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COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

**SPRING TOWN MEETING
SPRING SPECIAL TOWN MEETING**

**Memorial Auditorium
Lawrence School
Lakeview Avenue
Falmouth, Massachusetts**

MODERATOR: David T. Vieira

TOWN CLERK Michael C. Palmer

Tuesday, April 6, 2010

7:00 p.m.

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P R O C E E D I N G S

THE MODERATOR: Okay, our tellers this evening: in the first division will be Mrs. Tashiro; in the second division will be Mr. Dufresne; and in the third division will be Mr. Hampson.

Plate number 40309, a convertible, your lights are on, as well.

Will all Town Meeting Members present please come forward so that we can establish a quorum. We've got a lot of work to do tonight. All Town Meeting Members present please rise for the establishment of the quorum and the tellers will return a count.

[Pause.]

THE MODERATOR: After establishing a quorum we'll begin with the Annual Town Meeting tonight. Excuse me, the Special. We won't be using a blanket. We're going to go article by article through the Special, and then we'll adjourn that meeting and return to the Annual at Article 14.

In the first division, Mrs. Tashiro.

MRS. TASHIRO: 49.

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

MR. HAMPSON: 64.

THE MODERATOR: 64.

And in the second division, Mr. Dufresne.

MR. DUFRESNE: 92.

THE MODERATOR: 92.

We have more than we started with last night. By a counted vote of 205, we have a quorum and I call the Special Town Meeting into session.

All present please rise for the presentation of the colors by Sea Scout Ship 40.

[Colors presented. Pledge of Allegiance taken.]

THE MODERATOR: At this time we'll have the invocation by the Planning Board Clerk Robert Volosevich.

MR. VOLOSEVICH: Lord, when it comes to meeting and communicating with each other, help us to be good listeners, help us to be open-minded, putting aside our own agendas. Help us to be honest, without being insensitive. Help us to be respectful without being too formal or artificial. Help us to question and to challenge without being harsh. Help us to be aware that this is just one moment, just one meeting. And lastly, help us to remember that you, too, are always meeting and

communicating with us. Amen.

THE MODERATOR: Colors post.

And the two young women are from Sea Scout Ship 40.

[Applause.]

THE MODERATOR: Okay, I have a couple of announcements. The Falmouth League of Women Voters is having a County Government Fair up at Highfield Hall on Saturday, April 24th; that's in the afternoon from 1:00 to 4:00 o'clock and there will be various displays from different county agencies and organizations. So, if you're free on Saturday the 24th in the afternoon, stop by Highfield Hall.

Ms. Abbott has an announcement as well.

MS. ABBOTT: Thank you, Mr. Moderator. I couldn't resist taking advantage of this opportunity to address Town Meeting Members and Falmouth Residents in the audience and Falmouth Residents at home because we're getting to our over 30th Annual Litter Cleanup in Falmouth, and I invite you all to help. Our flyers are all around Town; they list the locations where you can pick up trash bags; they list the coordinators for each village; they list the generous stores that gave us bags. And the bag locations and the donors I want to thank very much for all they did for the cleanup. And I also want to especially thank Cavossa Disposal, because this year they're even supplying some dumpsters in different places so you can get rid of your trash there.

So, I ask you all to help. It starts April 24th, it runs to May 1st.

And thank you all.

THE MODERATOR: Thank you, Ms. Abbott.

[Applause.]

THE MODERATOR: Okay, at this time I'd like to dispense with the reading of the warrant. Madame Chairman for the main motion.

CHAIRMAN FLYNN: Yes, Mr. Moderator, I move to dispense with the reading of the warrant except for the Officer's Return.

THE MODERATOR: You've all heard the main motion to dispense with the reading of the warrant. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it.

At this time, I'll read the Officer's Return of the Warrant. By virtue of this warrant I have this day notified and summoned the inhabitants of the Town of Falmouth qualified to vote on Town affairs, as said warrant directs, by posting an attested copy thereof in Town Hall and in every precinct in the Town. Signed, Constable Jim Crossen.

Mr. Clerk, I ask that the warrant become an official part of the record.

At this time the Chair would entertain a motion for non-Town Meeting Members to sit up front with their respective boards and committees. So moved. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it.

At this time, the Chair would entertain a motion for Town employees who are not residents of the town to speak on any issue before this meeting. So moved. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it.

Okay. So tonight we're going to start on Article 1; I'm not going to do a blanket. So, Article 1. Madame Chairman of the Community Preservation Committee for the main motion.

CHAIRMAN SCHNEIDER: Mr. Moderator, I move that the Town vote to authorize the Board of Selectmen to purchase or take by eminent domain, or any other appropriate authority, all or a portion of land in Falmouth, Barnstable County, Massachusetts, for the purpose of community housing, open space, and/or public recreation, being described

as follows:, and then as written.

THE MODERATOR: Okay, so we've got the main motion is – that's the same wording as the full recommendation, correct? Yeah, so it's as recommended is the main motion. Madame Chairman.

CHAIRMAN SCHNEIDER: At this time I'd like to ask if the jovial meter could be put back up on the slide show, because last night we definitely had a more doom and gloom evening. In fact, so much so that Janet Hand informed me that she dozed off during our meeting. So I want to make sure that we start with a little more pizzaz tonight and we get that meter to almost or really smiling, if that's okay with you, Gary.

Slide one, please. The Falmouth Community Preservation Committee, I'd like to acknowledge. We are now in five years and counting and tonight I want to just take a few minutes to explain the difference in this amount of money versus what we've been talking about until now.

First of all, if I could have slide 24. I'd like to acknowledge Ralph Herbst, who's the vice-chair and represents the Planning Board; Patty Haney, who's the clerk from the Housing Authority; Kevin Andrade, Peter Clark and Diane Thompson, who are our at-large members; Ken Garner, who represents the Recreation Committee; Ed Schmitt, who is our representative from ConCom, and Heidi Waltz, our Historical Commission representative. And I want to thank all of them for their hard work, and

many of these people have been with this committee since the beginning.
So, thank you to all of them.

[Applause.]

CHAIRMAN SCHNEIDER: In the back, outside, if you didn't pick one up when you came in yesterday or tonight, I hope you will pick up one of these books that you'll see in the back on the table, because it's representative of all the good works that your tax dollars have accomplished over these five years. And we will be updating this hopefully after tonight.

[Clears throat.] Excuse me. This is my husband's fault.

[Laughter.]

CHAIRMAN SCHNEIDER: Also tonight, as we move forward, I'd like to go back to slide 2, that's the one that's the Community Preservation – thank you – Act – and allowable expenditures. If you look at what we're allowed to do – and by now I think most of you know this – we can acquire, create, preserve open space. We can acquire, preserve or rehab or restore historic resources. We can acquire, create, preserve and support community housing. And we can acquire, create and preserve land for recreational use.

And we also can spend money on our administrative expenses, all of which we will hopefully deal with this evening.

The next slide, please. One of the things we've tried to

education everyone on over the past few years is the difference in what we can't do, and of course maintenance becomes one of those big "no" words. But you can take a look at what we have there for the no's. And once in a while we do get a project that we have to examine carefully and determine whether or not it falls into that realm of really not being allowable expense.

The next slide simply gives you a really clear-cut verb chart that we believe helps us as committee members make that determination very easily. And then the next chart shows you what your money has been able to do. What is really great about this is that while the state has had over – just incredible amounts of good projects done in the 142 towns, almost half the towns of Massachusetts that have Community Preservation, this town has had over \$8.5 million in state matched funds come in over the last five years and be spent to do a lot of good, as you'll see in that booklet.

We've gone from 100 percent state match that we enjoyed in the early years – Peter Boyer's smiling because those were the good years and then he got out when it got tougher. But we now are down to in the high twenties or low thirties percent. The good news is that, right now in the House Ways and Means Committee, Senate Bill 90 is looking very positive with a lot of support, and we're hoping that some time this year they will pass this bill which will firm up the state match at 75 percent and

that would mean an incredible difference for towns like Falmouth. So, we stay tuned to that all the time. I did go and testify in the fall and there's a lot of support for this bill, as I said.

It will also allow us to change what we do with Recreation. Where right now we're not allowed to improve existing recreation, in the future should that bill pass, that will be allowable expense. So, we'll keep you posted on that.

The next slide shows you what our funds are, and they will be updated after this meeting. But what we intend to do, because we do still have money, is to have yet another round, this year. And, so on June 4th, 2010, we will have a deadline for the next round of project applications. So, those of you that have something brewing that you think would fit into one of those categories, please keep note of June 4th.

The next slide takes us to what we're talking about with Article 1, and that is simply that we determined back in 2008, when we had a joint meeting with the Selectmen, that we did have some excess money from the Land Bank that had rolled over to the Community Preservation Account, and we wanted to determine what to do with that money. And so we did in fact establish and vote on a what we called the Super Fund, and what its guidelines must be.

