've got all the  
13 properties that are affected that have residences  
14 on them in this light green and then there's a  
15 darker green that's a little difficult to make  
16 out, here. It's easier to see here, in this  
17 area, of those homes that have expressed  
18 complaints through the complaint process. And so  
19 you can sort of look at this map and see the  
20 number of households and where the complaints are  
21 coming from.

22 Next, please. So, if you look at the  
23 total number of households within the one-half  
24 mile of Wind I and Wind II, we have 168

1 households. The number of households of those  
2 168 that have expressed a complaint are 14. This  
3 is very serious and these 14 really need to be -  
4 issues need to be addressed. We need to mitigate  
5 or compensate.

6 When we look at that in terms of the  
7 overall impact, in that one area it's relatively  
8 small in terms of the total number within that  
9 range.

10 Next, please. So, on this, we know that  
11 the Town has done many things, and one of them  
12 was to set up this complaint site at which the  
13 complaints were registered. What we don't have  
14 on line is a site to express our satisfaction  
15 with the turbines. And so we have seen publicly  
16 that at least these two households have come  
17 forward to express their feelings about the  
18 turbines and their sense of living in the  
19 proximity of them. And they're basically saying  
20 that yes, there is some noise. I heard that it  
21 may sound like a dryer occasionally running, a  
22 clothes dryer running in the house, but they're  
23 basically proud of what the town has done.

24 And they are in very close proximity to the

1 turbines. Very close. Deborah Cookson and  
2 Chris Allen are about as close as anybody is to  
3 one of the turbine towers.

4 Next, please. Okay, I went around the  
5 neighborhood. I've gone around and spent a lot  
6 of time up there, looking at and trying to listen  
7 and to understand what the neighborhood is like  
8 and being there.

9 Now, this house is a brand new house.  
10 And the building permit was issued last April.  
11 And it's under construction, it's probably nearly  
12 completed, now. But what you see behind it is  
13 Wind I, and this house is 1750 feet. It's a  
14 brand new house; someone is building, investing  
15 in this house in this place at this time. And  
16 so there is a certain interest in living in  
17 Falmouth and in living even perhaps next to the  
18 wind turbines, apparently, because this turbine's  
19 been running much longer than since April of last  
20 year.

21 Next. This house is at 300 Blacksmith  
22 Shop Road. The building permit was issued last  
23 year. It's 2,200 feet from Wind I. This is a  
24 major addition being constructed. It's a two car

1 garage, a new bedroom suite, a kitchen, a loft, I  
2 think a new dining area and a lot of things.  
3 Someone is investing a lot of money very close to  
4 the turbines. So there is something about, you  
5 know, that is going ahead.

6 This what is actually going on in our  
7 community today. And so if we consider these  
8 things, I think this kind of puts things in a  
9 slightly different perspective on how the Town  
10 can move forward and the way the Selectmen are  
11 actually advising or making decisions in that  
12 regard.

13 Next, please. Okay, so in terms of the  
14 number, point one percent, it's still  
15 significant. It's very significant, but I think  
16 that of the number of homes in Falmouth we have  
17 point one percent have been affected adversely  
18 and/or in terms of the complaints, only, and so  
19 but then again, as Mr. Latimer went through this,  
20 you know, 100 percent of us are affected by these  
21 other energy producing means raining down upon  
22 us. So the much we can reduce the amount of  
23 mercury that comes down, the better minds our  
24 children have and the - and so that's another

1 important thing. We can't even eat fish on Cape  
2 Cod anymore and this is - freshwater fish because  
3 they're - or a very limited amount because of the  
4 contamination and Minamata Disease and other  
5 things that could come from that.

6 The radiation issue, the groundwater  
7 pollution, some of these are more distant, some  
8 of them are more immediate, in terms of risk.

9 Next, please. So, considering the  
10 enormous cost implications to the Town, can we  
11 all help our neighbors by mitigating the impacts  
12 and compensating them for changes to their  
13 neighborhood? I think we can - that, as a Town,  
14 as all 23,500 households in this town, we can  
15 take this on and we can work together, all of us,  
16 including those who are speaking out. And I  
17 think that this is a - a critical thing.

18 We have all - almost - I think all of  
19 the Town employees are taking furloughs. They  
20 are all stressed, they are also distressed. They  
21 don't know what's coming next. How many more  
22 days? And if they have to take time off, what  
23 does it mean? The job doesn't get done? Not our  
24 employees; they get the job done. Even if it's

1 overtime, or whatever it takes, everything gets  
2 done in this town. And even if time is cut back,  
3 we still get the job done, but it's a stress  
4 because it's an income factor and it affects all  
5 of them directly.

6 So, what I'm trying to put forward,  
7 here, is that to shut down this process, to shut  
8 down this evaluation of what these turbines are  
9 doing and how they can be mitigated now,  
10 immediately, doesn't give us the opportunity to  
11 gain the benefits, to gain the greater financial  
12 security for the Town, to gain a better healthy  
13 environment for everyone, including those who may  
14 need compensation or some kind of assistance in  
15 dealing with the wind energy situation.

16 So I'm saying that, please support the  
17 Selectmen's plan. They've worked with - they've  
18 put many things forward. We have this - the  
19 Consensus Building Institute that they've brought  
20 in. We've got sound studies going on, and those  
21 sound studies need to continue. And these are  
22 things that need to be done, and it needs to be  
23 done in a way that will minimize impacts on the  
24 short term, and find a solution for the long



1 term. If that results in moving the turbines, it  
2 does. That's what happened; that's what will  
3 come out of this process, and we have to, like,  
4 minimize, again, the impacts as we come to that  
5 evaluation.

6 So I suggest that we, as representatives  
7 of this town, vote no on this article. We need  
8 to move forward, we need to look forward, and  
9 that's what I would request. Thank you.

10 [Applause.]

11 THE MODERATOR: Okay, I've got four  
12 people in the back on the list, so you don't have  
13 to keep jumping, you're on a long list that's  
14 establishing here.

15 Mr. Soares, you're next on the list.

16 MR. SOARES: Reggie Soares, Precinct 8.

17 I urge support for this. We are waiting  
18 for further studies, of course, but I think we  
19 see the results of this study or this experiment,  
20 the experiment being that the turbines were put  
21 too close and the results of that are our  
22 neighbors' health is being affected.

23 I think we should shut them down now  
24 and, although I applaud the mitigation efforts,

1 of course, we have to shut them down and we're  
2 going eventually move them; we know that. So, if  
3 there's no sense putting good money after bad,  
4 let's move them now while we can. Thank you.

5 [Applause.]

6 THE MODERATOR: Ms. Harper. Let's go,  
7 folks. Ms. Harper.

8 MS. HARPER: Thank you. First of all,  
9 I was very pleased to hear the first speaker say  
10 that Falmouth is a great town. This is a great  
11 town. And I'm not going to try and convince you  
12 of anything tonight. I think most of you have  
13 come to this meeting prepared to vote. But I do  
14 want to share some information with you.

15 Town Meeting really has two options.  
16 You vote to advise the Board of Selectmen to shut  
17 down the turbines because that's where your  
18 fundamental viewpoint is, or you advise the Town  
19 to continue the process to develop a long-range  
20 plan and not impact the operations of the - the  
21 other operations of our community adversely.

22 And I just want to walk through a few  
23 recent activities. In August of 2011, the Board  
24 voted to engage Weston and Sampson to prepare the

1 cost benefit analysis of six mitigation options.  
2 On November 8<sup>th</sup>, we met at this Town Meeting and I  
3 also was very proud of the vote that was taken,  
4 agreed to a study period which expires on April  
5 17<sup>th</sup>.

6 In December, just after the Town  
7 Meeting, the wind turbine mitigation report was  
8 received. On December 19<sup>th</sup>, consultant's options  
9 for third party review, both technical and sound  
10 studies, were posted by the Board of Selectmen,  
11 and then on January 9<sup>th</sup>, following a public review  
12 process and selection process, those consultants  
13 were hired, including the Consensus Building  
14 Institute, to allow us to participate in a  
15 facilitated review process.

16 The first communication came out on  
17 January 28<sup>th</sup>, and this is just a couple of the  
18 paragraphs: The Town of Falmouth Board of  
19 Selectmen has committed to soliciting the input  
20 of residents and other stakeholders on the Wind  
21 Turbine Mitigation Options Report, and exploring  
22 the potential for a collaborative process to seek  
23 short and longer term plans for the operation of  
24 the turbines and responding to impacts to the

1 Town budget. The Consensus Building Institute  
2 has been hired to assist in collecting initial  
3 responses to the report and, if appropriate,  
4 developing an appropriate process and  
5 facilitating that process.

6 CBI is conducting confidential  
7 interviews and focus groups with representatives  
8 of sample key stakeholders to understand their  
9 thoughts and concerns on the results of the  
10 mitigation report and possible steps forward.

11 Also in January, the Town Meeting  
12 petitioners submitted an article to this body and  
13 I view that as an intervention in the process  
14 that was ongoing. But I do understand that that  
15 needed to happen at that time in order to have  
16 anything before the April Town Meeting.

17 Letters to all abutters to Wind II were  
18 sent out, informing them that Wind II was coming  
19 online, and we referred them directly to the  
20 tracking log so that they were made aware that  
21 they had a form for complaints should they have  
22 them. And then there were regular informational  
23 blasts to anyone that participates in the  
24 Falmouth Wind gmail account.

1 I've heard a lot of questions about who  
2 CBI is, so I thought I'd share just a little bit  
3 about them. In addition to significant  
4 environmental project experience and work moving  
5 wind turbines, CBI, which comes out of Harvard  
6 University, they've worked on case studies  
7 including resolving conflicts between the Israeli  
8 Government and the Bedouin stakeholders. They've  
9 worked on international finance and global policy  
10 review, as well as many other international  
11 business and energy-related projects.

12 Why a facilitated process? There is a  
13 complete and total breakdown in communication by  
14 both sides. We can acknowledge that the first  
15 consensus building process was a failure and a  
16 setback that we will continue to have to  
17 overcome. All of the 53 interviewees mentioned  
18 the need to create a safe space for dialogue, and  
19 I can tell you that, personally, I came to a  
20 point where I felt very insecure about my own  
21 safety based on communications that I received  
22 personally and other information, as well as what  
23 I think was a very comprehensive and effective  
24 international global campaign to vilify the Town

1 of Falmouth.

2 Almost all 53 interviewees raised  
3 concerns about insuring that all participants can  
4 respectfully speak their minds without  
5 intimidation during any process. And also for  
6 the Board of Selectmen, pending lawsuits make  
7 communication in public session extremely  
8 difficult.

9 There have been nuisance claims filed.  
10 Twenty-six individuals, involving several  
11 families. The defense of those is provided by  
12 attorneys appointed by the Town's insurer. There  
13 are limits on liability on those cases. There's  
14 also the zoning case which you are aware of, and  
15 that's in the Superior Court, and I defer to Town  
16 Counsel for any additional information about  
17 those cases.

18 Last evening, you received a  
19 presentation by the Chairman of the Board of  
20 Selectmen. Our legal counsel recommended that  
21 she include this disclaimer of liability in her  
22 presentation, but in good judgment, and out of  
23 deep respect for this body and our neighbors, she  
24 chose not to read that disclaimer, and I just

1 need to share with you that they have reached  
2 well beyond what they've been recommended to by  
3 our counsel in an effort to help continue a  
4 public process.

5 The fiscal concerns. They are  
6 legitimate. This entire context, which is a  
7 \$624,000 annual context, is in a time frame where  
8 there have been reductions in life-changing  
9 cutbacks for our employees. We've laid off  
10 valued employees, with life-changing  
11 consequences. We've also required employees to  
12 give up one week's pay or more. Some of these  
13 employees live on a very limited income.

14 What the Town has done, the Board of  
15 Selectmen has been open to study. They've been  
16 open to feedback. They have curtailed the  
17 machine operation. They have welcomed regulatory  
18 investigation. They've identified resources for  
19 third party evaluation. They've been open to  
20 Board of Health recommendations, state health  
21 recommendations. They've included frequent  
22 notifications to abutters of operations. They've  
23 been open to complaints, in fact recruited  
24 feedback by establishing a complaint filing

1 process. They've agreed to and proposed a  
2 facilitated review process and they have adopted  
3 consensus building, which looks promising.

4 February and March of this year, the  
5 Consensus Building Institute interviewed 53 of  
6 the stakeholders and the third party review  
7 process was completed. CBI submitted their  
8 findings and recommendations to this Town on  
9 March 22<sup>nd</sup>, and that is available on the Town's  
10 website and has been since then, and the site is  
11 there.

12 April, 2012, what's next? CBI has found  
13 that they see a promising opportunity for  
14 collaborative engagement to be around  
15 recommendations for a long-term decision  
16 regarding the turbines. CBI has requested that  
17 we schedule a meeting of stakeholders as soon as  
18 possible to review its draft process and  
19 recommendations. The meeting will be held on  
20 April 12 at the Falmouth Public Library and will  
21 be facilitated by the Consensus Building  
22 Institute.

23 And then finally their key  
24 recommendation. They recommend that the Town of



1 Falmouth Board of Selectmen with the assistance  
2 of a neutral facilitator convene a Wind Turbine  
3 Operations Analysis Committee to be made up of  
4 themselves, representatives of the adversely  
5 affected neighbors, renewable energy supporters,  
6 taxpayer representatives from non-affected homes,  
7 government departments, state agencies, to meet  
8 as needed to clarify the range of potential long-  
9 term options, leaving no potential long-term  
10 options off the table. Identifying the questions  
11 for investigation, determining legitimate methods  
12 for answering those questions, and jointly  
13 reviewing the information to re-evaluate the  
14 options given for new information.

15 And that is the end of my presentation.  
16 And I think the thing I'm really struggling with  
17 Town Meeting struggle with, is the need to  
18 deprive the opportunity for a mitigated operation  
19 that allows for some limited revenue that will  
20 allow you to continue a decision-making process  
21 that will not force you into a budget-cutting  
22 exercise. Because I see that is the likelihood  
23 if you vote to shut down, we'll be back in  
24 November cutting the budget.

1 Thank you.

2 THE MODERATOR: Mr. Wilber.

3 MR. WILBER: Good evening, everyone.

4 Jude Wilber from Precinct 8.

5 Four things that I've been hearing.

6 First, allegations and hyperbole.

7 Second, science. Third, breach of major and

8 minor breach of process. And fourth, the money.

9 Okay?

10 The first three are easily handled.

11 Simply take the allegations and hyperbole off the

12 table; it serves no purpose.

13 Second, the science can be handled in a

14 far more simple fashion than has been suggested,

15 and I have outlined a plan of how to do this and

16 I will present it to all interested parties. I

17 will not speak to it here tonight.

18 Major and minor breaches of process.

19 Don't sweat the small stuff. Correct the big

20 stuff. There are ways to do this and it must be

21 done.

22 Fourth, the money. Money is never

23 easily handled. We've been through the budget.

24 Do we know where we stand? The assertion has

1           been made that for our Town leaders, it's all  
2           about the money, has always been about the money.  
3           There was a rush to erect the turbines, trammeled  
4           process and perhaps make bad decisions. But  
5           please remember, people, the cry for responsible  
6           fiscal management and new income streams has  
7           outshouted every other issue in this Town for the  
8           last four years. We want money. Where's it  
9           gonna come from?

10                   The turbines are a new and significant  
11           income stream, and there were little health  
12           concerns when they were sited. How could there  
13           have been? Only upon operation were they  
14           defined.

15                   Question: will a complete and permanent  
16           shutdown of the turbines and an abandoning of any  
17           future turbines seriously jeopardize our Town's  
18           finances and energy policy? For now, I will  
19           assume the answer is yes.

20                   Will derelict turbines be a consistent  
21           reminder of our failure and divisiveness?  
22           Again, I would say yes.

23                   Question: Can Falmouth monetarily afford  
24           to abandon the turbine project? On paper, at

1 least, the answer is no. But to suggest that  
2 the installation of the turbines was a doomed  
3 project and nothing at all except "about the  
4 money" are the most cynical of arguments, and  
5 they should be clearly seen for what they are.

6 The only question is this: what is the  
7 right thing to do? What does our Town ethic  
8 suggest here? First I would say this: make sure  
9 the nature and cause of the family of symptoms  
10 that have been forthcoming is well defined. In  
11 other words, what the hell is happening to these  
12 people near the turbines exactly?

13 Second: obey the law. If the Turbine  
14 placement violates radii effects for residential  
15 neighborhoods, then get 'em out of there.  
16 Period. That's the law. Make plans to move 'em  
17 and do that immediately.

18 Third: do not say we cannot afford to  
19 move them. The Town might not have to bear all  
20 the cost. If but one is moved and brought to  
21 full operating capacity, without shutdown,  
22 without curtailment, that income will go a long  
23 way toward paying the freight for relocating the  
24 other turbines and continuing the turbine

1 project.