So, let's go over that together because I think it's important that you see that the Community Preservation Committee was determined

not to let this lump of money simply get used in the regular pool for small and different projects. The project should be a multi-use project, ideally using the three main CPA categories of open space, community housing and historic resources. The money in the fund should not be divided into a number of smaller projects but should be used almost exclusively on one large project. The planning process for the project should include both government and non-government representation and reflect a collaborative planning process. Any potential open space component should be recognized as valuable open space.

And then, the fifth one was added in a subsequent vote.

When we had established what we called the Working Group, with the guidance of the Selectmen saying, “We’d like you to go forward and have a special group made up of excellent representation to put together some ideas for this money,” and so that group was made up of Margaret Russell, from the 300 Committee; Brent Putnam as our liaison from the Select Board and then he was replaced by Melissa Freitag once she became part of the Select Board; Cheryl Kozens-Long, representing our historic interests in town; Bob Murray, representing the affordable housing interest; Jessica Erickson from the Planning Department; and myself. And we met regularly to discuss potential for this money.

We came back to the Community Preservation Group and asked them for a fifth guideline, and they approved that guideline, which

then said, “The use of the fund may include more than one parcel, not necessarily contiguous”, because we wanted to make sure we could get the best possible affordable housing spot, open space spot, historic resource spot, recreation spot.

We then moved on to this opportunity, after looking at many, many opportunities, walking pieces of land, analyzing what would work and what wouldn't work, the Committee – the Working Group came to the Community Preservation Group with the proposal that the 300 Committee had been working on for some time. We were fortunate enough to have a willing seller, an appraised value that met the asking price, and the right amount of money in the bank. This acquisition of 21.13 acres would really allow the Town to have its first true multi-use project, exactly what the CPC voted they wanted to do with this money, and what they thought would benefit the Town.

So, if you will look at the next slide. The next step was to address the Selectmen and ask them to join us in a Memorandum of Understanding, and you were all mailed some bullets of that memorandum. Full copies of the memorandum do exist in the back; you're welcome to take one if you'd like it. But let's just look at what we agreed to with the joint committees.

9.7 acres will be deed restricted for purposes of open space, conservation, and passive recreation, and that meets the requirements of

the Land Grant parcel, which you might remember we used when we bought the Barthelmey property, and we are intending to apply for again on this purchase.

Approximately 11.5 acres will be reserved for the purposes of community housing and recreation. And if you look at parcel A on the map – the next slide, please – the areas in blue are designated as build-able areas. There is also a build-able area going up to Spring Bars Road that is in yellow with the red lines going through it. You'll notice that that has been given up, so to speak, in order to have a parcel that would merit going to the Land Bank – to the, excuse me, Land Grant for a state payment of up to half a million dollars. We're hoping that we qualify by saving this parcel in perpetuity as Conservation land.

The next memorandum of understanding agreement was that the recommended development of Parcel A shall be determined through a comprehensive study and community planning process to be conducted by a sub-committee of the CPC, and all sub-committee meetings will be open to the public. They will be posted meetings.

The Board of Selectmen will vote the course of action for the development of the parcel. So we have a procedure in place on how this will come forward.

The next slide. Through their comprehensive planning process, the CPC intends to recommend a model development that

protects sensitive natural resources, provides public access to open space and recreation lands, preserves historic resources and incorporates quality affordable housing. The CPC's goal is to recommend a course of action by early 2012.

It's anticipated that the number of housing units to be recommended by the CPC will fall within the range of 20 to 30 units and not to exceed 70 bedrooms. Let me explain. That was a very, very detailed discussion, with a lot of research done. One thing to know about this is that if a developer were to purchase this parcel with simply a special permit, very easily had, 64 units could be built there without any variances.

Second thing to know is that if we stay under 10,000 gallons per day, we do not fall under the state's jurisdiction of wastewater, but rather under our own Board of Health's, and I have had discussions at both the state level and the Board of Health level and know that this number is a very doable number. That said, the CPC is absolutely dedicated to making sure that we put in the very best wastewater treatment here that we can possibly find. We will even investigate the possibility of hooking into the sewer. We will investigate that over the next year and a half.

And I wanted to add that all those housing units will be deed restricted as affordable in perpetuity and, as allowed by law, 70 percent of the housing units will be for Falmouth residents and employees. So you are building housing for people of Falmouth.

I want to also add that people have asked, “Why isn’t the 300 Committee chipping into this?” Well, they are. And we wouldn’t be here today if it were not for them. These are some of the things that they’ve done, but more importantly they have done the legwork with the owner, they will do the legwork with the Land Grant proposal and preparation, which is no small task. And I want to personally thank Margaret Russell, because she has gone so many extra miles to get this project to this point, and she’s not done yet, I hope. So, thank you to Margaret.

So, I hope that this shows you that fortunately, and in slide 16, that the Community Preservation Act and the fact that you voted this in a number of years ago has truly – and can you put slide 16 up? Thank you. Has truly offered us a pot of gold to help us save some of these valuable resources. And yes, that’s Green Pond, and there is something Green about Green Pond today, and no it’s not water quality.

So, with that, I would like to entertain questions and -

THE MODERATOR: Okay, discussion on Article 1. Okay, microphone to my left. Ms. McCormack.

MS. MCCORMACK: Maureen McCormack, Precinct 3. I just have a couple items regarding this Article 1. If you all turn to the beginning of your booklet that we have, it goes over three items that are being asked questions at the start of it for us. The first one: IS THIS NECESSARY? I would say the answer’s no, this is not necessary. CAN WE AFFORD IT?

Last night we reviewed the budget. I don't think we can afford it. WHAT WILL IT ULTIMATELY COST? It may cost a lot more than being anticipated. We're asking for the Town to be developers. I don't think we should be developers. Look at what's happened with the school. We've gone over budget; we've had lawsuits. Yes, that could happen to us again now with this piece of land if we are the developers of it.

Also, we're looking forward to state money. What just happened with the Quinn Bill? We're not being matched. We don't know if we're going to get matched for this. We need to wait.

So, at this time, I ask all the other Members to hold off on this and please, do not vote yes for Article 1.

THE MODERATOR: Further discussion on Article 1?
Madame Chairman.

CHAIRMAN SCHNEIDER: Okay, I want to just respond, and this is good opportunity to remind all of you that this pot of money is definitely a different pot of money than what you've been talking about. As you know, this money is money that is collected as a three percent surcharge. It is money that has been growing in your Land Bank account, and it is money that we do in fact have already. It is not money that can be spent in other categories. And, has the Town – will the Town be a developer? No. The Town will not really be a developer; the Town will simply put out an RFP and ask for whatever they plan should go there to

be built by someone else.

So, I just want to clarify those few things.

As far as the state match, not only are we definitely getting a state match, because there is a minimum that the state can give us. But we've even been told, as you'll see in one of our next – in our articles coming up, that we are getting more money than we thought, and we actually have to ask you to change a number tonight because we're getting more money.

So, we're in a very different situation than most because our state match comes from the fees paid to the Registry of Deeds and that happens to be going better than expected right now.

THE MODERATOR: Okay, Mr. Finneran.

MR. FINNERAN: Yes. I said this at the Precinct meeting last week. I haven't found anyone on Main Street, so to speak, who is in favor of putting affordable housing on the waterfront. As far as saving some of this property and spending the money on it, carving out what you want, leaving the rest for someone else to develop, I think that's potentially a fabulous idea. But in the week's time, or almost a week's time since precinct meeting, I still haven't found anybody who's in favor of putting affordable housing on the waterfront or near the waterfront. And it's pretty much that simple. Thank you.

THE MODERATOR: Ms. Putnam.

MS. PUTNAM: Rebecca Putnam, Precinct 9. I would have to agree, That the criteria here is not being met. We are in financial need right now. We are really looking at having to borrow one and a half million dollars. What is going to be the interest on that one and a half million dollars? And now we're being told that numbers are being changed and we don't know what those numbers are. We have a warrant here that's saying one and a half million dollars being borrowed. We don't – we don't have the ability to do this, and I am a major proponent for affordable housing. I am not against affordable housing, but I'm also, you know, very conscious about budgets. We really need to look at this from a monetary stance right now.

THE MODERATOR: Okay –

CHAIRMAN SCHNEIDER: Can I –

THE MODERATOR: — Ms. Schneider.

CHAIRMAN SCHNEIDER: – address that? I'd like to respond about the borrowing of money. I want you to imagine – and this is an analogy that I've used numerous times – that you purchase a coat today and you use a credit card, knowing that next month you will have a paycheck that will allow you to pay off that credit card bill 100 percent. We're simply in a cash flow situation where we have the money, but because we did not ask for the money to be moved from the Land Bank Special Savings to the General Fund, we could not tonight count that

money as here. We could only count \$1.9 million as here. And with many meetings, with both our treasurer and all of the people involved in finance in Town Hall, we were told it would be really smart financial sense to borrow one and a half million dollars for two to three years -- the amount of the borrow interest is about equal to the extra amount of money we are getting unexpectedly from the state this year -- and pay it off in a way that allows us over the next few years to make smart decisions about what categories we take that money from.

So, I want you all to understand that we are -- we actually know we have the money. It's just a matter of cash flow, and if you need more explanation about that, I can ask our treasurer to explain that.

THE MODERATOR: Okay, Ms. Williams.

MS. WILLIAMS: Thank you, Mr. Moderator. I'm Cheryl Williams, and I'm a member of Precinct 3. And I'm also president of the Save Little Pond Group. I would just like to refresh everybody's memory as to what the mission of the Save Little Pond Group was, and still is. And it's very, very simple and it's very, very basic. Our mission has always been to save Little Pond, the surrounding environment to that pond.

To that end, the Save Little Pond Group fully supports the CPC in its endeavor, and also the Selectmen in this guidance to purchase this property. Many of the Save Little Pond people, myself included, have been totally immersed in this project site for the past six years. Starting

with a Selectmen's Meeting in September of 2004, when the previous developer first came before our Selectmen with a proposal to build at that time almost 200 units on this project site. Keeping that in mind, we support this project, we encourage you all to vote Yes on Article 1. It's in the best interests of everybody in this Town and especially those of you who have supported us in the past. Please vote Yes on Article 1.

THE MODERATOR: Okay, I have Mr. Dick and Ms. Lichtenstein. And then we're going to go over there.

MR. DICK: Thank you, Mr. Moderator. Henry Dick, precinct 8. President of the Coonamessett Pond Association. We have long supported the Little Pond Group in their endeavors and I think if I were to poll my membership we would also want to support them in their recommendations here.

I've now been here – I'm still a short timer on Cape Cod; I've been here about 35 years, but in that time I've watched several cycles of land acquisition in the Town, and you can sort of say it was the buy high principal of land acquisition, except I believe when Peter Boyer saw an opportunity and spent a huge amount of money all at once when things were low, when we did the predecessor bill to this – the CPC, a very smart move I discovered was land prices accelerated in the following years.

Right now we're in a buy low situation. We're talking about CPC funding, we're talking about money that cannot be appropriated to

buy school busses or to help out the fire department or to meet the needs of Town Hall. And right now we have the opportunity to buy low. Now, we could hold off and pay two or three times as much for this land if it's available in three or four years. But I would say that the smart thing to do here right now is take the funds we have available and buy low, for a piece of property that's critical to the Town.

Now, I'm an open space advocate. I would prefer to see the whole thing in open space. But there are other people in this town who think affordable housing's pretty important, too. And sometimes it's very important to compromise, and I think that this is an excellent plan and I commend the CPC.

THE MODERATOR: Okay, Ms. Liechtenstein.

MS. LIECHTENSTEIN: Henry said it.

THE MODERATOR: He said it for you, okay. All the way in the far left, there. Yes.

FROM THE FLOOR: Mr. Moderator, I seem to recall that a couple of years ago I believe it was Mr. Pacheco wanted to develop this property. And at that point in time Town Meeting was being asked to extend a water service, if memory serves, something like 1200 feet I believe from Worcester Court. And I don't remember all the particulars; maybe somebody can remember it and enlighten me. But subsequently Town Meeting voted it down.

Now, if there's to be affordable housing again on this property and so forth, are we able to support that water service, and so forth, and if so at what cost to the Town? I am not opposed to the purchase of this land or the uses of the land. I do have a concern regarding – I'm reminded also of a few years back we had purchased a piece of land on Dillingham Ave., with self-help monies, as I recall, and we ended up locking ourselves in and we wanted to ultimately end up building a fire station on the property, but we couldn't do it.

I'm concerned about the restrictions that we might be imposing on the use of this property if we have some use for it for the community other than open space.

So, if anybody can re-enlighten me as to what the problems were with the water service or whatnot to this, I would appreciate it.

THE MODERATOR: Madame Chairman.

CHAIRMAN SCHNEIDER: One of the things that the CPC subcommittee will be looking at, and has already actually started doing, working with the Wastewater Superintendent, is: what is possible? And yes, I believe the 1200 feet is an accurate number. We have not yet found a definite answer to whether or not we could or couldn't look at hooking into the sewer. But if we can't, for whatever reason, we would also be looking at one of the best wastewater treatments that we can have for denitrification.

So, we're committed to that. We're not locked in. I mean, if you really wanted to look at this if something were to go terribly wrong, that property could then be changed at some point in the future, or sold. That is not something we think is going to happen. We've done pretty due diligence. We have every reason to believe it can handle 20 to 30 units. It's a big difference between 20 to 30 units and 168.

THE MODERATOR: Okay, Ms. Hayward. Mr. Fox, I'll put you on the list.

MS. HAYWARD: Nancy Hayward, Precinct 5. I hope by this time that all Town Meeting Members understand that this is CPC funds, and it cannot be used for anything except CPC use.

This is a multiple use property. This is an idea that has been before the CPC for several years. The CPC had a consultant who came and made a presentation to various boards in the town. The Selectmen were there, I believe. Historical Commission people were there. Other town committees were at that presentation, and the idea was put forth to try to optimize the CPC money by getting a multiple use project where hopefully you would get housing and conservation land in one piece of property.

I guess I think one of the easiest ways to think about this is that this is not money you're going to use for a fire station, as Mr. Dick said. It is a land purchase. Someone is selling this land. I'm convinced

that the financing with the CPC is appropriate financing and I'm also convinced that if the owner of this property wants to sell the property, he will sell it to somebody. And I personally prefer -- I have followed the Little Pond Landing case since it started, and I'm convinced that the Town should have this property and I would like you to vote in favor of this article. Thank you.

THE MODERATOR: Mr. Murphy.

MR. MURPHY: Good evening, Town Meeting Members. Carey Murphy, Precinct 7. I would urge everyone to vote for this. This represents all the values I think a progressive community looks for in a project, and I think we should reward the 300 Committee and the CPC Committee and everybody who has worked very hard on this.

I take -- you know, when we talked for quite a few meetings about 419 Woods Hole Road, you know, we did that category, you know: where is it, can people get to it, is it on, you know, public transportation and a whole host of issues that we rejected that site for a variety of reasons. You know, what this really represents is smart growth. It's near town centers, it's near shopping, it's near the schools. The people that are going to live there are going to be able to walk into town. They're going to be able to walk to some of the schools. And I think that people should reward that by moving this forward.

You know, the high school was a challenged project, but we're

coming to completion and I think it's a – some value to the fact that we changed that project and completed it. It did take time, but I would point to things like the library where we were the developer and we did a great job, came in on time and under budget. I would talk about the band shell and the recreational fields that we've created, and the other schools that we've taken care of. We have been a responsible developer and a progressive community and I think that we should reward that tonight.

One of the other issues is this is a brownsfield project. We're taking a blighted site and we're going to make something out of it. And again, that's the values of a progressive community. And we have an awesome responsibility as Town Meeting Members to recognize those projects and vote yes tonight on this article. Thank you.

THE MODERATOR: Okay, Mr. Rhodes, you were next on the list.

MR. RHODES: [No mic] I got the answer to the question that I had.

THE MODERATOR: Okay.

MR. RHODES: [No mic] I'd like to call the vote.

THE MODERATOR: Ms. Siegel. I've got just a couple more here, and then we're going to.

MS. SIEGEL: Debra Siegel, Precinct 6. I always try not to repeat anything that's previously been said, but it seems to be necessary

tonight. CPC funds cannot be used for anything else in the budget. If you look at the bottom of Article 1, it says, "The Finance Committee has reviewed and concurs with the recommendation of the Community Preservation Committee...", and I think under the circumstances of this particular Town Meeting, that's very telling.

This is about the best example of responsible development that we could possibly come up with, and I strongly urge you to vote in favor of this, thank you.

THE MODERATOR: Mr. Fox, something new?

MR. FOX: Yes.

THE MODERATOR: Microphone, please.

MR. FOX: I'm noticing the difference between the map we're seeing tonight and what was presented in the warrant, and what I think I see there is a serpentine coastal bank, which is a resource that's protected, that not only goes around the whole properties, but goes right through some areas that are being declared as develop-able. And I thought there was certain setbacks and areas you had to be away from the coastal bank, and if I'm reading this properly, I'm not sure the coastal bank setbacks are even indicated on the one portion that goes through multiple sites there.