2 Hopefully, this will allow full  
3 operation of the turbines and eliminate the  
4 controversy.

5 We are talking about a reduced income  
6 gap that can be bridged in many ways when we are  
7 talking about shutting down these turbines and  
8 moving them. And the results on paper are far  
9 more profitable and far less controversial in the  
10 end.

11 Finally, I suggest that we do this as a  
12 community, as a whole, proud town. The town that  
13 has been spoken of many times during this  
14 meeting. Let no one breach trust or cause need  
15 for further allegations. This is a co-commitment  
16 on the part of everyone. We do not - I suggest  
17 that we may not need a consensus building third  
18 party to do this. What we need is commonsense,  
19 obedience to process and law, a little fiscal  
20 ice-skating, and most importantly a strong  
21 commitment to a common cause. Thank you.

22 [Applause.]

23 THE MODERATOR: Okay, my next speaker  
24 was in the back. My next speaker was in the back

1 left center, but I believe the person moved. Who  
2 was sitting over here? Okay, yes. Yes, you were  
3 next on the list. Identification please.

4 MS. KARPLUS: I'm coming down.

5 Sia Karplus, Precinct 2. I'm the vice-  
6 chair of the Energy Committee. I was not on the  
7 Energy Committee when the wind turbine project  
8 began or continued and/or was finished. I am - I  
9 postdate the turbine.

10 I got interested in the turbine project  
11 when we started hearing that there were concerns  
12 and complaints and so I made it my business to  
13 become more informed than I had been before. I  
14 went to the two public meetings that the Town  
15 held last summer and I started looking at the  
16 issues and the facts and the background of the  
17 project and also the issues and the facts and the  
18 background of energy policy locally and  
19 nationally. And I am not, how shall I say,  
20 philosophically devoted to wind energy.

21 But I am philosophically devoted to an  
22 honest and fair representation of the facts, and  
23 that's why I'm standing here right now. I would  
24 like to clarify three points of fact that were

1 brought up last night.

2 And the first one has to do with the  
3 decision-making process that led to the Selectmen  
4 choosing to erect wind turbines in the Town of  
5 Falmouth. That decision-making process began in  
6 2004 and, between 2004 and 2009, seven letters  
7 were actually sent to residents within a 900 foot  
8 radius. That information is public and it was  
9 published on the Town's website.

10 There's a document entitled "Responses  
11 to Technical Issues Raised During the June 6,  
12 2011 Falmouth Board of Selectmen Meeting", and  
13 there were letters sent. In addition, there were  
14 two public information meetings held between 2004  
15 and 2009. This was a process that took years and  
16 there was a concerted effort on the part of the  
17 Energy Committee and the Board of Selectmen to  
18 involve people and inform people and actually get  
19 public input. It's accurate and truthful to say  
20 the Town - the people that were involved in this  
21 process informed.

22 In addition to the public meetings and  
23 the seven letters that went out over the course  
24 of these several years, there was also newspaper

1 coverage. You can look in the newspapers and see  
2 that the Falmouth Enterprise covered the  
3 unfolding of this decision-making process.

4 And the final reality of the open  
5 decision-making process is that Town Meeting on  
6 seven separate occasions voted to support aspects  
7 of this planning and decision making process that  
8 ultimately has led to the erection of these  
9 turbines.

10 So, that's the fact. That's the truth.  
11 That's what really went on.

12 And the second point of fact that I'd  
13 like to clarify relates to the communication  
14 between the Selectmen and the neighbors who have  
15 been affected. The issue is there is a lawsuit.  
16 That has effectively muzzled the Selectmen. For  
17 people to then stand up and say the Selectmen  
18 aren't talking to the abutters is a little  
19 disingenuous. It's not really fair to the  
20 reality of a lawsuit going on and an inability to  
21 really communicate.

22 So I just wanted to point that out,  
23 because I think it's important to keep our facts  
24 straight when we have emotional issues. I am not



1 suggesting that the complaints are not real, but  
2 I am suggesting that we need to keep the  
3 decision-making clear and fact-based.

4 So, my final point. I'd like to clarify  
5 that the officials of the Town of Falmouth, the  
6 staff of the Town of Falmouth, and the staff of  
7 the Department of Public Works was not simply  
8 looking at grabbing a pot of money, as has been  
9 intimated, in putting up these wind turbines.  
10 There are some really important and good goals  
11 that these turbines actually achieve. And the  
12 first one is a fiscal goal. It eliminates -  
13 these wind turbines eliminate \$120,000 of utility  
14 bill - of electric bill for the wastewater  
15 treatment facility. \$120,000 is a real number and  
16 the Board of Selectmen and their staff and the  
17 DPW recognized that trying to handle that  
18 magnitude of electric bill with a project that  
19 could take it off the balance sheet was sound  
20 fiscal planning.

21 The Town of Falmouth, in addition to  
22 that \$120,000, spends a million dollars a year in  
23 electricity. That's a big number. That's a huge  
24 line item, and that electricity, it's an

1 expensive cost. So from a fiscal responsibility,  
2 from fiscal planning, the Board of Selectmen  
3 recognized that there was an option to install a  
4 piece of technology that could, for 20 years or  
5 more, stabilize the cost of energy. That's a  
6 good thing. The Board of Selectmen was thinking  
7 on the behalf of the Town to do a good thing.

8 I'm not going to talk about the national  
9 goals, because I think those have been brought  
10 up. But the second goal that these wind turbines  
11 achieve are health related. And Mr. Latimer did  
12 an excellent job. I'm not going to reiterate his  
13 details, but it is a point. It was a point in  
14 the planning process and it was a point in the  
15 decision-making process.

16 The idea was: we care about our  
17 collective health. We care about our economic  
18 health and we care about our personal health and  
19 actually building wind turbines is a way to  
20 improve health.

21 The final goal that these wind turbines  
22 still achieve is an environmental one. Now, if  
23 you believe in global warming, then you recognize  
24 that reducing greenhouse gases is the most

1 important thing you can do. If you believe in  
2 global warming, the CO2 reduction from these wind  
3 turbines is the most important things we can do  
4 as a citizen of this world.

5 But you know what? Not everybody  
6 believes in global warming. And even if you  
7 don't, even if global warming is too esoteric and  
8 too far-reaching to affect our personal lives, we  
9 can recognize that reducing mercury, reducing  
10 smog and creating better air quality is  
11 important.

12 Barnstable County has a level of air  
13 quality of F. That means we fail. We're sitting  
14 in a school. It is unconscionable that we would  
15 not recognize the asthma effects, the health  
16 effects and the personal immediate effects that a  
17 level of air quality of F has on all of us.

18 So, I want to actually put this in a  
19 perspective for the Board of Selectmen not that  
20 they were bamboozled, not that they were  
21 following some red - you know, yellow brick road  
22 to nowhere. They were thinking fiscally, they  
23 were thinking environmentally and they were also  
24 thinking in terms of health when they agreed that

1 these turbines were a good idea.

2 In addition to those points of fact that  
3 I wanted to clarify, the last point I'd like to  
4 make is an observation. Last night, Todd Drummey  
5 shared some information, a slide, that seemed to  
6 indicate that the wind turbines as they're  
7 currently running exceed the Town's Wind Bylaw  
8 for noise. While that slide is provocative, it  
9 had not been looked at or reviewed by anyone else  
10 prior to the meeting. And it's an important  
11 decision whether we curtail the turbines in the  
12 evening, as the Selectmen have suggested, or  
13 wholesale turn them off. That's a big decision.  
14 And I would recommend to this group not to make  
15 that decision based on evidence that hasn't been  
16 reviewed, and on information that is not, at  
17 least to the information that I understand,  
18 completely accurate, and I would strongly suggest  
19 that we vote down Article 23 and you vote thus to  
20 support the Selectmen who are going through a  
21 very rational, reasonable, and comprehensive  
22 process for determining what to do next. Thank  
23 you.

24 [Applause.]

1 THE MODERATOR: Okay. In the back  
2 right, on the aisle. Back right on the aisle.  
3 Ms. Funfar.

4 MS. FUNFAR: Good evening. I'm Diane  
5 Funfar. I live at 27 Ridge View Drive. And I  
6 thank you for the opportunity to speak tonight.

7 There's so much unknown about the health  
8 effects of wind turbines. They affect different  
9 people differently. We are here about our  
10 health. Our health 24 hours a day, seven days a  
11 week, 52 weeks out of the year. What we are  
12 telling you is the truth about how it's affecting  
13 us.

14 At Fall Town Meeting, I spoke about my  
15 husband's symptoms and explained why our life at  
16 home has been difficult. I also read a letter  
17 from his doctor. I will not repeat that.

18 For about two years, I have been  
19 experiencing problems with my contact lenses. I  
20 have been a contact lense wearer for 42 years.  
21 I began having puffiness, pus accumulation and  
22 redness and I stopped wearing my contacts. But  
23 the problem persisted. My eye doctor prescribed  
24 an expensive eye drop which I use regularly but

1 no relief.

2 On February 1<sup>st</sup>, 2012, I attended a wind  
3 working group seminar in Waltham where Dr.  
4 Heiger-Bernays, a medical doctor and a member of  
5 the state DEP/DPH expert science and health panel  
6 spoke to the known effects of living too close -  
7 the known health effects of living too close to  
8 industrial wind turbines. She mentioned eye  
9 discharge. It was there that I made the  
10 connection of living too close to a turbine and  
11 my own eye problems.

12 After spending seven weeks in southeast  
13 Asia this winter, where the air was anything but  
14 satisfactory, my eyes cleared up. Now home only  
15 since March 28, the problem has re-appeared.

16 Earlier in this Town Meeting, you have  
17 voted to approve Article 7, which protects the  
18 citizens of Falmouth by putting a moratorium on  
19 wind turbine construction until further studies  
20 are complete. I commend you for this. All  
21 Falmouth residents are protected, except those of  
22 us who live near the present Falmouth turbines.

23 For all the reasons you passed Article  
24 7, Article 23 should also be passed. We are

1 simply asking you to protect us from these ill  
2 effects. The same quality of life  
3 considerations that you have given to the rest of  
4 the town.

5 Please vote yes on Article 23. Thank  
6 you.

7 THE MODERATOR: Mr. Dick, you're next  
8 on the list.

9 MR. WILBER: [No mic:] Point of order,  
10 Mr. Chairman.

11 THE MODERATOR: Mr. Wilber.

12 MR. WILBER: [No mic:] Can we have  
13 the article on the wall, again?

14 THE MODERATOR: Okay. Can we bring  
15 the article up, please.

16 MR. DICK: Henry Dick, Precinct 8.

17 I'm often reminded when I listen to the  
18 debate here about a parable that someone told me  
19 once. Global warming, oil, big corporations,  
20 money. A lot of points in principle here. It  
21 was about a judge standing next to a lawyer at a  
22 hanging. And the judge said, "That man really  
23 shouldn't have died, but it was a point of  
24 principle." And the lawyer replied, "Your

1 principle, Your Honor. His life." And I think  
2 that has to be taken into consideration, here.

3 I think also this article is asking to  
4 suspend the wind farm until November of 2012, not  
5 indefinitely. And by November of 2012, we'll  
6 have the report back from the DEP and a lot of  
7 things might be a lot clearer.

8 In the meantime, we should not be  
9 putting the health of the neighbors at risk.  
10 Because if we're wrong, let's get talking about  
11 money again. The liability is huge.

12 Now, the other thing for those who are  
13 concerned about the principle of clean power.  
14 This little project is giving wind power a very  
15 bad name across the entire United States. It's  
16 made the national news that it is hurting wind  
17 power world class. So, if you try to win a  
18 victory tonight by running those windmills for  
19 another four months, you may do a heck of a lot  
20 more damage to clean energy than any other thing  
21 you can do. Thank you.

22 THE MODERATOR: Okay, Mr. Putnam. No,  
23 no, Mr. Pinto, sorry. I'm slipping, here.

24 MR. PINTO: thank you, Mr. Moderator.



1 Greg Pinto, Precinct 3.

2 I don't know about the other 200-plus of  
3 you, but I was pretty well prepared to vote on  
4 this article before I walked through the door.  
5 So I think it's time to take a vote. I make a  
6 motion that we suspend discussion and we move to  
7 the vote.

8 THE MODERATOR: Okay. The question  
9 will come on moving the previous question to  
10 close discussion. It requires two-thirds. All  
11 those in favor of closing discussion and going to  
12 the main motion, signify by saying aye.

13 [Aye.]

14 THE MODERATOR: All those opposed no.

15 [No.]

16 THE MODERATOR: The opinion of the  
17 chair is that the ayes have by a two-thirds  
18 majority and the question has been called.

19 The question will come on the main  
20 motion as presented up on the - what's this?

21 [Pause.]

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

23 THE MODERATOR: I'm sorry? This is an  
24 amendment?

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

2 THE MODERATOR: Discussion's been  
3 closed, so an amendment's not in order.

4 FROM THE FLOOR: [No mic:] I'm on the  
5 list.

6 THE MODERATOR: You are on the list,  
7 with 12 other people.

8 So the question will come on the main  
9 motion as presented up on the overhead. All  
10 those in favor of the main motion, signify by  
11 saying aye.

12 [Aye.]

13 THE MODERATOR: All those opposed, no.

14 [No.]

15 THE MODERATOR: All those in favor,  
16 signify by standing and the tellers will return a  
17 count.

18 [Pause.]

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

21 MRS. TASHIRO: 21.

22 THE MODERATOR: 21.

23 In the third division, Mr. Hampson.

24 MR. HAMPSON: 25.

1 THE MODERATOR: 25.

2 In the second division, Mr. Dufresne.

3 MR. DUFRESNE: 54.

4 THE MODERATOR: 54.

5 All those opposed, signify by standing  
6 and the tellers return a count.

7 [Pause.]

8 THE MODERATOR: In the first division,  
9 Mrs. Tashiro.

10 MRS. TASHIRO: 24.

11 THE MODERATOR: 24.

12 In the second division, Mr. Dufresne.

13 MR. DUFRESNE: 27.

14 THE MODERATOR: 27.

15 In the third division, Mr. Hampson.

16 MR. HAMPSON: 24.

17 THE MODERATOR: 24.

18 By a counted vote of 100 in favor and 75  
19 opposed, the article passes.

20 [Applause.]

21 FROM THE FLOOR: [No mic:] [Inaudible]  
22 and I thank you.

23 THE MODERATOR: The next one we have is  
24 Article 24.

1 Article 24, the recommendation of the  
2 Board of Selectmen is indefinite postponement.  
3 This is to pass a resolution to support the  
4 updated bottle bill. This was held by Mr.  
5 Lowell. Mr. Lowell.

6 MR. LOWELL: [No mic. Inaudible.]

7 THE MODERATOR: Mr. Oppenheim? Mr.  
8 Oppenheim. Oh, it was Ms. Lowell, okay.

9 MR. OPPENHIEM: Mr. Moderator, would it  
10 be in order to present a procedural motion at  
11 this time, before the next article is taken up?

12 THE MODERATOR: That would be  
13 appropriate.

14 MR. OPPENHEIM: I would like to read a  
15 motion for a rule to be imposed upon Town Meeting  
16 for the balance of the meeting. I move that the  
17 balance of the Annual Town Meeting for April,  
18 2012, that the Moderator, with the assistance of  
19 the Town Clerk as a timekeeper, limit debate on  
20 each article to a maximum of 30 minutes, with the  
21 proponent allowed ten minutes to make an initial  
22 presentation, to be followed by up to ten minutes  
23 of rebuttal or opposition speakers.

24 Any extension of time would be by a

1 majority vote of Town Meeting.

2 All non-presenting speakers are urged to  
3 keep their remarks to five minutes or less, and  
4 to not repeat comments already made by prior  
5 speakers.

6 I am a member of the Rules Committee,  
7 but I am making this motion as a Town Meeting  
8 Member without the authority of the Rules  
9 Committee. Thank you.

10 THE MODERATOR: Okay, the motion to  
11 limit debate requires two-thirds. So the motion  
12 to impose the rule which limits debate should  
13 require a two-thirds as well, and then the rule  
14 that Mr. Oppenheim is suggesting would be you  
15 could extend it by a majority rather than having  
16 to have a two-thirds to extend it.

17 So this is a rule that Town Meeting by a  
18 two-thirds vote can impose upon this meeting; it  
19 would absolve itself at the end of the meeting.

20 All those in favor of imposing the rule,  
21 signify by saying aye.

22 [Aye.]

23 THE MODERATOR: All those opposed, no.

24 [No.]

1 THE MODERATOR: It's the opinion of  
2 the chair that the ayes have it by a two-thirds.

3 Does the Clerk have the - each of the  
4 provisions, so that we can keep track of this?

5 This is one of the reasons why we never  
6 did. This gets a little difficult to keep track  
7 of this. But - yes, Mr. Shearer.

8 MR. SHEARER: [No mic: Inaudible.]

9 THE MODERATOR: No, microphone,  
10 microphone, Mr. Shearer.

11 MR. SHEARER: Dan Shearer, Precinct 6.

12 Since the Moderator keeps lists, I think  
13 we should go without the list and he should call  
14 on the person that yells the loudest.