And I hadn't seen this before and it wasn't in the warrant. And I just wondered, one, are those coastal banks, and two, are they going

through areas that are presented as build-able?

CHAIRMAN SCHNEIDER: I can answer that. Not only – this is thanks to Mr. Clark's motion. Not only are we set back as required, but we have doubled the setbacks, so that there will be nothing within 200 feet of the coastal bank.

MR. FOX: [No mic] Is the serpentine thing all the coastal bank? It's labeled coastal bank.

THE MODERATOR: Okay.

MR. FOX: And you're saying that all that area in that chart that says coastal bank, that serpentine thing, that you're going to be setting back 200 feet from that and that's represented on that plan?

CHAIRMAN SCHNEIDER: Right. All the yellow is conserved land. Nothing – only the blue is build-able.

MR. FOX: Do I not see the coastal bank going right through a section of the blue?

CHAIRMAN SCHNEIDER: No, you don't. The water's only on the far right.

MR. FOX: No, but all the way up, keep going –

THE MODERATOR: Up to the right.

CHAIRMAN SCHNEIDER: No, no.

MR. FOX: – up to the right in the corner, that's labeled coastal bank.

CHAIRMAN SCHNEIDER: No.

THE MODERATOR: Further right, but top right of the blue, what is it? If it's not coastal bank, what is it?

MR. FOX: If it's not coastal bank, tell me what it is, because – right here. What's that?

CHAIRMAN SCHNEIDER: [No mic.] It's not a coastal bank.

MR. FOX: What is it? It's color-coded coastal bank.

[Pause. Inaudible.]

CHAIRMAN SCHNEIDER: Okay, it is coastal bank, but it's in build-able area on that one – those – that one strip.

MR. FOX: [No mic.] That was my question.

CHAIRMAN SCHNEIDER: I'm sorry. Sorry. I'm looking at – it's very – from up here, it's really difficult to discern; I have to look at my own colored bank. But the main – this is all build-able this way without any variance.

THE MODERATOR: Microphone.

MR. FOX: [No mic] The question was what's the setback from the coastal bank.

CHAIRMAN SCHNEIDER: Well.

THE MODERATOR: Could we get somebody that has the answer to this question, please, at the microphone.

CHAIRMAN SCHNEIDER: Jessica, would you – Ed? I'll

have Ed Schmitt from ConCom address this.

MR. SCHMITT: Putting me on the spot here a little bit. But we really speak of two kinds of coastal banks in Concom.

FROM THE FLOOR: Can't hear you.

THE MODERATOR: Can you speak a little closer to the mic.

MR. SCHMITT: Sorry. Thank you. There are two kinds of coastal banks. One is a primary coastal bank. That's what you see along the edge of the water on Little Pond. The other areas in grey, there, I believe are secondary coastal banks, and on secondary coastal banks the setback requirements are much lower and it's generally 25 feet, and this project meets all of those requirements.

MR. FOX: [No mic] It's going through it.

THE MODERATOR: Okay, but they won't build up to the 25 feet of –.

MR. FOX: I'm looking at the blue areas, the hatch box in blue.

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: The rest of the committee is saying they're not going to build there.

CHAIRMAN SCHNEIDER: First of all, I want you all to understand: just because you see it lined in blue, it does not mean there will be buildings covering it. We will be adhering to the setbacks as we

design what goes there. That is absolute. There will be nothing that goes against regular setbacks in this project. We're not asking for variances. We in fact – the CPC was adamant that was going to happen.

THE MODERATOR: Okay, Mr. Smolowitz.

MR. SMOLOWITZ: Ron Smolowitz, Precinct 8. I support the purchase of this land. As far as I read the article, and the articles that follow, we're voting on the purchase of the land and then the Selectmen at some point afterwards would determine the use and the planning for – as long as it meets of course the Community Preservation Act requirements. But we're not defining right now this project here. We're just purchasing the land. It could sit there for the next 50 years as far as I understand it. Right? I mean, it's just the Selectmen at some point will make a decision with the help of the various community groups.

CHAIRMAN SCHNEIDER: In the memorandum of understanding, we have a goal date of early 2012 for bringing a plan forward to the Selectmen.

MR. SMOLOWITZ: Is that a part of the article?

CHAIRMAN SCHNEIDER: That's a part of the Memorandum of Understanding between the CPC and the Selectmen.

MR. SMOLOWITZ: But are we voting on that Memorandum of Understanding?

CHAIRMAN SCHNEIDER: No, we're not. We're voting on a

land purchase. But that is for a distinct intent as listed in the recommendation.

THE MODERATOR: Okay, Mr. Wilber and then Mr. Dufresne.

MR. WILBER: Jude Wilber, Precinct 8. We've seen this a dozen times before, people. This is not a plan before the Planning Board. This is a sketch map of what might be, a sketch map that indicates what could be develop-able; it's not a plan. A full plan has to be presented by somebody, a developer, it sounds like it's going to go out to bid by a developer. It has to meet all the requirements of the Planning Board and it has to be vetted by the ZBA too, as well as every other Town board that has a say in this, the Conservation Commission included.

This is just a concept, okay? We're just buying the land. The concept is that there's a certain amount of land that's develop-able. It's a multi-use project, as Barbara has put out. It's well within the CPC's venue to do this. It's a good concept, a new use of CPC funds. This is not a plan.

THE MODERATOR: Okay, Mr. Dufresne. Mr. Latimer.

MR. DUFRESNE: Adrien Dufresne, speaking as a resident of Precinct 2. I hope you will support the acquisition of this parcel of property. I live in the area and have lived there for approximately 55 years, and am very familiar, going back that length of time when this parcel of property

was a dead end. Spring Bars Road was a dead end and Randolph Street in Maravista was a dead end and the parcel was owned by a very nice Falmouth gentleman named Arnold Burrows.

The property that is outlined in blue is excavated material when he had the concrete block plant which produced all the concrete blocks for the construction of houses in the town of Falmouth. It's very solid. It's probably a hundred feet or more behind the Worcester Court developments of ADAP and some of those buildings that you might be familiar with. There's a cedar swamp down there and there's also a little section of wetlands, and the layout, as I understand it, and I was part of that Save Little Pond group and even tied onto the suit initiated by the gentleman on Alma Road, because this piece of property is so critical to Little Pond's preservation.

I happen to live on Little Pond. I'm not affected by it, I'm about 200 yards away, I guess. But if the original plan had gone through with 200 units or 165 units, it would have been a disaster for that particular area because Spring Bars road, Maravista is now an access road for anybody from East Falmouth that wants to come into town, they shoot down Maravista Avenue and come up onto Worcester Court.

I urge you to support this project. Number one, the layout as I have seen it, the recreational portion of it, if they follow through and I was told there was going to be a place where they could launch canoes – I

happen to have a canoe. And the area is just gorgeous. You can look right up to Bristol Beach. The CPC has put a lot of work into this. I would hope you would support the acquisition. We have the money, which is committed or dedicated for the cause of this types of purchase and this happens to be, I believe, one of the best things that could happen to that particular neighborhood. Thank you.

THE MODERATOR: Dr. Schneider.

FROM THE FLOOR: Question, question.

CHAIRMAN SCHNEIDER: I just want to add one other thing. We've worked with Chief Riello and with Human Services, because if you haven't visited this site and taken a look, not only are there two warehouses that would be removed and all the asphalt – it's not the most attractive parcel right now. But, in addition to that, it has played into some problems as far as what it's being used for, and Chief Riello would be very happy to see those buildings gone and the lack of a cease and desist on bonfires that are going on and so on there.

So, we hope that this is going to really be a positive correction to this parcel.

THE MODERATOR: Okay, is it something new. Microphone over here, Mr. Latimer.

FROM THE FLOOR: Ohhhh.

[Laughter.]

THE MODERATOR: And then we're going to vote.

MR. LATIMER: Richard Latimer, Precinct 2.

THE MODERATOR: Okay, folks.

MR. LATIMER: I just want to say something. We heard at the outset that we can't afford this project. I would say after hearing everyone, and I hope everyone realizes, we can't afford not to do this project at this time. It's free money, in terms of the tax burden. It's free money in terms of the tax burden. It's at a low market; we get a bargain. And this is an opportunity for us as a town to control development without stepping on anyone's perceived property rights. This is a voluntary sale by the owner to the Town in which we get to direct how it is to be developed. That should be a no-brainer, thank you.

THE MODERATOR: Okay, Article 1 requires a two-thirds vote. All those in favor of the purchase, Article 1 as recommended, signify by standing and the tellers will return the count.

Maybe I should have done the voice vote.

Why don't you all sit down. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It's the opinion of the Chair that the Ayes have it by a two-thirds and I so declare.

[Applause and cheers.]

THE MODERATOR: Article 2. Article 2, the Board of Selectmen will make the main motion. Madame Chairman.

CHAIRMAN FLYNN: Mr. Moderator, I move that the Town vote Article 2 as printed.

THE MODERATOR: Article 2 as printed. Madame Chairman.

CHAIRMAN FLYNN: Yes, thank you, Mr. Moderator. The Town views this swap as having important benefits. First in the area of public safety and second in the area of wastewater discharge. The property is currently being considered and being proposed as a new fire station. However, the Town's parcel has no access and the swap would allow that access so that a fire station could actually be built. And I'm sure the Chief will speak to that.

The property has also been previously been identified by the Town through its wastewater planning process as a desirable location for treated water discharge outside of the West Falmouth Harbor Watershed and the vicinity of the Town's Wastewater Treatment Plant. That parcel is to the west of the land as you can see on your map. And I believe that Town Counsel has some comments related to the letter of intent.

First, though, I do want to say that the Board of Selectmen voted unanimously to support this article, as well as voting unanimously to

support the letter of intent.

THE MODERATOR: Mr. Duffy.

MR. DUFFY: There's something a little unusual about this transaction, I just would like to report to you, but it's not a cause of concern. Ordinarily we have a purchase and sale agreement when we're talking about acquiring land or selling land. We don't have one in this particular situation; we have a letter of intent. And the letter of intent says that as soon as Town Meeting approves this project that the parties will go ahead and negotiate a purchase and sale agreement which will contain the legal requirements of the transaction.

But the Selectmen have approved this project in concept. It was something that was presented to us by the Peterson family. I'm sure someone may speak for them on this transaction. But I knew the question was going to come up, "Do we have a P & S?" The answer is No. We have a letter of intent, however, and the Board of Selectmen have voted to accept it and it has been signed by the Petersons.

THE MODERATOR: Okay, Chief Brodeur.

CHIEF BRODEUR: Mr. Moderator, Paul Brodeur, Precinct 4. Falmouth Fire Rescue Department, Chief of the Department. On this property, we've been looking for an open piece of land that the Town owns in the West Falmouth area now, working with the Planning Board for about – with Mr. Curry, Town Planner, for I'd say roughly two years.

Brian Curry, the Town Planner, has been working diligently looking for property for the proposed new West Falmouth Fire Station and this came up with the Peterson family I would say in discussion for at least a year.

Presently what the department has is a stimulus application for \$5 million for a fire station. We submitted that in October of last year; we were supposed to get an answer from the federal government on the 31st of December, 2009, and we're still waiting. Our application is still in process. Deputy Sullivan is in charge of that; he put the application together and we're just waiting for word from the federal government.

If we happen to be successful in that application, we have 18 months to build a fire station. Five million dollars; no cost to the Town. Strictly for a fire station.

We've been looking at this property and the issue that we have with this property, as Chairman of the Board of Selectmen Pat Flynn said, we don't have access. It's a landlocked piece of property.

Mr. Peterson will give us this piece of access here to our property because obviously possession's 9/10ths of the law, but without access we can't get to the road. The access is the immediate issue that we need to get this opened up for service for a fire station. Also, this access, which is already there, runs abutting the property and the Peterson family will allow us to get to our wastewater discharge over the remainder

of his property, the Peterson property.

Also, this will give us another access onto the Town's parcel, which gives us direct site view to Thomas B. Landers Road. It works well for the Fire Department in regards that the station will be green with energy and everything, the LEEDS program and everything that the federal government requires for an application under the stimulus program.

We had two senators at that time. One had passed, and I've made phone calls to the other one, suggesting that at times we do go mutual aid to Forbes' island. However, what we're looking for is a piece of property for a fire station in the future and I think access to a landlocked piece of property that the Town owns with a swap works well for the Town. That's all. Thank you.

THE MODERATOR: Okay, Mr. Boyer.

MR. BOYER: Peter Boyer, Precinct 5. I'm a little unclear as to the mechanics of what has to happen when. And that has to do with if this body votes and is it a land acquisition two-thirds vote, and does that end Town Meeting involvement? Or, in the course of the development of a purchase and sale agreement, are there terms which then would be explained to Town Meeting and a return to Town Meeting for a final vote on the transaction? Or in fact are you proposing that this is the end of Town Meeting involvement in this particular transaction?

THE MODERATOR: Mr. Duffy, do you want to address that?

I'm seeing it as a two-thirds is the transfer.

MR. DUFFY: What Mr. Boyer has alluded to is the concern, I think. We don't have a purchase and sale agreement so we don't have a definite deal. Now, ordinarily we would like to have one. There are several reasons, and I'm not really — I can't really explain why they are, what they are, because I'm not privy to the Peterson family's thinking. But there are certain preliminary procedures that they must go through before they can sign a purchase and sale agreement.

The way it has been presented and it was brought to the Town is it was going to be a straight land swap. That we would exchange a couple of parcels of land in return for the access parcel to the land that we own which we could develop as a fire station, although I don't believe they are saying we have to develop it as a fire station. And the land that we are giving to them is not subject to any condition, either. And so it would be just a straight swap. And, if that's the case, if it's voted tonight, I don't think we'd have to come back.

But if there's some other plan to develop this property, then yes, we might. But it depends on what it is.

THE MODERATOR: Mr. Boyer.

MR. BOYER: I think I understood until that last tag line, when, if there's a plan to develop which property? The property that the Town is giving to the Peterson's, or the Town parcel that has now, or

would have access in the future? I don't care about whether it's a fire station or not. I understand that portion of it. But I'm not clear on whether or not Town Meeting becomes involved and what the Petersons may do in the aggregation of their parcel, and it's clearly a good deal for them because they get to aggregate their separate parcels and conceivably create something. But is that creation subject to a Town Meeting approval?

MR. DUFFY: I don't know because I don't what it's going to be. But it's envisioned, the way it was brought to the Selectmen and as reported to me, it was going to be a straight land swap.

MR. BOYER: Okay. Then I guess I need to repeat: do we have any opportunity for further Town Meeting involvement, or is it in fact this is it? As far as you know, I think you're saying: this is it.

MR. DUFFY: As far as I know.

[Laughter.]

THE MODERATOR: Okay, I had Ms. Moynihan next on the list and then Mrs. Botelho, you're on the list. Well, okay, we'll let Mrs. Botelho go first.

MS. BOTELHO: This seems like a very complicated problem to get that land, and am I mistaken? Didn't we buy land at the fork between Thomas Landers and Sam Turner, thinking that we were going to put a fire station there for that area? Did I miss something at some point

did – wasn't that land planned for a fire station? If it was, why are we getting into this?

FROM THE FLOOR: That land was purchased for open space.

MS. BOTELHO: Only? It was sold at Town Meeting if I understood for a fire station. Okay. Thank you.

THE MODERATOR: And Ms. Moynihan.

MS. MOYNIHAN: Yes, good evening, I'm Laura Moynihan. I represent the Peterson family; I'm speaking as a resident and tax payer and Mr. Peterson is here as well and he would like to make some comments.

Just to follow up on Mr. Duffy's comments about the agreement, we had proposed the Letter of Intent option because we felt there was no money exchanging hands here. Usually you have a purchase and sale agreement because you want the seller of the land to be bound to a price. We don't have that issue here. There's no cash exchanging hands.

We also have this land that is zoned agricultural double A. So at the present time the options up there for development are house lots, perhaps. But that's not really something that's suitable for that particular area. So the Petersons are looking at what they may want to do with that land. As part of that process, it typically requires a lot of expense. And

quite frankly, without knowing if Town Meeting is going to back this, some more time is going to go into that, that work on their part.

As far as the purchase and sale agreement that will come out of this, it will contain standard conditions for the Town to convey good, clear and marketable title. We've proposed a closing date by the end of this year, December 31, and that's pretty much it. That's what you're authorizing the Town to enter into.

If there's anything else, I expect it would have to come back. So, that's why we felt the letter of intent was the best way to go. It would allow us to know that Town Meeting was behind this and we can move forward and do the work that's needed to be done and the family will have to cover the expense of negotiating an agreement and having that prepared. So, those are factors, too.

Mr. Moderator, may I turn it over to Mr. Peterson, now?

THE MODERATOR: Mr. Peterson.

MR. PETERSON: Thank you, Mr. Moderator. Just a little history on this particular property. My father bought it I don't know how many years ago, but he's been talking with the Town Planner on and off for years about a potential swap up here. And we were alerted by Mr. Curry that the Chief had his eye on the property up here, but obviously had issues because the land is landlocked. And so, in discussions between myself and the Chief and the Town Planner, we saw a great opportunity

here to help not only the fire department but the Town, because there's the piece on the end is not in any water recharge areas, so would be suitable for wastewater discharge. And it works for our family because we can, as somebody just mentioned, aggregate some of the pieces and we have frontage all along Thomas Landers so we would be able to develop that in some way, shape or form in the future.