15 [Laughter.]

16 MR. SHEARER: I've been on two lists in  
17 this Town Meeting and haven't been allowed to  
18 speak. I had an amendment which we would have -  
19 if it had passed, I think --

20 THE MODERATOR: Okay, we're going to do  
21 this --

22 MR. SHEARER: - would have made a lot  
23 of people happy and we would have saved money.

24 THE MODERATOR: Mr. Shearer, we're

1 going to solve this problem. We're going to do  
2 it like many of my colleagues do it. I'm going  
3 to impose a rule on the meeting. All those in  
4 favor of an article will line up behind this  
5 microphone. All those opposed will line up  
6 behind that microphone. And all those which  
7 cannot make it to the microphone for a physical  
8 reason will raise their hands and they'll be  
9 recognized and we'll get them one of the  
10 microphone carriers.

11 So, all those in favor will be to my  
12 right. All those opposed will be to my left.  
13 You'll stand in line; everybody will be able to  
14 see how many speakers there are. And that's a  
15 rule that I'm going to impose right now. And  
16 we'll see how it works.

17 Article 24, Ms. Lowell.

18 And there's no question about my list,  
19 because you'll see them standing right in front  
20 of you.

21 [Laughter and applause.]

22 MS. LOWELL: I held this article for  
23 the proponent who will be coming down here. I am  
24 in favor of it also, so I'll wait behind her.

1 THE MODERATOR: Okay, so you'd like to  
2 make a main motion as printed?

3 MS. LOWELL: I'll make the article as  
4 printed.

5 THE MODERATOR: Okay, Article 24, the  
6 main motion as printed.

7 Okay, folks, you might as well come on  
8 down and start lining up.

9 MS. LOWELL: [No mic:] We only have  
10 ten minutes, you got to go fast.

11 MR. KLUEVER: Janet Kluever, Precinct  
12 8. I'm here tonight to ask Town Meeting Members  
13 to pass a resolution to support legislative  
14 passage of the updated bottle bill, which will  
15 add water, juice and other non-carbonated  
16 beverages to the current five cent deposit  
17 system.

18 Exhibit one: this is what happens when  
19 most all non-deposit bottles - with all non-  
20 deposit bottles. They are thrown out of cars,  
21 left on our beaches, and dumped into our waters.  
22 It's not a pretty sight and it surely does not  
23 promote tourism in Falmouth.

24 The regional bottle bill was passed in



1 1983. Eighty percent of the bottles and cans  
2 covered by this bill are recycled. Eighty  
3 percent of the containers not covered by this  
4 bill are landfilled or incinerated. Already 207  
5 towns in Massachusetts, including ten Cape Cod  
6 towns, have passed this resolution.

7 Passage of this bill will have the  
8 following direct effects in Falmouth: it will  
9 save Falmouth money by diverting these containers  
10 from our recycling bins and trash to redemption  
11 centers. It will reduce litter on our roadsides,  
12 beaches and waters and the cost of cleaning it  
13 up.

14 There are other, indirect benefits as  
15 well, such as saving energy, reducing our carbon  
16 footprint and creating jobs. It is not a tax,  
17 and it is up to all Massachusetts towns to  
18 support passage of this bill and push back  
19 against the big businesses that are preventing  
20 its passage.

21 Please vote yes on Article 24, it's a  
22 win-win situation for everyone. Thank you.

23 THE MODERATOR: To my left.

24 MS. LOWELL: I get to go? I thought

1           you said -

2                   THE MODERATOR:    This is the way it  
3 goes.  One in favor and one opposed and one in  
4 favor and one opposed.  So now we're going to  
5 the opposition.  This is how it works in other  
6 towns, so we're going to try it here.  To my  
7 left.

8                   MR. PUTNAM:    Thank you, Mr. Moderator,  
9 Brent Putnam, Board of Selectmen, Precinct 9 Town  
10 Meeting Member.

11                   We're becoming a circus, aren't we?

12                   I am arguing against this article in  
13 principle, not for its content.  We have spent  
14 the last four nights in Town Meeting - it's the  
15 longest town Meeting that I can remember, having  
16 been involved in Town government for the last ten  
17 years in some way, shape or form.  And now we  
18 have rules imposed upon us which are almost  
19 circus-like after having presentations and  
20 debates that have gone on and on and on.  And now  
21 we have before us this article and another one,  
22 resolutions that deal with business that is not  
23 before Town Meeting.  That is not before the  
24 Town.

1           This article deals with a bill at the  
2           state level. The next article deals with a  
3           potential amendment to the United States  
4           Constitution. Both fantastic ideas, wonderful  
5           concepts, great ideas for discussion but are they  
6           Town Meeting business? Is this what we should be  
7           doing with our time, is debating whether or not  
8           Beacon Hill should be passing a bill? Because I  
9           would remind you all: there's an act on Beacon  
10          Hill right now preserving public trust rights in  
11          land affected by ocean erosion. That would  
12          clearly affect the Town of Falmouth the way the  
13          bottle bill might; do we really want to be  
14          debating that one?

15                 The next article talks about a  
16          constitutional amendment. Are we prepared to  
17          debate the Second Amendment, ladies and  
18          gentlemen? Because right now in Congress there's  
19          a law that would allow an individual who has a  
20          concealed weapons permit to use that in other  
21          states. Do we want to have that debate here on  
22          Town Meeting floor? Because we could be here  
23          five or six or ten nights, at the rate we're  
24          going.

1 I'm asking you to vote against this  
2 article and against the next article in  
3 principle. Let's keep Town Meeting business on  
4 this floor. Let's focus on the Town's business.  
5 If you'd like to sign a petition endorsing the  
6 bottle bill, I'm sure these folks would be happy  
7 to collect your signatures and bring them to  
8 Beacon Hill. Our state representative I'm sure  
9 would love to hear from you. But, in the  
10 meantime, let's not waste our time with things  
11 that belong on Beacon Hill or Capitol Hill.  
12 Thank you.

13 [Applause.]

14 THE MODERATOR: To my right. Let's  
15 go, Folks. To my right, Ms. Lowell.

16 MS. LOWELL: I have sympathy with  
17 Selectman Putnam's point of view, but I also  
18 think the tradition of Town Meeting has often  
19 been to speak out on things. We are the grass  
20 roots and this is quite a local issue, even  
21 though it's a state legislative matter.

22 It's very local. I, responding to the  
23 plea for help with the Clean Up Week, I went out  
24 and started my stretch of Sippewisset Road and I

1 found in my little 200 yard stretch that I did on  
2 either side of the road one dozen nips, six  
3 juice/water bottles - which are not - which would  
4 be the subject of this deposit. Only two  
5 returnable beer cans, and one personal-sized wine  
6 bottle, one Dunkin' Donuts cup, two cigarette  
7 packs and lots of other little indiscriminate  
8 pieces of paper.

9 But this is a very local impact. The  
10 water bottles, the tea bottles, the juice  
11 bottles, they're everywhere.

12 And I think Town Meeting hasn't always  
13 had a tradition of only sticking narrowly to  
14 things that are a Town bylaw, zoning or the Town  
15 budget. This is a New England Town Meeting. It  
16 wasn't just for a narrow view of what happens in  
17 your town. Towns have always felt free to  
18 express their opinions.

19 I agree it could get out of hand, but I  
20 think on this particular issue it is very local  
21 and it won't hurt for the Town to vote and say,  
22 Yes, this is a good idea. Thank you.

23 [Applause.]

24 THE MODERATOR: Okay, to my left. No

1 one to my left. To my right.

2 MR. LATIMER: Thank you, Mr. Moderator.  
3 Richard Latimer, Precinct 2. Isn't Falmouth  
4 Nice? Oh, yeah, trash by the sides of the road.  
5 Plastic bottles that the gleaners won't pick up  
6 because they can't get any money out of it. And  
7 that directly affects our livelihood here if we  
8 become a dumping ground for any kind of trash,  
9 which is what is happening.

10 I had to leave my car over at Gordon  
11 Luzann's, [sp?] and I walked there to pick it up  
12 and I walked back and innumerable bottles - among  
13 other trash, but innumerable plastic bottles that  
14 people won't pick up and cash because there's  
15 nothing in them. So that means that the Town or  
16 the clean-up effort has to do it.

17 Meantime, the people who dispose of  
18 these bottles at home, what do they do to them?  
19 They put them in their recycling bin and that  
20 goes out on the street to be recycled under a  
21 contract that we have to fund here at Town  
22 Meeting. This is very clearly a local issue for  
23 us because we're talking about how to save money  
24 on the budget. Well, if we could reduce the

1 amount of plastic significantly, reduce the  
2 amount of plastic that goes into those bins, we  
3 would therefore be able to get a better price  
4 from our recycling contractor. Duh.

5 I mean, this is a very local issue. And  
6 to listen to myopic concerns about, "Well, we are  
7 just very narrowly concerned with Town business,"  
8 well, it's myopia. We are living in a world  
9 society, a larger society, where everything that  
10 happens on the national stage, everything that  
11 happens on the world stage, impacts us here.

12 We've seen this with the healthcare  
13 issue that we discussed.

14 THE MODERATOR: Would the Town Meeting  
15 Members please quell the undercurrent.

16 MR. LATIMER: We've seen this with the  
17 energy issues that we've been discussing. We can  
18 no longer afford to be myopic and to take the  
19 kind of view that's suggested by some of us here  
20 that - that we cannot look at this question  
21 because it's not strictly Town business. That is  
22 myopia and it is ultimately foolishness. Thank  
23 you.

24 THE MODERATOR: To my left.

1 MR. PUTNAM: Mr. Moderator, I  
2 respectfully call the question.

3 [Applause.]

4 THE MODERATOR: The question comes on  
5 calling the previous - oh, what? What?

6 [Laughter.]

7 MR. PINTO: [No mic:] You've always  
8 stated that if someone gets up to speak, they  
9 cannot call the question.

10 THE MODERATOR: That's correct. And  
11 then he sat down and there was nobody at the  
12 microphone on the left and he was the next  
13 speaker, on the opposite side.

14 MR. PINTO: [No mic:] Well, that's a  
15 little wishy-washy Dave.

16 THE MODERATOR: This is how other towns  
17 do it; this is how we're going to do it tonight.

18 All those in favor of closing  
19 discussion, signify by saying aye.

20 [Aye.]

21 THE MODERATOR: All those opposed no.

22 [No.]

23 THE MODERATOR: The ayes have it by the  
24 two-thirds and the question will come on the main



1 motion as printed. As printed. All those in  
2 favor of the main motion, signify by saying aye.

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [No.]

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

8 [Applause.]

9 THE MODERATOR: I'll save the Town 44  
10 cents; I'll bring this to Beacon Hill next week.

11 Article 25, to see if - 25, to see if  
12 the Town will vote to adopt a resolution dealing  
13 with Citizen's United versus the FEC. Who  
14 actually held this? Mr. Oppenheim? Okay.

15 Main motion on the floor. The  
16 recommendation by the Board of Selectmen is  
17 indefinite postponement.

18 MR. OPPENHEIM: Mr. Moderator, I'd like  
19 to put a positive motion on the floor, please.  
20 That the Town Meeting consider the article as  
21 printed.

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

24 Mr. Oppenheim.

1 MR. OPPENHEIM: Okay, we have the slide  
2 up, thank you.

3 Mr. Moderator, Members of Town Meeting,  
4 Selectmen and citizens of our community, my name  
5 is Jeff Oppenheim. I'm a Town Meeting Member  
6 from Precinct 6. I've been asked by the  
7 petitioners to make the presentation on the  
8 article.

9 This article asks us to pass a  
10 resolution calling upon our congressional  
11 delegation and the U.S. Congress to pass and send  
12 to the states for ratification a constitutional  
13 amendment. This amendment would re-establish  
14 that the term "person", as used in the  
15 Constitution of the United States, refers only to  
16 a natural person and not a business corporation.

17 This resolution also asks the Mass.  
18 Legislature to call upon Congress to do the same.  
19 Excuse me. Excuse me.

20 The purpose of this amendment is to  
21 limit undue corporate influence in elections.  
22 The framers of the Constitution and the Bill of  
23 Rights were wary of corporate influence in  
24 politics and actively sought to limit such

1 influence. For the last 235 years various  
2 corporations have challenged those limits before  
3 the Supreme Court. Congress has reacted to these  
4 challenges in a variety of ways, but most  
5 recently one of their reactions was to pass the  
6 bipartisan Campaign Reform Act of 2002.

7           Excuse me. This act put limits on  
8 corporate spending in our election process. It's  
9 popularly known as the McCain-Finegold Bill,  
10 named after Senator John McCain, a Republican  
11 from Arizona, and Russ Finegold, a Democrat from  
12 Wisconsin. It had the support of both Democrats  
13 and Republicans; what a novel idea.

14           In 2010, as a result of the Citizens  
15 United versus the Federal Election Commission  
16 case, the Supreme Court, in a close five to four  
17 decision, overruled both the lower courts and its  
18 own precedent to reach what I believe is a  
19 tortured conclusion: that any corporation has the  
20 full range of rights to free speech that the  
21 Constitution guarantees to each one of us as  
22 individuals.

23           What has happened to "We the People"?

24           The results of this far-ranging, close

1 decision by our Supreme Court is that  
2 corporations now have the right to spend  
3 unlimited sums of money to influence elections.  
4 We have seen the impact of this decision already  
5 in the 2010 midterm elections and now in the  
6 presidential primaries and soon in the general  
7 election. The Citizens United decision decimated  
8 the carefully calibrated McCain-Finegold  
9 bipartisan legislation. The balance represented  
10 by this legislation must be restored by We the  
11 People: you and I and others like us, by a  
12 Constitutional Amendment.

13 The Citizens United case was brought to  
14 court by a Political Action Committee, or PAC,  
15 which had received a donation directly from a  
16 corporation. The PAC challenged the modest  
17 Federal Election Commission ruling that  
18 restricted corporate spending on mass media  
19 within 30 days prior to a primary election and 60  
20 days prior to a general election. The Citizen  
21 United plaintiffs argued that this violated the  
22 group's First Amendment right to free speech.

23 One of the results of the Supreme  
24 Court's decision is that PAC's buy up all the

1 available television advertising slots in the  
2 weeks prior to an election in order to influence  
3 the vote. To influence our opinions.

4 We all understand that access to mass  
5 media is essential for effective exercise of free  
6 speech in the 21<sup>st</sup> Century of our American  
7 politics. Unfortunately, what we are seeing in  
8 the last couple of years is that corporations  
9 with millions of dollars to expend on mass media  
10 are the ones that are heard, not We the People.  
11 Those of us without substantial resources are  
12 simply being drowned out. It is my belief that  
13 this is fundamentally unfair and undemocratic and  
14 will lead to additional cynicism and declining  
15 participation by We the People in the political  
16 process.

17 So why are the petitioners bringing this  
18 before you? Is this suitable for us to be  
19 considering, especially after being here for  
20 untold hours? A Constitutional Amendment being  
21 considered here in our small town?

22 Well, this is democracy at the  
23 grassroots level, in case you haven't figured  
24 that out. We've been seeing it for the last few

1           nights.

2                       To those of you I say remember: there  
3           have been 27 amendments to our Constitution.  
4           Nine from the grassroots, up. Several were in  
5           response to decisions of the Supreme Court.  
6           Other amendments corrected what We the People  
7           concluded were improper restrictions on the  
8           rights of all people to participate in self  
9           government on equal terms.

10                      The business of Town Meeting is what we  
11           decide our business will be. It's what our  
12           community and petitioners decide our business  
13           will be.

14                      It seems at every Town Meeting we have  
15           petitioners' articles that we thoughtfully review  
16           as part of our democratic, grassroots form of  
17           government. Many of our Constitutional  
18           Amendments have come to Congress from us. Town  
19           Meeting is effectively the grassroots voice of  
20           our community.

21                      Now, if you think we're out on the  
22           extreme end of some spectrum by even considering  
23           this, I will tell that the Towns of Brewster,  
24           Chatham, Dennis, Orleans, Provincetown, Truro,

1 and Wellfleet, towns on our peninsula, have all  
2 voted in favor of this.

3 Across our country, 130 towns and cities  
4 in 16 states have passed resolutions to amend the  
5 Constitution on this issue.

6 Five bills have been introduced into the U.S.  
7 Congress to amend the Constitution on this issue.  
8 This is a very pressing national issue.

9 So why should we discuss it, here in  
10 Falmouth? Are we insulated from the effects of  
11 this Supreme Court ruling? No, we're not.  
12 Consider what would happen if a large corporation  
13 with unlimited funds wanted to affect the  
14 business of this community? Perhaps change our  
15 zoning? Perhaps have a casino somewhere  
16 between our wind turbines?

17 [Laughter.]

18 MR. OPPENHEIM: And We the People, our  
19 voices would be drowned out and you and I and our  
20 local voices and our ability to debate, as we've  
21 done over the last three nights, would become  
22 moot.

23 Unrestricted corporate spending, which  
24 is the result of the Citizens United decision, is

1 not limited to presidential or even congressional  
2 elections, but can filter down to our level.

3 I'll give you an example. In Denver last fall  
4 six -

5 THE MODERATOR: The gentleman's time is  
6 expired.

7 MR. OPPENHEIM: Okay. Can I ask for  
8 one more minute?

9 THE MODERATOR: Okay, the gentleman's  
10 asking for one more minute. All those in favor  
11 of another minute, signify by saying aye.

12 [Aye.]

13 THE MODERATOR: All those opposed no.

14 [No.]

15 THE MODERATOR: The ayes have it, one  
16 minute.

17 MR. OPPENHEIM: Thank you. I urge you  
18 to vote in favor of this non-partisan article  
19 which does not favor any one party but seeks to  
20 preserve the voice of We the People. Unlimited  
21 corporate spending is adversely affecting  
22 Republicans and Democrats alike at the state,  
23 congressional and presidential levels.

24 It is not a conservative or liberal



1 issue, since the money from the corporations is  
2 having a profound impact on issues that both  
3 parties care deeply about. Please join me by  
4 voicing our collective concern as Falmouth Town  
5 Meeting Members in seeking a Constitutional  
6 Amendment affirming that We the People and not  
7 corporations are protected by our First  
8 Amendment. Thank you.

9 [Applause.]

10 THE MODERATOR: To my left.

11 MR. PUTNAM: Good evening. My name is  
12 Andrew Putnam, Precinct 9. Also Chairman of the  
13 Affirmative Action Committee for the Town.

14 I don't disagree with the petitioners,  
15 so it's funny that I find myself on this side.  
16 The last bill, I disagreed with my father; I  
17 think it is a town issue. Sorry -- you know.  
18 But my father and I disagree on a lot of issues.  
19 That's, you know, new story.

20 So, let me get to the point, though. I  
21 do, I think it's a terrible issue. I think it's  
22 an absolutely horrible issue, and the We the  
23 People, I mean, we saw me bringing that in  
24 November when I talked about the Selectmen being

1 Town Meeting Members.

2 I believe in our democracy as a country.  
3 I believe in the grassroots. And I believe in  
4 the citizens being able to make an informed and  
5 clear decision without a company spending a  
6 hundred million dollars on someone who's -  
7 doesn't represent anybody. But they get in.  
8 Why? Yes, because the company has spent that  
9 much money and yes, it costs a lot, a lot more  
10 than it ever has, to run a presidential campaign,  
11 a campaign to be senator. But that is the  
12 problem, is that this - this is not the venue for  
13 that.

14 I don't see things being changed on  
15 Capitol Hill because Town Meetings are voting for  
16 resolutions. Martin Luther King didn't change  
17 things on Capitol Hill because Town Meetings were  
18 voting for resolutions.

19 The solution to these problems is not us  
20 sitting here and talking back and forth for  
21 hours. The solution is getting out. It is  
22 marching on the Capitol building. It is  
23 demanding of our Congress in person in the  
24 hundreds of thousands or the millions of voices

1 that stand on their front lawn, saying, "Enough  
2 is enough." That, that is how we change things  
3 on Capitol Hill. That is how we make our voices  
4 heard.

5 I wish, I do wish that Town Meeting  
6 passing a resolution did make a difference. I  
7 do. Because it'd be so much easier to go from  
8 town and town and say, "Mr. Dufresne," - I'm  
9 sorry, I had to use you as an example, you're  
10 right there - "please, please, pass this  
11 resolution and change things on Capitol Hill.  
12 Get your fellow Town Meeting Members to vote for  
13 it." But the problem is, that doesn't work. We  
14 know it doesn't work. We know that's not how you  
15 get Congress to do something.

16 And, and, and, like I said, I wish that  
17 it did, because that is the problem, it doesn't.  
18 But nobody changes things without taking this big  
19 step, and that is marching on Capitol Hill.

20 So, I do, I urge all of you to vote this  
21 down. Not because of the fact that this is a  
22 terrible idea. This is an incredible idea. But  
23 because I would rather see all of us marching on  
24 Capitol Hill and actually making the difference

1 on their front lawn than here, debating something  
2 that they may never see on Capitol Hill. And  
3 that's why I urge you to vote this down. Thank  
4 you.

5 THE MODERATOR: Mr. Herbst, to my  
6 right.

7 MR. HERBST: Ralph Herbst, Precinct 8.  
8 I'm tired of money influencing decisions that  
9 affect all of the citizens of the United States  
10 of America. I urge that you support this article  
11 and I yield the remainder of my time to the  
12 people standing behind me.

13 [Applause.]

14 MS. HAYWARD: Good evening. I'm Nancy  
15 -

16 THE MODERATOR: We're going to take a  
17 quick check, because he's trying to yield the  
18 floor. I don't think that's in Town Meeting  
19 time, but let's check.

20 MR. HAYWARD: Oh. You mean he yields  
21 to -

22 THE MODERATOR: Yielding is not a  
23 formal motion before Town Meeting, it's in  
24 Robert's Rules. So to my left.

1 MS. HAYWARD: I'm Nancy Hayward,  
2 Precinct 5.

3 FROM THE FLOOR: [Inaudible.]

4 MS. HAYWARD: Nancy Hayward, Precinct  
5 5. Precinct 5 and 6 had a precinct meeting. I'm  
6 not here to express my opinion. At Precinct 5  
7 and 6 meeting, Mr. Alexander Ziss and I believe  
8 Mrs. Ziss -- but one should never jump to those  
9 conclusions these days -

10 [Laughter.]

11 MS. HAYWARD: - appeared at the  
12 Precinct meeting and Mr. Ziss handed me a sheet  
13 of paper. And I told - I have one comment to  
14 make. This has been this evening a very noisy  
15 Town Meeting. I had difficulty hearing and I  
16 think that we should - I understand it's late and  
17 everybody's a little het up. I think even I  
18 would like it to be a little quiet when I'm  
19 speaking.

20 Mr. Ziss handed me a piece of paper and  
21 I said to Mr. Ziss, I said, "I do not believe  
22 that this is an issue to bring before Town  
23 Meeting. This is an issue which rates a lot of  
24 discussion and, Mr. Ziss, we have many venues in

1 Town where you and your group of people who want  
2 to bring this before the citizens of Falmouth can  
3 hold your meetings." And he said, "But all  
4 these towns down Cape voted for this." And I  
5 said, "Mr. Ziss, this is not a Falmouth issue  
6 which should be brought before the Falmouth Town  
7 Meeting." Thank you very much.

8 THE MODERATOR: Okay, to my right, Mr.  
9 Wilber.

10 MR. WILBER: Jude Wilber, Precinct 8.  
11 This is the most important article I've ever seen  
12 on our warrant. And I will speak to it based on  
13 personal experience in this town and the personal  
14 experiences in this town that happened this last  
15 year. And I offer this as but one example of  
16 where the path of corporate personhood may lead.

17 Six months after a person's status was  
18 bestowed on the largest corporation in this  
19 state, NStar took that designation in confidence  
20 and rolled through our villages clear cutting in  
21 an unprecedented, arrogant, intentionally  
22 deceptive and wholly dismissive fashion.

23 This new person came to our  
24 neighborhoods in an almost military fashion,

1           slashing while homeowners in this town were at  
2           work, leaving them to return to devastation.  
3           Many lost tens of thousands of dollars in  
4           property. The total loss will run into the  
5           millions.

6                     If there are unsalable homes in the wind  
7           turbine fields, there are at least as many  
8           unsalable properties along the Great Slash in  
9           Hatchville.

10                    Every aspect of the Wetlands Bylaw Act  
11           was violated and every single oversight unit was  
12           bypassed by this new person.

13                    As Mr. Hampson's testified, if he,  
14           undeniably a person, had done it, he would now be  
15           an arrested felon. The reason, "We now have the  
16           right" was heard often. Mr. Hayes, the NStar  
17           arborist stated, "I can do whatever I want."  
18           "We" and "I" are personal pronouns.

19                    In summary, our new, bigger, better  
20           personhood now trumps that of all you little  
21           persons. You have no recourse, you have no route  
22           of appeal. Get used to it.

23                    There's not one real person in this room  
24           who would have not extended basic understanding

1 of passion to those in tears, to those literally  
2 begging. Persons can work things out in a humane  
3 fashion. Search as I have, I cannot find one  
4 with whom I can shake hands and say, "Nice to  
5 meet you, Mr. NStar. Welcome to Hatchville. Can  
6 we talk this out?"

7 Corporations are ethereal. They possess  
8 no humanity. Can never show sympathy, kindness  
9 or restraint. And that is the all of this issue.  
10 Will we allow the humanizing of figments, as our  
11 Moderator spoke to last night, at the expense of  
12 dehumanizing people?

13 Let me bring this to the shudder point.  
14 Irene and Bill Bailey, citizens of this town, are  
15 extremely well respected. They have watched  
16 cutting on their property in Hatchville for  
17 decades. When the chainsaws and thrashers came  
18 in October, Irene, using her walker, begged the  
19 cutter not to take all that she had nurtured for  
20 years.

21 THE MODERATOR: The gentleman's time  
22 has expired.

23 MR. WILBER: I ask for three more  
24 minutes.



1 FROM THE FLOOR: No.

2 THE MODERATOR: The gentleman asks for  
3 three more minutes. All those in favor signify  
4 by saying aye.

5 [Aye.]

6 THE MODERATOR: All those opposed no.

7 [No.]

8 THE MODERATOR: To my left. Gentleman  
9 to my left.

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

11 Leonard Johnson -

12 [Applause.]

13 THE MODERATOR: Come on, folks.

14 MR. JOHNSON: Leonard Johnson, Precinct  
15 5. I am not in favor of corporate money  
16 financing campaigns. However, I think there's  
17 one aspect of this that I asked the petitioners  
18 about, and I said, "Does this equally apply to  
19 labor unions?" And the answer was they didn't  
20 know. So I think there's a fundamental principle  
21 here, which is a level playing field.

22 I think the proposal is incomplete. I  
23 think the proposal of a Constitutional Amendment  
24 should include public interest groups and labor

1 unions. I think that's a fundamental thing  
2 that's missing from what's being proposed.

3 Don't get the idea I'm in favor of  
4 NStar/Exxon Mobil spending huge amounts of money  
5 trying to influence our legislators, I'm not.  
6 But I think it's important that everybody be  
7 treated equally and that labor unions and public  
8 interest groups are no more persons than  
9 corporations are.

10 I also would point out that I think  
11 there's another major area that needs to be  
12 addressed, and that is these PACs. We certainly  
13 have heard about them in this presidential  
14 election cycle. Sheldon Adelson, who makes his  
15 money running casinos in Las Vegas and Macao, if  
16 you can believe it, has personally kept Newt  
17 Gingrich in business. He finally pulled the  
18 plug.

19 Forrest Frist, [sp?] who made his fortune  
20 in the investment business, has personally kept  
21 Rick Santorum in business. I don't think we  
22 should allow that, either. Thank you.

23 THE MODERATOR: Okay, to my right. Ms.  
24 Abbott.

1 MS. ABBOTT: I'd like to support the  
2 article. Jayne Abbott, Precinct 7.

3 I hope you all notice that the Selectmen  
4 invited us all to express our opinions on this  
5 article. Every time we have a prayer before the  
6 meeting, we talk about Falmouth and the state and  
7 the country and the world, and we can think  
8 beyond our town boundaries when we discuss things  
9 at town Meeting. And I think it's important for  
10 us to tell the people in Washington that we don't  
11 like the way they're doing things and there's a  
12 better way to go about it. I think every voice  
13 that's heard is a voice for the democracy that we  
14 belong to.

15 This is my last Town Meeting, and I hope  
16 that you will support this article.

17 THE MODERATOR: To my left.

18 [Applause.]

19 MS. FLANAGAN: I'm Mary Jo Flanagan,  
20 Precinct 1.

21 I'm here just to give a few points of  
22 information as the woman who addressed the  
23 turbine issue, giving some factual information.  
24 I teach American Government at Mass. Maritime.

1 I'm a lawyer. I've practiced for over 30 years  
2 and I've actually worked for major corporations  
3 for a lot of years as well, and done some  
4 government work with them.

5 Just some general facts, not in favor or  
6 against this particular article. But the  
7 vilification of corporations that has been so  
8 prevalent in our media and frankly tonight in  
9 this meeting is really misplaced, in that, as the  
10 gentleman who spoke previously to me questioned,  
11 it is not only corporations who are permitted  
12 under this law to contribute to political  
13 campaigns. Labor unions also fall under the  
14 regulation, as do Political Action Committees, as  
15 do other interest groups. And as a factual point  
16 of order, labor unions are by far the largest  
17 contributors to political campaigns and indeed  
18 the National Education Association is the single  
19 largest contributor to political campaigns. That  
20 is the teachers union.

21 So, just to give you some further  
22 insight.

23 The other fact that corporations are not  
24 accountable and can spend millions of dollars on

1 political campaigns without accountability is an  
2 absolute falsehood. Corporations are bound, as  
3 are unions and other special interest groups, by  
4 the Federal Election Commission regulations in  
5 terms of how much they can contribute. The same  
6 way that you and I are bound by those regulations  
7 as to how much we can contribute.

8 There are loopholes that exist in the  
9 law, and if there is a motion to look to change  
10 the law, it should look to close those loopholes.

11 There are factors that are involved in  
12 lobbying our government that are not the way  
13 presented by the general media that many people  
14 seem to feel are the only way that voices can be  
15 heard. And the concept that these are voices  
16 that drown out the peoples' voices is one that  
17 doesn't have to be there.

18 But I urge you all to please just make  
19 sure and get your facts straight before you  
20 vilify corporations and vilify unions that you or  
21 your family may belong to, or any other  
22 contributors to the political process. Because,  
23 understand, that all of those entities are also  
24 taxpayers, and in many instances are paying taxes

1 more than once. Their taxes are doubled and  
2 tripled because of multiple incidents of having  
3 to pay taxes. So the influence they have on the  
4 government does impact them and they are the  
5 employers of millions of people in the country,  
6 and so what is good for them is good for their  
7 employees, as well.

8 So please just keep an open mind as to  
9 what the impact of this type of an activity is.  
10 Completely unrelated to whether we should be  
11 voting today at Town Meeting about a resolution.  
12 But I did want to just give a slight bit of  
13 education. I teach my students this same thing,  
14 and it's just -

15 THE MODERATOR: The gentle lady's time  
16 has expired.

17 MS. FLANAGAN: Thank you.

18 [Applause.]

19 THE MODERATOR: To my right.

20 MS. RAWLEY: Good evening. Christina  
21 Rawley, Precinct 1. And I ask you to vote for  
22 this resolution.

23 I think that we have to realize that  
24 there are many ways that the corporate dollars

1           come into our town and effect our votes. It is  
2           not always easily seen, but corporate spending,  
3           the petroleum economy, the oil corporations are -  
4           are - that money, which comes from these  
5           corporations and the high figures in those  
6           corporations which made millions - who make  
7           millions and billions of money, of dollars, have  
8           had an influence on everything. From the food  
9           that we eat, the quality of our food, to the - to  
10          things like energy, of great interest to all of  
11          us.

12                        The bottle bill. And the reason that  
13           the bottle bill has not been passed is because  
14           of, to a large extent, the corporate petroleum  
15           economy. And saving the interests of those  
16           corporate - of those oil corporations -

17                        THE MODERATOR: The time for discussion  
18           on Article 25 has expired. Thirty minutes.

19                        The question will come on Article 25 as  
20           printed. All those in favor of Article 25 as  
21           printed, signify by saying aye.

22                                       [Aye.]

23                        THE MODERATOR: All those opposed no.

24                                       [No.]

1 THE MODERATOR: All those in favor,  
2 signify by standing and the tellers will return a  
3 count. All those in favor of Article 25 as  
4 printed.

5 [Pause.]

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

8 MRS. TASHIRO: 22.

9 THE MODERATOR: 22.

10 In the third division, Mr. Hampson.

11 MR. HAMPSON: 27.

12 THE MODERATOR: 27.

13 In the second division, Mr. Dufresne.

14 MR. DUFRESNE: 54.

15 THE MODERATOR: 54.

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

18 [Pause.]

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

21 MR. HAMPSON: 24.

22 THE MODERATOR: 24.

23 In the first division, Mrs. Tashiro.

24 MRS. TASHIRO: 24.



1 THE MODERATOR: 24.

2 And in the second division, Mr.

3 Dufresne.

4 MR. DUFRESNE: 21.

5 THE MODERATOR: 21.

6 By a counted vote of 103 in favor and 69

7 opposed, the article passes.

8 [Applause.]

9 THE MODERATOR: Article 27, the  
10 recommendation by the Board of Selectmen was  
11 indefinite postponement. This was held by Mr.  
12 Smolowitz. Mr. Shearer.