Part of our reluctance to enter into a P & S is that there have been many discussions with the Town Planner about the potential of this, not just the land we own, but other areas up there on Thomas Landers Road, and we've had discussions with Mr. Curry and he's had discussions with the Planning Board, and you know there's great potential up there and we want to have some more discussions with him about that and just understand what the Town wants to see happen up in this area before we move forward and do a P&S.

As most of you know that are involved in any kind of land transactions, putting together a good, solid P & S can cost a lot of money. We're trying, in this economy, to give the Town added value to their land that you own now. We just spent I don't know how much time talking about Article 1 and using Town funds and using Preservation funds to buy property. Here's an opportunity to take a landlocked piece of land that really has minimal value and add tremendous value by getting access to it.

There's no loaded gun here. I know Mr. Boyer's got concerns. You know, we've hammered out I think what is essentially what will be in the P & S. There's no surprises down the road. We just feel this is a great opportunity that, you know, all parties can win here and benefit from this particular land swap.

THE MODERATOR: Okay, Ms. Shepard.

MS. SHEPARD: Susan Shepard, Precinct 1. If we – are the stimulus funds that the Chief referred to contingent on our passing this tonight?

THE MODERATOR: Chief?

CHIEF BRODEUR: No.

THE MODERATOR: No. Okay?

Yes, Madame Chairman.

CHAIRMAN FLYNN: Thank you, Mr. Moderator. I think as you have heard the word concept mentioned tonight, and that's exactly what this article is, it's a concept. And it defines a swap of land between the Town and the Petersons of equal size. So, if everything moves forward as it is described in the article and in the letter of intent, then, by the end of the year, there would be a purchase and sale agreement for those properties to exchange hands.

If anything should change during that period of time between now and December, whether it's the size of the swap of any one of those

parcels, or almost anything else that is not included in the language in the article, then we would have to come back to Town Meeting in the fall. Otherwise, if the concept is carried out as it is described in the article there and as all the parties have spoken to, then we would not have to come back to Town Meeting.

THE MODERATOR: Okay, Mr. Johnson.

MR. JOHNSON: Leonard Johnson, Precinct 5. When you as an organization such as the 300 Committee or the CPC or the Land Bank in the past has brought an article before you in Town Meeting, the Selectmen have required several things to take place before they put an article on the warrant. One of them is a purchase and sale agreement. I'm not going to continue that discussion, but I submit to you that the conversation between Mr. Boyer and Mr. Duffy indicates why we should have a purchase and sale agreement when you buy a parcel.

The second issue has to do with the value of the land. We don't know in this transaction what the value is, through an appraisal, of what the Town is trading to the Petersons. Is there equal value of this land? We don't know that. I think before you proceed on this it would make sense to have an appraisal so that you would know that.

THE MODERATOR: Mr. Peterson, do you want to address that?

MR. PETERSON: Mr. Johnson, that's a great point and I'm

glad you brought that up. I think and I don't know the exact values, but the Town piece currently is 12 acres and it's landlocked. My guess is in town, based on other towns that I've dealt with this issue, the land is probably valued anywhere from \$5,000 to \$8,000 an acre as a landlocked piece of property. Our particular piece of property has access, so obviously the value is much greater than any landlocked piece of land. And what we've proposed in our discussions is an equal acre for acre swap.

So I would say to you that, you know, what we're doing here, what my family is helping the Town do is increase the value of the land the Town owns. That four plus acre piece of access land that the Town can use for the fire station, potentially, goes in value from anywhere from \$20,000 to \$40,000 for the entire piece up to potentially, you know, maybe \$150,000 an acre to a \$600,000 piece of property.

So really, in essence, appraisals would be great, but I think in this particular case, if you just weigh the fact that we're talking about land that has no access versus land that has access and the Town is gaining that access, not giving it away, the Town is getting great value from this particular swap.

THE MODERATOR: Okay, Mr. Hampson and Mr. Latimer.

MR. HAMPSON: Mr. Moderator, George Hampson, Precinct 5. My question has been answered.

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct 5 – Precinct 2, excuse me. This is very open and above board, quite transparent transaction. Ms. Moynihan has cogently explained why there is no purchase and sale agreement because there's no cash being involved here. It's not going to cost the taxpayers any money to do this.

As far as the value of the land goes, as Mr. Peterson has pointed out, that for practical purposes the land we're giving up isn't worth even anything. In order to even bring in a road to any one of those parcels, including the one that we might want to develop for a fire department, we'd have to go way around his property to get – and over our own conservation land. The cost for road building for that, even if we could do it, would be far in excess of any – of the value of the properties that exist now.

But what he's proposing and what the Town is proposing is we're going to get a very short, straight run from the public road to the property that we own where we might want to site a fire station, and the development costs of that would be very low, or relatively low compared to what else we'd have to do, if we could, to reach that same parcel by going around the barn.

Now, as I said, this is a very open and above-board, quite transparent transaction. It should be clear to everyone that this is what we should do.

As far as Mr. Boyer's concerned about the future Town Meeting action, well, yes, if and when we decide that a fire station's going to be built there, well then it comes back to Town Meeting to vote on the costs and the construction of the fire station. Other than that, there's no necessary Town Meeting involvement. Mr. Peterson, because it's agricultural land, once he has that parcel in place, he would have to come to the Planning Board to site a subdivision for residential use. Now, if he has more in mind than that, well then, yes, he'd have to come back to Town Meeting for rezoning. But, at least in this instance, he'd be doing it in the proper way, he'd be buying the land first, not developing anything and then coming back to us to see if we want to rezone it and we could say no and then he can just go build a subdivision. Go to the Planning Board. So it's all very simple, it's all very right out there, very clear and transparent. I suggest we vote for this. Thank you.

THE MODERATOR: Okay, Ms. Lowell.

MS. LOWELL: Vicky Lowell, Precinct 1. We're thinking concepts. I think this looks like a good concept for the Town. It's a little nerve-racking not to have it all in fine print, but I'm in favor of the concept. But I also wanted to think long-term; we're trying to think long-term tonight. With the steamship parking set to go there and a fire station, the Thomas Landers Road is one of the few east-west roads if you're trying to get around town in other than a motorized vehicle and I hope that part of the

planning will be to put some shoulders and make that a more adequate and safe road for all purposes as we plan for this intensification of development. Thank you.

THE MODERATOR: Okay, Article 2, this requires a two-thirds vote. All those in favor of the land swap, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

[Applause.]

THE MODERATOR: Article 3. Article 3, Madame Chairman.

CHAIRMAN FLYNN: Yes. Mr. Moderator, I move that the Town vote Article 3 as printed.

THE MDO: Article 3 as printed. This is to authorize the Board of Selectmen to issue a request for proposals or otherwise convey one parcel of land at 761 Teaticket Highway in East Falmouth for affordable housing. Any discussion on Article 3? Mr. Pinto.

MR. PINTO: Thank you, Mr. Moderator, Greg Pinto, Precinct 3. For those of you who are not familiar with this parcel, this is the corner of St. Mark's Road and Teaticket Highway.

I have several questions, but first I would like to address through you, Mr. Moderator, to the Chairman of the Board of Selectmen:

What is the rationale for putting affordable housing at this corner?

THE MODERATOR: Madame Chairman.

CHAIRMAN FLYNN: This was requested to the Board of Selectmen by the Falmouth Housing Trust, and I believe the executive director is here and I would ask her to respond to your question. Annie Seganic is here.

THE MODERATOR: Sure. Mic up there.

MS. SEGANIC: Hi, I'm Ann Seganic, Executive Director of the Falmouth Housing Trust. This property was first designated from Brian Curry, in our Town Planner's Excess Inventory Land Report, which was released last summer. It was taken in a tax taking in the '80's. It's been non-revenue producing since that time.

It's on a main road, it's a level lot. It's easy to get into, there wouldn't be huge infrastructure costs. Is that?

MR. PINTO: Okay, thank you. My next question has to do with – I know this is strictly a land purchase, we're not talking about specifics. I apologize for not being able to get to a Selectman's meeting a few weeks ago, but I was working that night. I did read the account of that in the newspaper, and if that is correct what I read, Mr. McGrath, who did a preliminary plan for this site I believe was quoted as saying that you could get as much as three units of housing on this parcel.

My question is, since this is in an area where with our

wastewater planning we're proposing to have everyone sewerred, are you really going to ask somebody who bought an affordable house to pay an extra three or four thousand dollars in betterment every year after they just bought an affordable house? Because those – it seems to me that, you know, if you're in that boat and you're buying an affordable property, the last thing you need is an extra bill of at much as \$4,000 a year. That just, you know, doesn't make sense to me.