13 MR. SHEARER: [No mic. Inaudible].

14 THE MODERATOR: Article 23? What's  
15 the new information that wasn't available at the  
16 time of the debate?

17 MR. SHEARER: [No mic. Inaudible.]

18 THE MODERATOR: I can't hear you. Can  
19 you come to a mic and tell me what the new  
20 information is to reconsider Article 23?

21 MR. SHEARER: The new amendment that I  
22 was waiting on the list to present to Town  
23 Meeting.

24 THE MODERATOR: An amendment proposal

1 for Article 23, that was the turbine. All those  
2 in favor of reconsideration signify by saying  
3 aye.

4 [Aye.]

5 THE MODERATOR: All those opposed, no.

6 [No.]

7 THE MODERATOR: It is the opinion of  
8 the chair that the no's have it and we will not  
9 reconsider Article 23.

10 Article 27, Mr. Smolowitz. Or Mr.  
11 Zweig. Okay.

12 MR. ZWEIG: Thank you, Mr. Moderator.  
13 Ronald Zweig, Precinct 1.

14 FROM THE FLOOR: Speak up. Can't hear  
15 you.

16 MR. ZWEIG: Oh, sorry. Microphone.  
17 I'll go again. Okay. Thank you, Mr. Moderator.  
18 Ronald Zweig, precinct 1.

19 This is - this particular article was  
20 drafted and I think -

21 THE MODERATOR: I need a main motion on  
22 the floor, Mr. Zweig.

23 MR. ZWEIG: Yes, oh, right, yes, to  
24 pass it as printed.

1 THE MODERATOR: Okay, as printed.

2 MR. ZWEIG: Yes.

3 THE MODERATOR: Mr. Zweig.

4 MR. ZWEIG: Thank you. This article, I  
5 think that what it does to a large extent, and  
6 even in the context of Article 23 tonight, is  
7 that it provides a vote of confidence to the  
8 Selectmen. Having heard the discussions, having  
9 heard and all the programs that they're  
10 considering, because the decisions are really  
11 theirs, but they're listening to us tonight and I  
12 think that this article, which could be put up,  
13 also, can help with bringing us together, with  
14 bringing - giving, again, a vote of confidence to  
15 the Selectmen and very much helping to move this  
16 forward with our endorsement.

17 So I think that's the reason I would  
18 like to ask for your support of this article.  
19 Thank you.

20 THE MODERATOR: Okay. To the right.  
21 Again, if you're in favor, now, to the right.  
22 And if you're opposed, to the left. Ms.  
23 Driscoll.

24 MS. DRISCOLL: Good evening, Kathy

1 Driscoll, Precinct 7.

2 I stood before you in the fall and asked  
3 you to support the Board of Selectmen in the  
4 process that they were working through. Excuse  
5 me. To help balance all of those options, all  
6 of those instances and all of those things that  
7 we have been talking about for the last four  
8 nights.

9 We're talking about economics. We're  
10 talking about environment. We are talking about  
11 our neighbors. We are talking about our Town.  
12 To have us move forward with those mitigated  
13 options that the Board of Selectmen has put  
14 forward, which are enhanced from what we have  
15 been doing for the last six months. There's  
16 different solutions in there. There's different  
17 opportunities in there to learn more.

18 Earlier, other people were allowed to  
19 speak regarding information presented on new  
20 technology. There's new technology out there on  
21 the testing for infrasound. We need those  
22 opportunities to do that. Wind turbine  
23 generation is a new technology. These types of  
24 turbines are new. We are learning more about

1           them all the time.

2                       We're learning more about what the  
3 health effects are, but we need to continue to  
4 learn and communicate by having a committee that  
5 will encompass all of the people that want to be  
6 and have a part of that, nine to thirteen people  
7 getting together, talking and reviewing  
8 information, working through the Board of  
9 Selectmen, and presenting the opportunities that  
10 are good for all of those involved.

11                      We are here as representatives of the  
12 Town of Falmouth. It's not my opinion or your  
13 opinion, but those of the collective that we are  
14 here for. That is why I am up here, because I  
15 have people in my precinct and other precincts  
16 across the town that believe on both sides of  
17 this issue. It's not one or the other, it's  
18 both. Okay?

19                      We've had a lot of talk about economics.  
20 There's the word "profit" has been dropped out  
21 there. We're a municipality; we don't make a  
22 profit. If we started making a profit, we  
23 wouldn't be having a lot of the discussions that  
24 we've been having for the last four nights of

1 where money's coming from.

2 It is a new system, new information  
3 about how revenue is generated, where revenues  
4 are offset. We have operation of wind turbines,  
5 we don't have to buy electricity, which is that  
6 terrible NStar, okay, as others have stated.

7 There are renewable energy credits that  
8 we can sell and we can gain revenues to put back  
9 into stabilization, capital funding,  
10 infrastructure, those things that we are - you  
11 know, the School Committee, that we're looking  
12 for money for. Don't shut off the opportunities  
13 that we have in front of us, working through the  
14 guidelines of the Board of Selectmen.

15 Please, support this article, thank you.

16 THE MODERATOR: To my left -

17 MS. LICHTENSTEIN: [No mic:] Mr.

18 Moderator -

19 THE MODERATOR: Yes, Ms. Lichtenstein.

20 MS. LICHTENSTEIN: [No mic:] I have a  
21 procedural question.

22 THE MODERATOR: Sure.

23 MS. LICHTENSTEIN: [No mic:] What  
24 happens if we have passed one article that says

1 one thing, then we pass another article that is  
2 in direct opposition?

3 THE MODERATOR: Both of these articles  
4 are non-binding resolutions, so it just shows  
5 what Town Meeting thinks or doesn't think.

6 MS. O'CONNELL: [No mic:] Mr. Moderator?

7 THE MODERATOR: Yes, procedural  
8 question? We'll use a mic for points of order.

9 MS. O'CONNELL: Yes, Maureen O'Connell,  
10 Precinct 4, so point of clarification, if you  
11 will. If I'm neither for it nor against it, but  
12 I'd like some information about money being spent  
13 on the process, where do I go?

14 THE MODERATOR: The shortest line you  
15 can get in.

16 [Laughter.]

17 THE MODERATOR: I've never done this  
18 before, so [laughs.] To my left.

19 MR. PUTNAM: Ladies and gentlemen,  
20 Brent Putnam, again. And again I'm going to  
21 speak to procedurally, as opposed to in favor or  
22 opposed to this particular article.

23 Those of you who may have been watching  
24 the stage when we argued Article 23, I did not

1 vote in favor nor in opposition to that article;  
2 I abstained. As a member of the Board of  
3 Selectmen, we had expressed our opinion, and I  
4 did not feel, especially given the controversy  
5 surrounding this issue, that I should take two  
6 bites of the apple.

7 For those of you who remember, we had an  
8 issue many years ago with some cranberry bogs,  
9 and in one particular Town Meeting we had dueling  
10 articles, and I do believe if I remember  
11 correctly, both were passed. And the Board of  
12 Selectmen was left with a sort of schizophrenic  
13 feeling as to which way they should go with this.  
14 That's where we are again, ladies and gentlemen.  
15 And, in all honesty, if this article passes, it's  
16 going to be giving the Board a schizophrenic  
17 process to deal with.

18 We really needed, I think, some sort of  
19 direction, and I think Article 23 provided that.  
20 I guess at this point I am arguing against this  
21 article because if we can go along with  
22 indefinite postponement, it'll help us focus our  
23 energies and our directions. I think the Board  
24 understands the issues and the concerns, but we



1 have some direction from this body.

2 If this article passes, we're not going  
3 to know which direction to go in. At least, I  
4 know I won't. Thank you for your time.

5 THE MODERATOR: To my right.

6 MR. POTAMIS: Gerry Potamis, Precinct  
7 2.

8 I wholeheartedly urge you to vote in  
9 favor of this because I think, as the previous  
10 speakers have said, there's a lot of  
11 misinformation. And I challenge the Board of  
12 Selectmen to engage this next Thursday night and,  
13 without sending a strong voice, that we expect  
14 the Selectmen to solve the problem, and that's  
15 not necessarily shutting it down but to go  
16 through the mitigation process and to evaluate  
17 all those items.

18 So, I think as a matter of due course,  
19 since this is advisory, if you don't want to have  
20 a Board of Selectmen, vote it down, and we can  
21 all sit at home and send in questions and say,  
22 "Whatever we vote, that's what we want the  
23 Selectmen to do." I've never proposed that. I  
24 will vote for a Selectman or someone that

1 disagrees with me, provided they give  
2 intellectual thought to it.

3 I think it's an abandonment of their  
4 duties as a Selectman not to debate this, given  
5 the seriousness of the people that feel impacted  
6 by this and the seriousness on the environment  
7 and the seriousness on the fiscal  
8 responsibilities. I urge you to pass this.

9 I also would like, Mr. Vieira, to  
10 consider me for a position on the Rules  
11 Committee. I know that's our of order.

12 [Laughter.]

13 THE MODERATOR: Okay. Which precinct,  
14 Gerry?

15 MR. POTAMIS: Two.

16 THE MODERATOR: Okay.

17 To my left.

18 MR. DICK: Mr. Moderator, Henry Dick,  
19 Precinct 8, I respectfully call the question.

20 THE MODERATOR: Mr. Dick has called the  
21 previous question to close discussion. All those  
22 in favor of closing discussion, signify by saying  
23 aye.

24 [Aye.]

1 THE MODERATOR: All those opposed, no.

2 [No.]

3 THE MODERATOR: It is the opinion of  
4 the chair that the ayes have it by a two-thirds  
5 and the question has been called.

6 The question will come on the main  
7 motion as printed. Article 27, to vote to  
8 support the Board of Selectmen's plan. All those  
9 in favor, signify by saying aye.

10 [Aye.]

11 THE MODERATOR: All those opposed no.

12 [No.]

13 THE MODERATOR: Majority in favor.  
14 Want to count it?

15 FROM THE FLOOR: Yes.

16 FROM THE FLOOR: [No mic:] Just to  
17 clarify, Mr. Moderator, what you meant when you  
18 said [inaudible].

19 THE MODERATOR: As printed. What is  
20 printed in your warrant book. As printed.

21 Do you want a standing vote? Yeah, we  
22 can do a standing vote. Because I'm a little  
23 confused as to why you voted the opposite. I  
24 mean -

1 FROM THE FLOOR: Yeah. [Inaudible.]

2 THE MODERATOR: Okay, okay. So, the  
3 main motion as printed, which reads, "To vote to  
4 support the Board of Selectmen's plan of action  
5 to mitigate adverse impacts and optimize the  
6 operation of the Town-owned wind turbines to  
7 maximize local environmental and economic  
8 impacts." That's the main motion.

9 All those in favor of the main motion,  
10 signify by standing and the tellers will return a  
11 count.

12 [Pause.]

13 THE MODERATOR: In the third division,  
14 Mr. Hampson.

15 MR. HAMPSON: 27.

16 THE MODERATOR: 27.

17 In the first division.

18 MRS. TASHIRO: 27.

19 THE MODERATOR: 27 as well.

20 In the second division.

21 MR. DUFRESNE: 39.

22 THE MODERATOR: 39.

23 All those opposed, signify by standing  
24 and the tellers will return a count.

1 [Pause.]

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

4 MR. HAMPSON: 22.

5 THE MODERATOR: 22.

6 First division.

7 MRS. TASHIRO: 19.

8 THE MODERATOR: 19.

9 In the second division.

10 MR. DUFRESNE: 33.

11 THE MODERATOR: 33.

12 By a counted vote of 93 in favor and 74  
13 opposed, the article passes as printed.

14 [Applause.]

15 THE MODERATOR: I'm going to be quite  
16 honest with Town Meeting, and I'll wait until,  
17 you know, after the meeting adjourns. But for  
18 those of you that voted for the other article on  
19 the turbines and then voted for this article on  
20 the turbines, I would enjoy the opportunity for  
21 you to share with me the reasoning. I'm just  
22 curious. I'm very curious about that. Very  
23 curious.

24 Mr. Latimer.

1 FROM THE FLOOR: After the meeting.

2 THE MODERATOR: Yes, do you have a  
3 point of order?

4 MR. LATIMER: Before the vote was cut  
5 off, I was going to explain, and I'm reading this  
6 as a lawyer. Now, Article 23 -

7 THE MODERATOR: No, Richard, that's not  
8 - I don't want that here. No.

9 MR. LATIMER: No, Article -

10 THE MODERATOR: Sit down, Richard!

11 MR. LATIMER: No, not -

12 THE MODERATOR: No, sit down! I asked  
13 for folks to explain it to me after the meeting.

14 MR. LATIMER: Logically, logically, I  
15 was reading it logically, okay? I was reading it  
16 logically -

17 THE MODERATOR: Richard, I asked you to  
18 sit down. We do not have a motion before the  
19 body. You do not have the floor.

20 MR. LATIMER: Do you want an  
21 explanation?

22 THE MODERATOR: I said after the  
23 Meeting. Did you not hear that part?

24 MR. LATIMER: Sorry.

1 [Laughter.]

2 THE MODERATOR: Okay, I said after the  
3 Meeting.

4 And I would ask the chair of the Charter  
5 Review Committee to schedule me to meet with the  
6 committee again, because I would like to discuss  
7 some things after this Town Meeting.

8 Okay, Article 28. Article 28 is  
9 indefinite postponement, recommendation from the  
10 Board of Selectmen. This was held by Mr.  
11 McNamara.

12 MR. MCNAMARA: Matt McNamara, Precinct  
13 7. I move the article as printed and ask that  
14 you recognize the petitioner as the proponent.

15 THE MODERATOR: Okay, as printed.  
16 [Reading:] "With recent revelations that the boil  
17 water order comprised not 4 but 26 violations  
18 (operator and supervisory) thus illustrating the  
19 Board of Health investigation was deficient at  
20 best we, the undersigned request the moderator to  
21 appoint a 5 member committee (inclusive) to  
22 investigate and recommend to town meeting  
23 remedial action including the 40 million dollar  
24 filtration plant and the ability of supervisory

1 personnel to remain in their positions." As  
2 printed. So there's no question when we vote on  
3 the next one.

4 Mr. Finneran.

5 MR. FINNERAN: Thank you. When this  
6 boil water happened -- and this actually is a  
7 personal issue with me because my mother became  
8 very sick and she was sick for quite an extended  
9 period of time due to this.

10 When I went to investigate, myself, to  
11 find out what exactly happened, I was surprised  
12 by a number of things and I think that there's a  
13 little lack of accountability, as well as I don't  
14 think the public was given the truth in the  
15 matter, for want of a better description.

16 Can I have the first slide, please - or.  
17 Okay. Can I have the next slide. This is  
18 basically a time line of what happened. On the  
19 Sunday a week prior to the boil water order, a  
20 little more than a week, they had a problem at  
21 the filtration plant on Long Pond and Perkins,  
22 Mr. Perkins, the operator, called in David  
23 Dietlin and they had a large chlorine drawdown.  
24 They worked on the plant for the afternoon.



1 They'd seemed to have gotten things back in  
2 order, and they basically left for the day.

3 The following day, the chief operator  
4 went to the - went to work in the morning and he  
5 asked the Water Superintendent for some help and  
6 guidance regarding the problem they had the  
7 following day. He was told by Mr. Chapman that  
8 he - that Mr. Chapman was too busy to deal with  
9 any work because he had an interview at the  
10 Island Queen. So David Dietlin, the Chief  
11 Operator, just went on with his normal business.  
12 He took the samples for the day, as they're  
13 supposed to.

14 The following day they had basically a  
15 normal day, because they weren't aware - the  
16 samples hadn't come back yet.

17 On Wednesday in the afternoon, the Chief  
18 Operator got a call from Groundwater Specialists  
19 that did the samples on Monday and five of those  
20 samples came back with - positive for e coli. In  
21 the parenthesis, that indicates the number of  
22 samples that were taken that day. It's 48 hours  
23 before they get them back.

24 Mr. Chapman was not around. He told the

1 men that he had gone golfing for the day.

2 The next morning, when Mr. Dietlin when  
3 in, he tried to again get Mr. Chapman, who is the  
4 - was, at the time - I also must add that when I  
5 put this petitioner's article in, Mr. Chapman  
6 still was employed by the Town in good standing.

7 When Mr. Dietlin approached him on that  
8 Thursday to tell him about the samples from the  
9 previous day, or the record that came back on  
10 Wednesday for the samples taken on Monday, Mr.  
11 Chapman said he was too busy at the time. He  
12 needed the new key for Long Pond to show Jessica  
13 Ericson around the building because they had just  
14 recently spent money on there from the CPC, or  
15 whatever.

16 So, that basically put the problem off  
17 until the following day.

18 On Friday, they started flushing in  
19 Woods Hole and North Falmouth. They continued  
20 flushing all weekend. On Monday, again, Mr.  
21 Chapman, the Water Supervisor, was not around.  
22 Mr. Dietlin called the DEP and then at one  
23 o'clock he got in charge with Mr. Chapman and  
24 told him there were large problems.