Also, for the sake of disclosure, I live off of St. Mark's Road. St. Mark's Road also connects to Teaticket Path, which is where my grandparents had a house when I was a child and now it's owned by my aunt, so I'm very familiar with this area. I went through and counted the number of roads that connect to here; there are eleven roads that connect to this spot, including the main road coming out of Falmouth Port, which we know is a condominium complex. If anyone in this room has ever been traveling from East Falmouth towards town, you know that when you come down 28 and you get around to the Baptist Church, you need to slow down because, more than likely, the cars in front of you are either slowing down or completely stopped because somebody's trying to turn into St. Mark's Road. There is a lot of traffic in and out of St. Mark's Road. There's also a school bus stop at that corner.

All of these things put together – you know, I understand that it's near infrastructure, but it doesn't seem to me to be the most logical

place to put affordable housing. And I'd just, you know, I think that there are better uses.

THE MODERATOR: Ms. Harper, do you want to address some of the questions?

MS. HARPER: The Town of Falmouth has one of just several Housing Production Plans approved by the Commonwealth of Massachusetts, and that's a project that we're all very proud of our Planning staff and Planning Board and Board of Selectmen to get to work on that project.

One of the requirements of that is to use municipal property to contribute to its inventory. And we have three excellent examples of solid in-fill development in areas where there were neighborhood concerns. Very similar to the ones that you're raising this evening. And if anyone's had an opportunity to take a drive up to Ward and Chester Street in North Falmouth, those are beautiful in-fill development facilitated initially by the Board of Selectmen and supported by the Community Preservation Committee.

There's also Cloverfield Way, where there are significant neighborhood interests on that property. So I think with the right planning – and, there's no development plan. There would be a process that will include the Planning staff, the Board of Selectmen, and to help develop a development that there won't be a neighborhood participation which has

been our practice. I can remember some very intense discussions in the North Falmouth area prior to development of those properties, but I think this is a good opportunity in a residential area to promote affordable housing.

THE MODERATOR: Mr. Pinto, you all set? Okay, Mrs. Botelho.

MS. BOTELHO: Don't you think that there are enough affordable housing in the east end of Falmouth? I do. And we're having problems with nitrogen in the water. We have all the inlets in the east end of Falmouth and now we're going to put even more housing? You haven't even finished putting the housing in Teaticket that we bought the land for and now we're going to do more? I think enough is enough. Thank you.

THE MODERATOR: Okay. Further discussion? Mr. Latimer.

MR. LATIMER: Mr. Latimer, Precinct 2. I wasn't going to talk about this but enough isn't enough. When we have affordable housing, enough isn't enough.

This is Town land, tax-taking land, that's available. The Affordable Housing Committee came before the Planning Board; we looked at it. We always look at projects in terms of traffic impact and things of that nature, with the advice of our professional planner. This is a very suitable site for housing of any kind. It just so happens it's available

to us to help meeting our affordable housing quota, which is why the Planning Board was unanimously in favor of this particular site.

No, Mrs. Augusta, enough is never enough. We never have enough affordable housing, and I will say one of the other we're going to see in a few minutes, here, is in my own neighborhood, and I support that one, too, thank you.

THE MODERATOR: Okay, microphone up there in the back.

MS. SEGANIC: Hi, I think it's important to talk about what the Trust is interested in doing there. It's three independently owned homes, and they we hope would be a LEEDs Certified project so that we would utilize renewable energy and building practices. These would primarily be for families in Falmouth. They will be sold to individuals who qualify for their own mortgages, who have credit, who have savings. They just can't get a mortgage for \$350,000, they can get one for \$150,000.

THE MODERATOR: Okay, Mr. Hampson, something new?

MR. HAMPSON: George Hampson, Precinct 5. I just wanted to know if anybody had an estimate of the amount of houses that could be built on this parcel.

FROM THE FLOOR: Three, three.

THE MODERATOR: Or is that the estimate or is that the intention? Okay, it is three. Okay, Mr. Pinto.

MR. PINTO: Okay, if I heard correctly, the intention would be

to have three individually owned homes here. Would this lot get subdivided to do that?

MS. SEGANIC: It would be built through a traditional 40B project, where the Falmouth Housing Trust is Falmouth's Community Development Corporation, so it would be considered a friendly 40B, where we would work with the Town. The lot, as actually sketched by Holmes and McGrath, was for four houses and we scaled it down to three because if you look at the map, that's what surrounds it. That's in keeping with the neighborhood, which we're very careful to honor.

MR. PINTO: Can you tell me what the frontage is on Teaticket Highway, or can Mr. McGrath, perhaps?

THE MODERATOR: Mr. McGrath.

MR. MCGRATH: I'm sorry, I don't know. It was done by other people in my office.

MR. PINTO: Well, my estimate is about, oh, I don't know, 100 feet, maybe 150 if you're lucky. So, I don't know, this just does not seem to me to be a spot to try and shove three houses in. If you look – if you take your eye and travel from 28, come down St. Mark's Road, you make about a 65 degree turn right there, there's somebody's driveway right on that corner. There's a little road, basically a glorified driveway for two houses right there on that corner. You're asking to – I mean, obviously we don't have a plan, but you're asking to put three independently owned

houses here; if they don't have a shared driveway, that means that you're going to cut – curb cut the sidewalk that's there in three places. As I mentioned before, this corner is a school bus stop. It has been, at least in my memory, which is about 33 years. I just don't think this is a good spot to stick three houses.

THE MODERATOR: Okay, Ms. Putnam.

MS. PUTNAM: Rebecca Putnam, Precinct 9. This is a very good opportunity for affordable housing. This is a one acre parcel. If a developer had this one acre parcel and decided to do a 40B on it, it would be eligible for four homes. You're asking for three homes. The curb cuts can be on St. Marks; that's been done before, and this is a great opportunity. It is free land. This is not costing us money to purchase it.

The Town's assessment is \$373,000 for this land, and we're not paying for it; we already have it. I'd say that we need to vote yes on this.

FROM THE FLOOR: Question, question.

THE MODERATOR: Okay, one more clarifying comment and then we're going to vote.

MS. SEGANIC: Thanks, sorry. Actually the assessed value is 149.8. It's been lowered. It's zoned as Residential C. And I think what's important to think about is that this has been non-income producing land for the Town for 30 years. We're actually going to put homes on it.

Those folks are going to pay property taxes; those people are going to have kids at that bus stop, and they're going to volunteer in the schools and they're going to be part of the community.

THE MODERATOR: Okay, this is going to require a two-thirds vote because it is to authorize the Board of Selectmen to issue a request for proposals or otherwise convey a parcel. All those in favor of Article 3 as printed, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: All those – it is the opinion of the Chair that the Ayes have it by a two-thirds. Is there a challenge to the Chair? There's a challenge. All those in favor, signify by standing and the tellers will return a count. All those in favor of Article 3.

[Pause.]

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

MR. TASHIRO: 14.

THE MODERATOR: 14.

In the third division, Mr. Hampson.

MR. HAMPSON: 53.

THE MODERATOR: 53.

In the second division, Mr. Dufresne?

MR. DUFRESNE: 72.

THE MODERATOR: 72.

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

[Pause.]

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

MR. HAMPSON: Ten.

THE MODERATOR: Ten.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 19.

THE MODERATOR: 19.

In the first division, Mrs. Tashiro.

MRS. TASHIRO: 27.

THE MODERATOR: 27.

By a counted vote of 139 in favor and 56 opposed, the necessary two-thirds passes. Very close.

[Small applause.]

THE MODERATOR: Article 4. Article 4 is to authorize the Board of Selectmen to sell or convey a parcel of land at 55 Glenwood Avenue to be used for Affordable housing. Madame Chairman of the Board of Selectmen for the main motion.

CHAIRMAN FLYNN: Mr. Moderator, I move that the Town

vote Article 4 as printed.

THE MODERATOR: Article 4 as printed. Discussion on Article 4, Mr. Dufresne.

FROM THE FLOOR: [No mic]. Mr. Moderator. Point of order. On the last vote, you only announced numbers for two sections.

THE MODERATOR: Okay. 27, 19 and 10. So it was 139 to 56, and the required two-thirds was 130, so the article passed.

Mr. Dufresne.

MR. DUFRESNE: Are we ready?

THE MODERATOR: I'm ready if you are.

MR. DUFRESNE: Fellow Town Meeting Members, Adriane Dufresne representing Precinct 2. I speak tonight on Article 4 and ask for your consideration to vote no.

Lot 55 on the westerly side of Glenwood Place for yet another multiple dwelling on a street that's already congested with single residents is not, I believe, in the best interests of that particular street. Glenwood Place was laid out in about I think it was an eight lot subdivision in 1907 on very small lots ranging from say five or six thousand square feet to one, I think there's one of them that's 10,000 square feet. The street is 700 feet from Main Street all the way down to the end, and it's a 15 foot layout. Most of us have driveways that are 15 feet wide.