1                   That Monday night, Mr. Chapman, the  
2                   Water Superintendent, came to the Board of  
3                   Selectmen and told them that there were no  
4                   problems with the water. The following Tuesday,  
5                   the boil water was issued on results that were  
6                   taken a week before and known about since  
7                   Wednesday.

8                   Further, those other five - those other  
9                   five samples they take a day, they had the five  
10                  positive samples for e coli, as well as 21  
11                  positive samples for fecal coliform through that  
12                  week.

13                  Next slide, please. The Board of  
14                  Health did an investigation, as they were asked  
15                  to by the Board of Selectmen. This is the  
16                  investigation. It's three pages. Nobody was  
17                  interviewed. As I've said before, that would be  
18                  about the equivalent of a police officer  
19                  investigating a crime without speaking to the  
20                  victim or the perpetrator.

21                  Further, there was a report that was  
22                  completed by the head of the DPW and the  
23                  engineer, but that again would be similar to  
24                  asking the perpetrator to investigate the crime

1 that he committed. It just makes no sense to me.  
2 We were never given a full accounting of what  
3 went on. Mr. Chapman stayed in his position and  
4 it wasn't until another incident where he was let  
5 go or he actually resigned.

6 In the event report, which is the larger  
7 report from the DPW, it states that Long Pond is  
8 a kettle hole, with no influent tributaries or  
9 exfluent streams. It is my understanding -- and  
10 all I want is to find out. I may be completely  
11 wrong, but I've been told by numerous people that  
12 that is not true. That there is a swamp, or a  
13 wetland if you prefer, to the north of Long Pond  
14 that feeds the pond by a culvert, and when it  
15 rains or when the wind blows, scum and whatever  
16 else flow from the swamp into Long Pond. It is  
17 quite likely that's where the e coli was  
18 established, started, or where it came from. I  
19 do not know; I would like to know.

20 I think it should be properly  
21 investigated and that's what this asks.

22 It was also indicated in the report that  
23 it was a result of pond turnover. Most of the  
24 employees that I've talked to or people in the

1 know seem to think that the pond had turned over  
2 previous to that.

3 When a pond turns over and it's full of  
4 algae and the water - other plant life or  
5 whatever in the water column, until our current  
6 head of DPW, the pond was always treated with  
7 copper sulfate twice a year. When this was  
8 discovered and they called an outside engineer,  
9 that's what they did to correct the problem, they  
10 treated it with copper sulfate.

11 In - excuse me one second.

12 Also in the report from the head of the  
13 DPW, it was indicated that he always considered  
14 this type of event inevitable. If that's the  
15 case, why was the pond fed by a swamp? If in  
16 fact it is true. And I think we deserve to find  
17 out if that is true.

18 And also, if he preferred - if he always  
19 considered this event as inevitable, why was  
20 someone as unqualified as Mr. Chapman allowed to  
21 stay on and manage our water problems?

22 There were two other people that lost  
23 their jobs due to this or as part of it. One of  
24 them was David Dietlin, the Chief Operator. He

1 was relatively new. He was told that if he took  
2 the position that they would help him along.  
3 Basically hold his hand. He was never given any  
4 help. He was always at a loss, and Mr. Chapman  
5 was never any help to him. This is what I've  
6 been told.

7 All I wanted to know was the truth and I  
8 think the people of Falmouth deserve to know the  
9 truth.

10 Excuse me. In the incident report, it  
11 also says that the day before this problem  
12 started, all systems were operating normally.  
13 It's my understanding they may have been  
14 operating normally, but they weren't operating  
15 correctly. They switched from one type of  
16 chemical to another and that made the pumps that  
17 they had that pump the chemical into the Crooked  
18 Pond Well inadequate. So that well was always  
19 run at half-mast or half a tank.

20 There are numerous other pumps and  
21 systems within the water plant that supposedly  
22 had been not running correctly at the time.

23 I also learned that town-wide flushing  
24 was halted in 2003. Every town that I'm aware

1 of, and anyone that I've spoken to is aware of,  
2 flushes their water mains yearly and maintains  
3 their hydrants. Our hydrants, as well, have had  
4 little maintenance since 2003 and it's my  
5 understanding that there was a serious fire in  
6 Woods Hole -

7 THE MODERATOR: The gentleman's time  
8 has expired.

9 MR. FINNERAN: Can I have one more  
10 minute?

11 THE MODERATOR: The gentleman asks for  
12 one more minute. The question will come on  
13 extending one minute. All those in favor, say  
14 aye.

15 [Aye.]

16 THE MODERATOR: All those opposed no.

17 [No.]

18 THE MODERATOR: It is the opinion of  
19 the chair that the no's have it by a majority.

20 To my left.

21 MR. LOWELL: Nick Lowell, Precinct 5.

22 There's a pretty good explanation of  
23 this indefinite postponement recommendation that  
24 the Selectmen gave in the warrant book. The two

1 key people that were involved with this no longer  
2 work for the Town.

3 I think I've heard enough. I'd like to  
4 call the question.

5 THE MODERATOR: Okay, the question will  
6 come on calling the question. All those in  
7 favor, signify by saying aye.

8 [Aye.]

9 THE MODERATOR: All those opposed no.

10 [No.]

11 THE MODERATOR: The opinion of the  
12 chair is that the ayes have it by a majority --  
13 a two-thirds, excuse me.

14 All those in favor of the main motion,  
15 Article 28 as printed, all those in favor of  
16 Article 28 as printed, signify by saying aye.

17 [Aye.]

18 THE MODERATOR: All those opposed no.

19 [No.]

20 THE MODERATOR: It's the opinion of the  
21 Chair that the no's have it by a majority.

22 Article 29. Mr. Rowitz.

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

24 Ray Rowitz, Precinct 5. Also a member of the



1 Solid Waste Advisory Committee.

2 I'd like to move the -

3 THE MODERATOR: Actually, you know  
4 what? Let's - I know you yelled "Hold".

5 MR. ROWITZ: Yes.

6 THE MODERATOR: But this is a  
7 petitioner's article. So what I want to do is  
8 allow the petitioner to make the main motion and  
9 then allow you to make the amendment.

10 MR. ROWITZ: Okay.

11 THE MODERATOR: Just so that it will be  
12 clear. Otherwise we're going to go back as an  
13 amendment to the petitioner. So the petitioner  
14 needs to have a Town Meeting Member make the main  
15 motion.

16 Mr. Mustafa.

17 MR. MUSTAFA: For the petitioner  
18 Article 29: To see if the Town will create the  
19 position of a solid waste manager to coordinate  
20 all aspects of solid waste. To be overseen by  
21 the DPW Commissioners. The position will be  
22 funded by monies and new efficiencies described  
23 within this article. Or do or take any other  
24 action on this matter.

1 THE MODERATOR: Mr. Mustafa, do you  
2 have that in writing for the clerk?

3 Okay, to my right.

4 MR. FINNERAN: Hi, thank you very much,  
5 again. We've been here before, with this. And  
6 it's basically about the Town, the dump, and the

7 -

8 THE MODERATOR: Let's -

9 MR. FINNERAN: Okay. Can I have the  
10 following slide?

11 [Pause.]

12 MR. NETTO: Do you stop the clock?

13 THE MODERATOR: Yeah, I'll restart the  
14 clock when we get the PowerPoint up.

15 I've got to actually get a better clock.  
16 I wasn't expecting to do that.

17 [Pause.]

18 MR. FINNERAN: It's on the small black  
19 one.

20 [Pause.]

21 THE MODERATOR: Do you have a copy of  
22 the slides, Mr. Finneran?

23 MR. FINNERAN: I gave it to -

24 THE MODERATOR: No, but do you have a

1 printed copy there?

2 MR. FINNERAN: Yes.

3 THE MODERATOR: Do you want to start  
4 talking and we'll catch up with you?

5 MR. FINNERAN: Well, it's kinda tough;  
6 it's all numbers.

7 Do you have the thumb drive that I gave  
8 you the other night? It's got a blue one and  
9 with a little black one on it?

10 [Pause.]

11 MR. FINNERAN: Can I have the next  
12 slide, please. I've showed you these numbers  
13 before. I mean, the problem with the dump is  
14 money. And money that's being wasted, basically.  
15 These are the sticker sales comparisons that I've  
16 shown before. In 2004, we had about \$1,333,900  
17 in receipts. In 2006, we had \$1,340,000. 2008,  
18 we had just under \$1,300,000. And then, when we  
19 switched over to the pay as you throw, we went  
20 down to 844.

21 Can I have the next slide, please. And  
22 that's a shortage over a two year cycle of about  
23 \$200,000 a year. The \$60,000 savings that  
24 they're claiming in efficiencies, less trucking,

1 less cost, don't account for 200. I mean, you're  
2 still - there's still \$140,000 shortfall.

3 Can I go on to the next slide, please.  
4 Last time I was here, I brought up the fact that  
5 for two and a half years the Town had not been  
6 paid for its scrap metal. After Town Meeting,  
7 Old Colony gave a list to the Town of the money  
8 and accounting that, for the metal that it didn't  
9 pay for. I presented you numbers of what she  
10 should have received for the metal and -  
11 whatever. Nothing came of it.

12 This time, I went to Barnstable and I  
13 took this sheet and I got from Barnstable all  
14 their metal, scrap metal sales for the last three  
15 years. It was easy enough to go through that  
16 chart and take individual days where we had sold  
17 metal and Barnstable had sold metal. And there's  
18 some of the - I have all 104 of them here.

19 Actually, I'm missing the last month of  
20 August because their fiscal years run different.

21 But, for instance, there on 7/17/07, we  
22 were getting \$56 a ton and we received \$1334 for  
23 that. On the same day, Barnstable sold the same  
24 kind of scrap metal, they received \$147 a ton,

1 which \$3533 for their metal. They got \$2,000  
2 more than we got for the same amount of metal on  
3 the same day.

4 Further, all 104 loads that Old Colony  
5 took away from the dump in 100 yard containers,  
6 they claim that every one of those loads weighed  
7 12 tons. Barnstable uses 60 yard containers and  
8 they own their containers, they treat them very  
9 well, they don't pack 'em, they don't fill 'em,  
10 and in their 60 yard containers they were getting  
11 nine to eleven tons.

12 So the reality is, and you can ask  
13 anyone who's a registered weigher, or whatever,  
14 at the transfer station a hundred yard container  
15 full of paper weighs 20 tons. So, if you take  
16 these few figures - I have the rest of them here  
17 - this also should apply to the lawsuit that the  
18 Town is filing against Old Colony - we're not  
19 getting paid for our metal.

20 If you were to figure on that same  
21 amount of metal at a 20 ton container, we should  
22 have gotten \$5880; we got \$1344.

23 You can go down to 12/11/07: we received  
24 \$64 a ton for our metal that day. On the same

1 day, Barnstable sold metal; they received \$157.87  
2 a ton. So, we got \$3072 for the same amount of  
3 metal - although their amounts were lower, or  
4 whatever, but it's all by the price per ton. For  
5 that same amount of metal, they would have gotten  
6 \$7578. And if it was at 20 tons, which is  
7 realistically what those containers actually  
8 weighed, we'd have got \$12,629 instead of \$3072.

9 And it goes on down through. You can  
10 see we got a hundred dollars a ton when they were  
11 getting 294. So, you're talking 2400 for our  
12 container; they got 7,071. The reality is we  
13 should have gotten \$11,760.

14 And it goes on again in 6/24/08, we got  
15 133; the very same day their vendor was giving  
16 them 285. We got 3192; they got 6840. We should  
17 have gotten about eleven grand.

18 And again it goes in '08, on the 27<sup>th</sup> of  
19 August. We got \$73; from their vendor they got  
20 187. So we got 2628; they got 6732. On a 20  
21 yard container, we should have gotten \$11,000 and  
22 we didn't.

23 Can I have the next slide, please. The  
24 pay as you throw at the dump is a - it took me a

1 while to figure this out. But this is basically  
2 a Proposition 2 ½ override. We pay two and a  
3 half million dollars, roughly, to have our  
4 garbage removed from the curb. If we were to go  
5 to pay as you throw, which was the plan and this  
6 was Mr. Whritenour's plan from years ago, that  
7 two and a half million would stay in the coffers.  
8 At \$2.50 a bag, you would make that 2 ½ million  
9 back to pay for the service, plus you'd probably  
10 make another two million on top of that.

11 This plan was just a back door override.

12 The solid - the pay as you throw grant,  
13 I went to the Selectmen's Office and the Town  
14 Manager's Office. I tried to get a copy of the  
15 pay as you throw grant letter. They told me it  
16 didn't exist. I eventually did get the letter  
17 from the DPW and it was actually addressed to Ms.  
18 Harper.

19 Selectmen said that the grant was to  
20 study pay as you throw, and the reality was the  
21 grant was for the inception to pay as you throw,  
22 and that goes back to Article number 4, where we  
23 got a grant without anybody being aware of what  
24 was going on.

1           Basically, the bottom line is, until  
2           this place is properly managed, we don't really  
3           know what's going on. We have no basis to make  
4           any real decisions. And I think with this thing  
5           is just crawling - crying for proper management.  
6           We've given away too much money.

7           Can I have the next slide, please. And  
8           recycling is another reason. We currently pay to  
9           have our recycling taken away instead of the  
10          opposite. We should be getting paid for it. I  
11          mean, it's just ridiculous to pay someone to take  
12          away something that they're selling.

13          Since the new vendor came in to take the  
14          metal away, he didn't get any refrigerators. So  
15          he asked a Town Meeting Member to check into it  
16          and they asked Mr. Jack and he said he's giving  
17          the refrigerators away. That's also happening  
18          with the air conditioners. I'd like to know why  
19          that is. It makes no sense. They're giving our  
20          gold away.

21          Further, Barnstable makes about five to  
22          ten thousand dollars a month, and I have the  
23          figures here, anyone can look at them if they  
24          want, just by separating the aluminum and the



1 brass and the copper. We don't.

2 Further, most of that goes out of the  
3 waste management facility in the back of people's  
4 vehicles and that revenue is lost to the Town  
5 forever. And if we were to purchase a truck  
6 like we were supposed to with the \$200,000 we got  
7 from the override, you could truck your metals to  
8 the vendors and get about 30 percent more. Even  
9 the money that I showed you that Barnstable was  
10 getting, the vendors were coming to pick it up.  
11 They could have gotten a lot more money for that  
12 and so could we have, and we're not.

13 Is John still here? Oh, sorry. This is  
14 John Elliott from the - can I have the next  
15 slide, please? This is John Elliott, he'd like  
16 to speak on the flow control and his part as  
17 being representative to the Upper Cape Regional  
18 Transfer Station. Thanks.

19 MR. ELLIOTT: Hi, John Elliott,  
20 Precinct 2.

21 It's really a golden opportunity for me  
22 to speak on the flow control. I was at a  
23 Selectmen's Meeting last fall and I was  
24 introduced. Ray Jack spoke and said that John

1 Elliott was going to talk on flow control; that  
2 was fine. I wasn't allowed to speak on flow  
3 control.

4 Now, most of you probably are aware what  
5 control is and I'll just take a minute to explain  
6 it. The - years ago, transfer stations were  
7 owned by private individuals. They could charge  
8 whatever they wanted to. Yet, with that law that  
9 was in effect, they had to take the material to  
10 these transfer stations.

11 The Supreme Court in April of 2007  
12 changed that over to a transfer station has to be  
13 publicly owned. So that everyone would get the  
14 same price and a fair shake.

15 Well, to do this, we have to have  
16 everything that is picked up in our town go to  
17 that transfer station. This is not done. Why  
18 isn't it done? Because the hauler can make more  
19 money by taking it somewhere else. No  
20 consideration was given to the fact that we had a  
21 contract with the railroad for 40,000 ton a year.  
22 The tonnage was available, it had shown up in  
23 previous years, but the volume continually  
24 dropped off until we got down to around 32,000

1 ton.

2 So, what do we do? We have to pay the  
3 railroad the rail fee. At the time, it was  
4 probably \$9.19 and it went up four percent a  
5 year. For every ton that we didn't even touch,  
6 we had to pay to rail that because we had the  
7 contract.

8 The haulers - and there was in fact one  
9 hauler went before the Board of Health and made a  
10 suggestion, that we take it to someplace else  
11 where he could dump it cheaper and pay for the  
12 railroad fee. This wasn't right. We weren't  
13 getting money to operate the station out of that.  
14 Now, the station you have to consider is railroad  
15 - the material is loaded in rail cars, securely  
16 covered, and taken away up to SEMASS up in, I  
17 don't know, Wareham, I guess it is. The  
18 contract is going to run out in another two, two  
19 and a half years. And we've had a very, very  
20 low price there.

21 The contractors in town that weren't  
22 bringing the material to us, they were paying -  
23 we got the price reduced at SEMASS and we got it  
24 down to the residential rate. This wasn't done

1 by the Selectmen. This wasn't done by the DPW.  
2 It wasn't done by the Board of Health which sets  
3 the rules and regulations for the hauling or the  
4 disposal of material.

5 So, we paid a lot of money. This year  
6 we got the reduction. It started last July.  
7 What a difference. One hauler in the month of  
8 July brought in within three ton of what he took  
9 in three years, what he reported to us in three  
10 years, in one month. He was able to because of  
11 the lower price.

12 So, it's all about money.

13 Now, we're here - this article is not  
14 really about flow control. I tried to explain  
15 it. I probably didn't do a very good job but  
16 that's normal for me.

17 The Town Manager - not the Town Manager,  
18 I'm sorry. The consideration for a solid waste  
19 manager or the rubbish or whatever you want to  
20 call it, we've got a very unusual situation here.  
21 We have curbside -

22 THE MODERATOR: The gentleman's time is  
23 expired.

24 MR. ELLIOTT: Could I have about a

1 minute and a half?

2 THE MODERATOR: The request for an  
3 additional minute and a half, all those in favor  
4 signify by saying aye.

5 [Aye.]

6 THE MODERATOR: All those opposed no.

7 [No.]

8 THE MODERATOR: It is the opinion of  
9 the chair that the ayes have it. We have a  
10 minute and a half.

11 MR. ELLIOTT: Did you get his number?

12 [Laughter.]

13 MR. ELLIOTT: I'm going to use up half  
14 of that time trying to remember what I was  
15 talking about.

16 [Laughter and applause.]

17 MR. ELLIOTT: We have an unusual  
18 situation. We have a dump, we have curbside  
19 pickup, we have the transfer station. There's a  
20 lot of work involved in it, a lot of things to  
21 consider. There is the composting facility, and  
22 there's an awful lot. And I really think that  
23 you would be doing yourselves a favor, everyone  
24 here in town, with a solid waste manager.

1           Now, I have to go over there, because  
2           I'm opposed to this. Well, save me the walk, my  
3           legs are bad.

4           I have one opposition to this: why waste  
5           your money and hire a solid waste manager? There  
6           is no enforcement. The Board of Health who makes  
7           up the rules and regulations, never once we  
8           didn't have a hearing. When a hauler goes in  
9           front of them and says, "I'm not going to go by  
10          your rules because it's cheaper for me to go  
11          somewhere else." If we're not going to enforce  
12          these rules, don't bother making them.

13          I hope that you will vote for it, no  
14          matter what I said, thank you.

15         [Laughter and applause.]

16                 THE MODERATOR:     Okay, further  
17                 discussion on Article 29. Mr. Rowitz.

18                 MR. ROWITZ:     Thank you, Mr. Moderator.  
19                 Ray Rowitz, Precinct 5. Member of the Solid  
20                 Waste Advisory Committee. And we'd like to put  
21                 forward an amendment to Article 29.

22                 To see if the Town will vote to  
23                 recommend the creation of a Solid Waste Division  
24                 within the DPW, headed by a Solid Waste

1 Supervisor.

2 THE MODERATOR: Okay, so this amendment  
3 is to create this position within the division  
4 within the DPW and the main motion is to have a  
5 solid waste manager overseen by the DPW  
6 Commissioners, which by our Town Charter is the  
7 Board of Selectmen.

8 So, Mr. Rowitz.

9 MR. ROWITZ: In the Fall Annual Town  
10 Meeting of 2005, there was Article 26, which  
11 asked the Town to vote to appropriate the sum of  
12 \$30,000 for the purpose of conducting an  
13 organization study of the Department of Public  
14 Works and to determine how the same shall be  
15 raised and whom expended.

16 The - it was voted to spend \$30,000 from  
17 Certified Free Cash for the purpose of conducting  
18 an organization study of the Department of Public  
19 Works.

20 Now, this meeting and this vote wasn't  
21 the first time this had been brought up. The  
22 Solid Waste Advisory Committee has been  
23 recommending a solid waste manager for, from what  
24 I have been told, 22 years, ever since their

1 advent.

2 The resulting report from the meeting in  
3 2005 was a report by the Matrix Consulting Group,  
4 September of 2007.

5 You can go to the next. Their - go to  
6 the next one, please. Their findings pertaining  
7 to solid waste, the management of solid waste  
8 should be centralized and placed at a higher  
9 level in the organization. These included  
10 managing the solid waste contract, managing the  
11 waste management site with respect to daily  
12 operations.

13 You can go to the next slide, please.  
14 Next slide, Bob.

15 As it currently functions,  
16 responsibility for the management of more than  
17 \$2.9 million in solid waste services for the Town  
18 is decentralized, giving the funding levels of  
19 various solid waste-related programs and services  
20 the complexity of responsibilities, including day  
21 to day operations, intergovernmental service  
22 provision and coordination, engineering and  
23 environmental monitoring and impacts, et cetera.

24 The project team recommends the creation



1 of a solid waste superintendent position.

2 The primary responsibilities for this  
3 position would be as follows: manage the solid  
4 waste contract to ensure compliance; resolve  
5 issues and complaints and monitor expenditures;  
6 manage the staff assigned to the waste management  
7 facility and the transfer station; track and  
8 monitor work activities of the waste management  
9 facility, including revenues, expenditures, et  
10 cetera; negotiate and manage contracts for the  
11 waste management facility; coordinate staffing  
12 assignments and the needs for waste management  
13 facility and transfer station, continuing to pull  
14 resources from the highway division. This is  
15 one reason why it's a good idea to keep it within  
16 the DPW.

17 Manage the agreement governing the  
18 operation and funding of the transfer station,  
19 including tracking usage, monitoring costs and  
20 serving as the liaison to the other  
21 municipalities. Serve as the Town  
22 representative on the Upper Cape Regional  
23 Transfer Station Board in place of the Department  
24 Director, and serve as the liaison with the Solid

1 Waste Advisory Board.

2 The recommendation was the Department of  
3 Public Works should create a solid waste  
4 superintendent position to manage the more than  
5 \$2.9 million of solid waste services and programs  
6 in the Town of Falmouth. The net fiscal impact  
7 of this recommendation is \$83,398, including  
8 salary and benefits. That's 2007 dollars.

9 Go to the next one. The Town of  
10 Falmouth should take several steps to improve the  
11 operation of the waste management facility,  
12 including develop a cost recovery philosophy and  
13 set fees accordingly. Tighten physical controls  
14 and limit access to the site. Strengthen  
15 internal controls over cash handling; improve  
16 management controls over operations.

17 The cost for this position is less than  
18 three percent of what the Town now pays for solid  
19 waste services and programs. The cost and more  
20 can be recouped through savings of future  
21 negotiated contracts and more efficient  
22 management of our waste management facility.

23 Mr. Jack has implemented many of the  
24 recommendations of the Matrix Consulting Group

1 report. With the most recent year's budget  
2 crunch and hiring freeze, it has not been  
3 possible for many of the recommendations in the  
4 report to be implemented.

5 Why now? The present contract with  
6 SEMASS ends in 2015. The recent funding concerns  
7 of the Upper Cape Regional Transfer Station. The  
8 imminent implementation of pay as you throw --  
9 and, I say "imminent", it's something that many  
10 communities throughout Massachusetts are doing  
11 and it keeps people - it provides a recycling and  
12 it keeps the - us getting towards zero waste.

13 Contracts for curbside collection and  
14 municipal solid waste and recycling, discontent  
15 with our waste management facility.

16 Falmouth can and should be a leader in  
17 waste management and recycling. And please vote  
18 yes on this amendment.

19 Thank you.

20 THE MODERATOR: Okay, discussion is  
21 open on the amendment. In favor of the  
22 amendment, Ms. Driscoll.

23 MS. DRISCOLL: Thank you, Kathy  
24 Driscoll, Precinct 7. First I'd like to say

1 thank you to the Solid Waste Advisory Committee  
2 and Mr. Finneran for a lot of the hard work that  
3 they've put in to showing a lot of numbers,  
4 statistics, processes, information.

5 This is what I do on a day to day basis.  
6 It's somewhat of a thankless job, but there's a  
7 lot of satisfaction in it, because I know that  
8 the work that I'm doing is actually saving money  
9 in the long run and promoting good activities and  
10 long-term habits with solid waste management.  
11 And I work at Mass. Maritime Academy. They have  
12 a major there; I work directly with students  
13 teaching them about these efforts that they need  
14 to go and take forward as they move on into their  
15 business, municipalities and different work that  
16 they do.

17 I'd ask you to support this amendment  
18 and this article in that we are growing larger,  
19 these issues are growing larger. But at the same  
20 time were are seeing a lot of information that's  
21 very hard to filter out. By having someone here  
22 in the Town that is able to have that information  
23 and provide it to you with, you know, a lot more  
24 construct behind it. Rather than the "No, this

1 is it, this is it. This is what I said, this is  
2 -" Having someone here in the Town managing  
3 this information and these systems on a day to  
4 day basis is very important, especially as the  
5 processes of recycling systems getting improved,  
6 opportunities out there --

7 MR. JONES: [No mic:] Is this on the  
8 amendment?

9 THE MODERATOR: You're speaking on the  
10 amendment, correct?

11 MS. DRISCOLL: Uh-huh.

12 THE MODERATOR: The reason why it  
13 should be under the -

14 MS. DRISCOLL: The DPW.

15 THE MODERATOR: - DPW rather than  
16 independent.

17 MS. DRISCOLL: Yes, because we're  
18 looking at the DPW, all those systems that are at  
19 the solid waste facility with, under the  
20 contracts that they have, scrap metal, solid  
21 waste, recycling, some of the transportation  
22 issues, they fall within the DPW. Again, the  
23 whole article and the amendment going forward and  
24 being able to manage those.

1 I was once asked, "Can the salary for  
2 the position actually be paid for by the savings  
3 that are produced?" And, whether it's within the  
4 department of the DPW or another department, the  
5 answer is yes. I've already accrued about 50  
6 percent of my salary this year just in scrap  
7 metal alone. So I know it can be done, because  
8 it's something I charge - I don't have to do it,  
9 but I've done it, and it can be done by someone  
10 in the Town who is responsible for it. Thank  
11 you.

12 THE MODERATOR: To my left. Mr.  
13 Donahue actually had come down to speak - Mr.  
14 Donahue had come down but he was just sitting so  
15 he wouldn't have to stand for four minutes. Or  
16 14. Mr. Donahue.

17 MR. DONAHUE: Thank you. Bob Donahue,  
18 Precinct 3.

19 I come in my past history from a town  
20 that had a waste management facility that wound  
21 up increasing the number of employees in the  
22 facility and increasing into the tens of  
23 thousands of dollars, I believe it almost got up  
24 to a hundred thousand, what they turned back in

1 the General Fund to the Town.

2 But I believe that we are at a position  
3 here where we have a new Town --Manager - thank  
4 you, I'm sorry - Mr. Suso, that should be allowed  
5 to look at this problem. I believe that the dump  
6 is something that has almost been in what I would  
7 call criminal neglect over the last years.  
8 Because of the research of that these gentlemen  
9 have done who are in favor of this and who have  
10 come to us, I believe this is the second or third  
11 time on this issue. But we do have a new Town  
12 Manager; let's give him a shot at squaring it  
13 away.

14 We can look at this again in the fall  
15 and I would be the first one to say we definitely  
16 need a waste manager for this town. Thank you.

17 THE MODERATOR: Okay, to my right.

18 MR. HERBST: Ralph Herbst, Precinct 8.  
19 Could we have the amendment up on the screen,  
20 please?

21 This is what we're voting on, right?

22 THE MODERATOR: To vote to recommend  
23 the creation of a solid waste division within the  
24 DPW headed by a solid waste supervisor.

1 MR. HERBST: You can't get it on the  
2 screen?

3 THE MODERATOR: Let's just go. I mean,  
4 it's not that difficult. It's to create a solid  
5 waste division within the DPW, headed by a  
6 supervisor. We'll try to find it, but I'm not  
7 going to wait all night to get the slide up  
8 there.

9 MR. HERBST: Thank you.

10 I would like to know if the solid waste  
11 advisory committee has consulted with Mr. Suso  
12 since he has the authority to establish a  
13 division within the DPW.

14 THE MODERATOR: The Committee want to  
15 respond to that question? Ms. Brasier.

16 MS. BRASIER: I'm Ruth Brasier,  
17 Precinct 5, Chairman of the Solid Waste Advisory  
18 Committee.

19 No, we have not talked to - had Mr. Suso  
20 at one of our meetings. He has offered to meet  
21 with us when he had more time, but we weren't -  
22 he's had other things that were higher on his  
23 agenda.

24 THE MODERATOR: Mr. Herbst, are you



1 still - we're getting close. Mr. Herbst?

2 MR. HERBST: Yes.

3 THE MODERATOR: You all set?

4 MR. HERBST: I got an answer.

5 THE MODERATOR: Okay, to my left.

6 MS. LICHTENSTEIN: Lesley Lichtenstein,  
7 Precinct 8.

8 I would just like to know where the  
9 \$86,000 is coming from; is this going to be out  
10 of the current budget, or do we have to find  
11 somewhere else -

12 THE MODERATOR: This is an non-binding  
13 resolution to tell the Selectmen what you think  
14 about the dump, so we don't need to worry about  
15 the money.

16 MS. LICHTENSTEIN: Oh, we don't -

17 THE MODERATOR: We cannot create this  
18 position under this article.

19 MS. LICHTENSTEIN: Okay, thank you.

20 THE MODERATOR: To my right.

21 MS. DAVIS: Yes, Linda Davis, Precinct  
22 4. I just preface this I'm a little bit like  
23 John Elliott, here. I'm not too sure which side  
24 I want to be on. But I do want to address the

1 importance of this position because it is an  
2 important position.

3 A little story. I -

4 THE MODERATOR: The time for discussion  
5 on this article has expired.

6 [Laughter.]

7 THE MODERATOR: The question will come  
8 on the amendment. The amendment is to vote to  
9 recommend the creation of a solid waste division  
10 within the DPW headed by a solid waste  
11 supervisor. All those in favor of the amendment  
12 signify by saying aye.

13 [Aye.]

14 THE MODERATOR: All those opposed no.

15 [No.]

16 THE MODERATOR: It is the opinion of  
17 the chair that the ayes have it by a majority and  
18 the article has been amended.

19 The question will now come on the main  
20 motion as amended. All those in favor signify by  
21 saying aye.

22 [Aye.]

23 THE MODERATOR: All those opposed no.

24 [No.]

1 THE MODERATOR: It is the opinion of  
2 the chair that the ayes it by a majority and the  
3 article passes.

4 Article 31.

5 MR. WILBER: [No mic:] Mr. Moderator,  
6 point of clarification.

7 THE MODERATOR: Mr. Wilber. Let's -  
8 we've got a mic coming down. I know you haven't  
9 had much to do tonight.

10 MR. WILBER: Just a point of  
11 clarification. What we did vote on was just to  
12 recommend something, right? Not to create  
13 anything.

14 THE MODERATOR: Yes, this is a non-  
15 binding resolution, that's correct.

16 MR. WILBER: Okay.

17 THE MODERATOR: Article 31. This is  
18 the second hand dealers and second hand  
19 collectors addition to the Code. If you go to  
20 page - oh, I've got different pages than you do.  
21 If you go to the end of the article on section  
22 136-13 Exemptions, there is a scribner's error.  
23 So it's 136-13, at the end of the sentence, "the  
24 hobbyist", that should be plural: "hobbyists"

1 That was a scribner's error.

2 The Chairman of the Board of Selectmen  
3 for the main motion on Article 31.

4 CHAIRMAN FLYNN: Mr. Moderator, the  
5 Board of Selectmen moves Article 31 as printed.

6 THE MODERATOR: Okay, Article 31 as  
7 printed. This was held by Mr. Alves. Mr. Alves.

8 MR. ALVES: John Alves, Precinct 3.  
9 Speaking on the article, there's some wording in  
10 the article does not really conform. I'd like to  
11 get the definition, the true definition of what a  
12 secondhand dealer is, versus a secondhand  
13 collector. I do know a secondhand dealer has to  
14 have an address or a shop, but does a secondhand  
15 collector, me, you, your mother who collects  
16 things at home that are secondhand, whether  
17 you're a gun collector, a military collector or  
18 anything that you collect. And the meaning, as  
19 it says in the article, says meaning is the same.  
20 And I'm confused. Of this particular meaning.  
21 And I'd just like to know what the chief says on  
22 that.

23 THE MODERATOR: Chief Riello.

24 CHIEF RIELLO: I'd be happy to, Mr.

1 Alves and remember when we met last fall, we  
2 discussed that and I remember explaining it  
3 specifically. And in particular the secondhand  
4 collector and secondhand dealer has the same  
5 meaning, and this is from the old bylaw. And  
6 it's covered by Mass. General Law 140, section  
7 56. It has the same meaning as the term junk  
8 collector. Secondhand dealer has the same  
9 meaning as the term junk dealer, and keeper of a  
10 shop for the purchase, sale or barter of junk,  
11 old metals, or secondhand articles. That's in  
12 Mass. General Law 140, section 54.

13 We did not try to redefine what these  
14 were. Rather we looked at everything that was in  
15 the existing bylaw and what the existing bylaw  
16 says is that all these folks have to be licensed.

17 Now, whether or not you have to deal  
18 with all the sections of this law, the regulated  
19 articles or regulated property and holding  
20 periods. If you are a shop and you do not do any  
21 of these things where you deal with secondhand  
22 materials, buying them, then you don't have to.  
23 You have to be licensed, but you don't have to  
24 hold items because you're not buying anything.

1           And I remember when we talked about that  
2           - and it can get confusing. But those two,  
3           secondhand collector, secondhand dealer, are  
4           defined by the Mass. General Law. I do not have  
5           that in front of me tonight, folks. I had it  
6           when we met several times and we went over that,  
7           as far as what that concerns.

8           And if you - I guess the better  
9           definition is to look at the dealers to be  
10          licensed. Every dealer in and keeper of a shop  
11          for the purchase, sale or barter of junk, old  
12          metals or secondhand articles in this town shall  
13          be licensed. And that's from the original bylaw,  
14          folks, we didn't change it. That's the original  
15          bylaw for the Town of Falmouth from 1919.

16          But that's it, folks, if you're doing  
17          any of that stuff, then you need a license.

18          I don't know if that answered your  
19          question.

20          MR. ALVES:     It's sufficient.

21          CHIEF RIELLO:   Okay.

22          MR. ALVES:     I had one other question.

23          CHIEF RIELLO:   Sure.

24          MR. ALVES:     And it refers to people

1 that come into the town such as Rotary Club, when  
2 they have their -

3 CHIEF RIELLO: Yes.

4 MR. ALVES: - flea market. The  
5 Historical Society, which brings in a number of  
6 antique dealers.

7 CHIEF RIELLO: Uh-huh.

8 MR. ALVES: And they should be licensed  
9 as we are in this town.

10 CHIEF RIELLO: Right, and if you recall  
11 also, Mr. Alves, we also discussed that and we  
12 also agreed on that. Eleven licensed businesses  
13 - just, as matter of reference, folks, when we  
14 pulled this article last fall, right after that  
15 Town Meeting, I set up meetings with - we invited  
16 all the licensed dealers in town; eleven folks  
17 showed up, eleven dealers, including a resident  
18 and a taxpayer, because it was open to the  
19 public.

20 And we had four working sessions, four  
21 weeks in a row where we poured over this three  
22 hours a night and tried to - what we did was,  
23 rather than just throw out the original bylaw and  
24 implement a brand new one, we took the original

1 one and we changed it and added the things that  
2 we wanted that we thought would help and would  
3 suffice to make sure that the town is protected,  
4 that the dealers are protected and the police  
5 have the tools that we need to get some of your  
6 stuff back that people have been stealing at the  
7 rate of \$1.5 million a year.

8 So, we were very comfortable that we  
9 were able to accomplish that.

10 But, to Mr. Alves's point, this was  
11 key. This was key, in the dealers to be  
12 licensed: A temporary license will be required  
13 for transient and special event dealers. That's  
14 brand new. The condition of the temporary  
15 license will be determined by the Board of  
16 Selectmen.

17 This is for folks, especially - and, as  
18 you mentioned, people that come into town and are  
19 running an event where they're buying and selling  
20 stuff, they need a special license. And, quite  
21 frankly, people who would come into this town and  
22 you know how sometimes you'll get people who come  
23 in and say, "Sell us your gold, sell us your  
24 silver", they set up at the Holiday Inn or



1 someplace like that and they're in and they're  
2 out and they're gone. My recommendation to the  
3 Board of Selectmen when they apply to a license  
4 is to not give it, because that's - you're just  
5 looking for an opportunity for people to steal  
6 your stuff and dump it without any holding period  
7 and it's gone.

8 With this new bylaw, regulated items,  
9 especially jewelry, 21 day holding period. If  
10 you look at it, they also have to have an  
11 identification, people that are selling this  
12 stuff, they have to prove where they live.

13 We have, this a really nice bit of  
14 information, including pictures, that will be  
15 transferred and given to the police department on  
16 a regular basis. All our shops in this town  
17 that worked on this are in agreement and they  
18 have been - they have been very cooperative in  
19 getting us the information that we need so we can  
20 follow up and recover your stuff.

21 So, transients need a license and they  
22 will need to apply to the Town of Falmouth.

23 MS. ALVES: On this count I withdraw my  
24 hold.

1 THE MODERATOR: Okay.

2 MR. ALVES: Thank you.

3 THE MODERATOR: Any further discussion  
4 on this article? Mr. Dufresne.

5 MR. DUFRESNE: Adriene Dufresne,  
6 Precinct 2.

7 Considerable debate on this article was  
8 at a previous town meeting and the  
9 recommendations are explained in this particular  
10 article and I would like to move the question.

11 CHIEF RIELLO: Yes, there is a typo,  
12 I'm sorry.

13 THE MODERATOR: We have another typo?

14 CHIEF RIELLO: Yes. This one, actually  
15 Mr. Latimer picked up at the precinct meeting and  
16 this typo is under REGULATED PROPERTY, section  
17 J., where we reference 136-8. That should  
18 actually be 136-9.

19 THE MODERATOR: Okay, so, under  
20 REGULATED PROPERTY, J -

21 CHIEF RIELLO: That's correct.

22 THE MODERATOR: - the second should be  
23 136-9, section H.

24 CHIEF RIELLO: That's correct.

1 THE MODERATOR: We'll just make that as  
2 a scribner's error, as well. Let's do that. So  
3 we're not going to vote on it. Just change the  
4 8 to a 9. Mr. Dufresne.

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

6 THE MODERATOR: Oh, you were moving the  
7 question? Oh. Okay, he moves the question to  
8 close discussion, all those in favor, signify by  
9 saying aye.

10 [Aye.]

11 THE MODERATOR: All those opposed no.

12 [None opposed.]

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

15 The question will come on Article 31,  
16 the amendment to the Code as printed with the  
17 scribner's error corrections. All those in  
18 favor, signify by saying aye.

19 [Aye.]

20 THE MODERATOR: All those opposed no.

21 [None opposed.]

22 THE MODERATOR: The ayes have it  
23 unanimous.

24 CHIEF RIELLO: You guys are the best,

1 I'm telling you, honest to God. Even after four  
2 nights, no kiddin'.

3 THE MODERATOR: Article 32. Finance  
4 Committee for the main motion.

5 CHAIRMAN ANDERSON: Mr. Moderator, I  
6 move Article 32 as recommended.

7 THE MODERATOR: As recommended. This  
8 is to transfer the sum of \$368,500 from the  
9 Waterways Reserve Fund to repair the Tides  
10 bulkhead. Mr. Wilber.

11 No, you have to come up if you're in  
12 favor or opposed.

13 MR. WILBER: [No mic:] I held this  
14 article for the purpose -

15 FROM THE FLOOR: Mic, please.

16 THE MODERATOR: We're on television,  
17 here, so you need to be on a mic.

18 MR. WILBER: I held this article for  
19 the purpose of getting my old friend, the  
20 Waterways Committee Chairman Mike Kenney to throw  
21 a fit at me. And he did. So I release my hold  
22 and support the article.

23 [Laughter.]

24 THE MODERATOR: Okay. All right.

1 Anybody want to stand down in the well? Hearing  
2 none, the question will then come on the main  
3 motion as recommended. All those in favor  
4 signify by saying aye.

5 [Aye.]

6 THE MODERATOR: All those opposed no.

7 [None opposed.]

8 THE MODERATOR: The ayes have it  
9 unanimous.

10 Article 34, the recommendation is  
11 indefinite postponement by the Finance Committee  
12 and this was held by Mr. Brown.

13 Come on down if you're in favor or  
14 opposed. Or if you want to release your hold,  
15 we'll just vote - okay.

16 MR. BROWN: Douglas Brown, Precinct 9.  
17 I didn't think that the recommendation fit the  
18 explanation. I'd like to know is there some  
19 agreement that this will be funded out of the  
20 Capital Plan?

21 THE MODERATOR: I need a positive - I  
22 need a motion on the floor. Are you going to  
23 move - make a motion?

24 MR. BROWN: I'd like to move a positive

1 motion that we vote it as printed.

2 THE MODERATOR: Okay, and where is the  
3 money coming from and how much money?

4 MR. BROWN: Ah, I didn't expect to have  
5 to move it, before asking a question about it, so  
6 I don't have a money source.

7 THE MODERATOR: Do you have an amount?

8 MR. BROWN: \$50,000. From Free Cash, I  
9 guess.

10 THE MODERATOR: We don't have 50 in  
11 Free Cash.

12 [Laughter.]

13 MR. BROWN: What do we got?

14 THE MODERATOR: We got \$2500 left.

15 MR. BROWN: All right, well, that's  
16 fine, then -

17 THE MODERATOR: Just put that?

18 MR. BROWN: - 2500 from Free Cash.

19 THE MODERATOR: So the main motion is  
20 as printed, the sum of \$2500, what's left in Free  
21 Cash.

22 MR. BROWN: Right.

23 THE MODERATOR: Okay, you've got the  
24 floor.

1 MR. BROWN: All right, well, I'd just  
2 like to know, then, why it's indefinite  
3 postponement with the explanation saying that,  
4 you know, for all these years we've been trying  
5 to do something with it and, you know, make it  
6 better, and I'd like an explanation as to where  
7 we stand with that. From maybe Mr. Hoffer.

8 THE MODERATOR: Okay, Mr. Hoffer.

9 MR. HOFFER: Don Hoffer, Precinct 4.  
10 Beach Superintendent. You know, I came before  
11 this Town Meeting two Novembers ago to kind of  
12 show the Town Meeting how the Town of Falmouth  
13 was not keeping up with other towns and their  
14 beach facilities.

15 The article that Article 34 resulted  
16 from some well-meaning volunteers, the Old Stone  
17 Dock Association people, East Falmouth Village  
18 Association, and they said, "Stop beating your  
19 head against the wall, try to downgrade your  
20 expectations, but improve the functioning of the  
21 building we have."

22 At the time I submitted Article 34, I  
23 did not know Article 21 was going to be placed in  
24 this Town Meeting.

1           If you look at Article 21, I believe  
2           it's a debt exclusion and you'll see under the  
3           DPW the magic words, "Beach Department". Our new  
4           Town Manager saw fit for the first time in many  
5           years to put - not for him, but for me - to put  
6           funds in that article, Article 21. There's no  
7           guarantee, I know, that we'll get those funds.  
8           But if we do, we can make major improvements to  
9           the beach facility.

10           So I ask you, again there's no  
11           guarantees, but I ask your support in May when  
12           you vote on this, and I'd like you, from a very  
13           selfish point of view, I'd like you to tell all  
14           your neighbors to support this article - I should  
15           - yes, this article. Because it will really do a  
16           great job for that beach building. Thank you.

17           THE MODERATOR: Mr. Herbst, to my  
18           right.

19           MR. HERBST: Ralph Herbst, Precinct 8.  
20           Considering the condition of that building, I say  
21           we go for both funding sources.

22           THE MODERATOR: I'm not quite sure what  
23           you're talking about.

24           MR. HERBST: Well, the \$2500 and then



1 the promise that the Town Manager's going to make  
2 this happen.

3 THE MODERATOR: Okay. All right, it's  
4 not in the form of a motion. Further discussion?  
5 Any further discussion?

6 Hearing none, then the question will  
7 come on the main motion: \$2,500 from Certified  
8 Free Cash to repair and modernize the Ellen T.  
9 Mitchell Beach Administration Building at Surf  
10 Drive. All those in favor, signify by saying  
11 aye.

12 [Aye.]

13 THE MODERATOR: All those opposed no.

14 [No.]

15 THE MODERATOR: I'm going to count it.  
16 All those in favor of spending the \$2,500 left in  
17 Free Cash for the beach house, please stand and  
18 the tellers will return the count.

19 [Pause.]

20 THE MODERATOR: In the first division,  
21 Mrs. Tashiro.

22 MRS. TASHIRO: 30.

23 THE MODERATOR: 30.

24 In the second division, Mr. Dufresne.

1 MR. DUFRESNE: 59.

2 THE MODERATOR: 59.

3 In the third division, Mr. Hampson.

4 MR. HAMPSON: 39.

5 THE MODERATOR: 39.

6 All those opposed signify by standing  
7 and the tellers will return a count.

8 [Pause.]

9 THE MODERATOR: Third division, Mr.  
10 Hampson.

11 MR. HAMPSON: Five.

12 THE MODERATOR: Five.

13 Second division, Mr. Dufresne.

14 MR. DUFRESNE: Eight.

15 THE MODERATOR: Eight.

16 First division, Mrs. Tashiro.

17 MRS. TASHIRO: 16.

18 THE MODERATOR: 16.

19 By a counted vote of 128 in favor and 29  
20 opposed, we just used up all the Free Cash and  
21 the article passes.

22 [Applause.]

23 THE MODERATOR: I've got a question:  
24 Mr. Hoffer, how are you going to modernize for

1 \$2500?

2 MR. HOFFER: [No mic:] We'll do  
3 something.

4 THE MODERATOR: Article 36. Madame  
5 Chairman of the Board of Selectmen for the main  
6 motion.

7 CHAIRMAN FLYNN: Yes, Mr. Moderator, I  
8 move Article 36 as printed.

9 THE MODERATOR: As printed. This is  
10 to vote to repeal the Open Air parking lot  
11 provision of the bylaw.

12 Who held this? I have "hold", but I  
13 didn't have a name. Oh, Mr. Buesseler. Okay.

14 MR. BUESSELER: [No mic:] I withdraw  
15 the hold.

16 THE MODERATOR: Withdraw the hold.  
17 Okay.

18 Anyone want to discuss Article 36?  
19 Hearing none, the question will come on the main  
20 motion as printed. All those in favor, signify  
21 by saying aye.

22 [Aye.]

23 THE MODERATOR: All those opposed no.

24 [None opposed.]

1 THE MODERATOR: The ayes have it  
2 unanimous.

3 Article 37, Madame Chairman for the main  
4 motion.

5 CHAIRMAN FLYNN: Mr. Moderator, I move  
6 Article 37 as printed.

7 THE MODERATOR: Article 37 as printed.  
8 Who held this one?

9 MR. BUESSELER: [No mic:] Same  
10 reason.

11 THE MODERATOR: Same reason and you're  
12 going to release it.

13 Any discussion? Hearing none, the  
14 question will come on the main motion as printed.  
15 All those in favor, signify by saying aye.

16 [Aye.]

17 THE MODERATOR: All those opposed no.

18 [None opposed.]

19 THE MODERATOR: The ayes have it  
20 unanimous.

21 Article 38, Mr. Chairman. Mr.  
22 Chairman, Article 38.

23 CHAIRMAN ANDERSON: Mr. Moderator, I  
24 move that all articles considered in this Town

1 Meeting be funded as voted for a total of  
2 \$113,803,999. And that the Board of Selectmen  
3 be requested to place a question on the May, 2012  
4 Town Election ballot as voted in Article 21.

5 THE MODERATOR: Okay, you've all heard  
6 the main motion to fund this Town Meeting for  
7 \$113,803,999 and ask the Selectmen to put Article  
8 21 on the ballot. All those in favor of the main  
9 motion, signify by saying aye.

10 [Aye.]

11 THE MODERATOR: All those oppose no.

12 [None opposed.]

13 THE MODERATOR: The ayes have it  
14 unanimous.

15 Madame Chairman of the Board of  
16 Selectmen for notification of the next Annual  
17 Town Meeting.

18 CHAIRMAN FLYNN: Yes, the Fall Annual  
19 Town Meeting is set for Tuesday, November 13<sup>th</sup>,  
20 2012.

21 THE MODERATOR: Okay, because Monday  
22 will be a holiday, recognizing Veteran's Day, we  
23 will be coming in on a Tuesday. So Tuesday,  
24 November 13<sup>th</sup>.

1 I want to thank the Wilbers for the name  
2 tags; make sure you drop them in the box before  
3 you leave so we can use them at the next Town  
4 Meeting.

5 Mr. Chairman for the main motion.

6 CHAIRMAN ANDERSON: Mr. Moderator,  
7 ladies and gentlemen, I move the April, 2012 Town  
8 Meeting be closed.

9 THE MODERATOR: You've all heard the  
10 main motion, to dissolve the meeting. All those  
11 in favor, signify by saying aye.

12 [Aye.]

13 THE MODERATOR: All those opposed no.

14 [None opposed.]

15 THE MODERATOR: The ayes have it  
16 unanimous and this Meeting is finally adjourned.

17 [10:25 p.m.]

18 [Whereupon, meeting adjourned.]

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth Annual Town Meeting, taken by me on April 5, 2012. To the best of my ability the within transcript is a complete, true and accurate record of said Town Meeting.

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

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

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