It was laid out as a single residence and when I lived there,

from 1931 to 1937, it was a nice, quiet residential street with a big field in the back yard which is now Town Hall Square. So, it was a working class neighborhood with the lots ranging from five to seven thousand square feet, and right now I would ask that you look at the back of your book – oh, that's okay, it up there on a slide.

If you come across Chancery Lane, which I think took one portion of one of the original lots, that lot has 2,146 square feet. That building that you see there has three apartments. The next – coming down the lane, the next lot is 5,520 square feet and it has five apartments. The next one is a block owned by a prominent Falmouth lawyer, which I think is zoned B-3, which has a professional building which fronts on Town Hall Square, 7,000 – one lot is 7,810 square feet with a house that has two apartments. And then the next lot, 7,420 square feet, which has three dwellings in it, plus three professional offices, which I previously mentioned, that's on that 15,000 square foot lot.

The next lot, which I believe the gentleman had it zoned B-3, has 7,000 square feet, or 6,920 square feet, has two dwellings on it.

Then we come to lot 55, which was purchased by the Town of Falmouth. I used to work next door in Town Hall and one day we got the idea that we should tear down an old derelict house that the kids were getting into and getting hurt, and we ended up I believe in 1987 or '88 and we bought that property for a future possible municipal use.

Right now it's unbuilt on. It doesn't do anybody any harm. The last time I drove down there, some kids were practicing I believe it's field hockey, where they set up a net and they drive balls, or whatever. I'm not very familiar with the sport.

The next building is a 12,000 square foot lot and it's I believe the only owner-occupied building on that street.

If you look on the other side of the street, all the lots on Glenwood Place were converted garages or barns that really belonged to Walker Street. And if you know Walker Street, Walker Street has a multiple I believe some six unit apartments and it's really an eyesore. There's a traffic problem. People have no yards to park their cars. There's two commercial, green commercial dumpsters in the public way. The street itself is a real eyesore, and we happen to own that piece of property.

I think the congestion on that street, and I represent Precinct 2 and that's the only reason I'm here; I'm not affected, but it is my precinct. In all the years that I've been a Town Meeting Member, I've listened to the Planning Board for the need to lessen the impact of residential development. Lot sizes in my tenure as a Town Meeting Member have gone from 7500 square feet and 10,000 square feet to approximately one and two acres.

I've been a Town Meeting Member now for 40 years. So I've

seen the land that originally was this congested no longer applicable for development. And I've supported the Planning Board all these years to protect the growth of the Town. Which makes me wonder why the Board of Selectmen would want to give away a valuable piece of property that abuts Town Hall. In the years that I've been involved I think we've been remiss and not purchased some of the properties that were available for municipal use and we've spent millions of dollars in renovating Town Hall but we're encroached by B-3 businesses that now dominate our parking facilities, but that's not what I'm talking about now.

There are 15 apartments and one owner-occupied house on Glenwood, on approximately one and a quarter acres; I think I may have missed a couple of square feet. On the left side – well, I think I said that. So, when I looked at this Article 4, I questioned if adding any more density to this street, being a 15 foot layout with cars parked in the public way and the two commercial green dumpsters, which look like hell, to be honest with you. For those of you not familiar, you really should go down Glenwood Place and take a look at it. It's a Town street. It's a disgrace.

You know, the Board of Selectmen, I don't know if any of them have walked down. I asked Selectman Flynn the other day if she had taken a walk down, and she said she'd try, but I don't think she got back there.

Anyway –

THE MODERATOR: Andy –

MR. DUFRESNE: I don't want to be too much longer. But, anyway, I'm out of here. Falmouth has worked hard and the Town Meeting has approved many quality of life issues as they relate to the density and open space. Glenwood Place has been neglected long enough. With all the single residential conversions, parking problems and open trash containers in a public way, whatever our decision here tonight, I'm not affected, but it's my precinct and that's why I'm speaking to you tonight.

Thank you, I want you to consider and vote no on Article 4.

THE MODERATOR: Ms. Lichtenstein.

MS. LICHTENSTEIN: Lesley Lichtenstein, Precinct 8. I have a problem with this lot. I was at Town Meeting when we were asked by the Board of Selectmen to purchase this lot for additional parking for Town Hall. That's what we were told, it was municipal use, we would buy it, we would have parking on it. Nothing was done with it and now we want to turn it over to affordable housing.

Now, I'm not taking a stand one way or the other on affordable housing. However, I don't like what I think it was bait and switch. When you tell us you want a piece of property for a particular use and Town Meeting goes along and buys it for you, well, we think you ought to do it. Or else you come back to Town Meeting and give us a different reason why you can't do it. Thank you.

THE MODERATOR: Ms. Abbott.

MS. ABBOTT: Mr. Moderator, Town Meeting Members. I think we should hear from the people that live –

THE MODERATOR: Can you speak a little closer? We're having trouble hearing.

MS. ABBOTT: All right, Mr. Moderator, I think we should hear from those who live on that street. I think they might have a different point of view. And I think the Selectmen might want to speak about it, so.

THE MODERATOR: Okay, if anyone that lives on the street wants to talk, put your hand up, I'll put you on a list. So I'll put you on the list back there? Okay, Ms. Thompson was next. And then Mr. Netto and then we'll go to the back. I do have a list, just stand up if you want to speak. Yep. Ms. Taylor.

MS. THOMPSON: Good evening, I'm Diane Thompson. I'm a Town Meeting Member from Precinct 2 and I'm on the Affordable Housing Committee. And I was actually chuckling, I was trying to remember didn't Town Meeting vote on two occasions not to have a parking area on this particular piece of property on Glenwood Avenue? That's what my memory tells me. And at that time the neighbors on Glenwood Avenue said to Town Meeting, "We would not be opposed to having affordable housing on this lot." Well, you know what? They stood by their word, and they have met with the Affordable Housing Committee.

I know they have met with the Board of Selectmen and they've been involved with the Planning Office.

This is another piece of property that was determined by the Planning staff, brought to the Affordable Housing Committee, put before the Planning Board, put before the Board of Selectmen as land that might be suitable for affordable housing.

Some of the neighbors from Glenwood Avenue came to the Affordable Housing Committee. We certainly have walked Glenwood Avenue. We've stood on that property, and the Affordable Housing Committee voted that it would recommend one dwelling unit with an accessory apartment. The architecture of that structure would have to blend in with Glenwood Avenue, so that it would fit very nicely into the neighborhood.

From what we were told, the neighbors found some relief from that and said that they thought that that was acceptable and it was – it has been very nice working with them.

Heather very accurately described that, the Town of Falmouth Housing Production Plan. This is a plan that's been approved by the Commonwealth of Massachusetts, the Department of Housing and Community Development, that requires that the Town of Falmouth use Town-owned land for the creation of affordable housing. This is another step, a small step to create a nice, affordable housing piece of property.

So I hope you'll vote yes. Thank you.

THE MODERATOR: Mr. Netto.

MR. NETTO: Joe Netto, precinct – Precinct 9. I had a flashback. I thought I was back in 1987. I almost said four.

My comments on this Article 4 and 3, and it's something that I didn't say on Article 3, are directed at the authors of the two articles. When we deal with land, as a Town Meeting Member – I mean, I'm familiar with both pieces of land, obviously. But, as I sit here, there's information that's missing that was given to us by CPC in Article 1. And the first thing you want to know when you deal with land is: how many acres. How big is this? And, look at Article 3 and Article – Mrs. Putnam had to tell us how big Article 3 is, and can anyone tell me what the acreage – on the stage, what the acreage of this parcel is for Article 4?

[Pause.]

MR. NETTO: This is information that we should have as Town Meeting Members. There shouldn't be – ideally, I should be able to read my warrant book and get this information. That's one point.

THE MODERATOR: Okay, Mr. Curry are you? Or Ms. Thompson stood up as well. Whoever's got the number.

MR. CURRY: It's 10,000 square feet, Joe.

MR. NETTO: Okay, 10,000 square feet. That's helpful.

Thank you.

In the future. As a member of the Rules Committee of this group, Mr. Vieira, maybe we should bring that up that when we have land, if that's within our purview, like we do the – we did the PowerPoint presentations.

But some time, you know, we have to make decisions. Now we're talking, and I'm going to have to stand up here and support Mr. Dufresne's argument because, like Ms. Lichtenstein, I was here in 1987 and so were many of you others as I look around here, and we bought this. We paid for this 10,000 square feet of land next to municipal property. Yes, as Ms. Thompson told you, Town Meeting has voted twice not to make this parking. But I'm going to speak not to convey that I'd vote against Article 4, and I don't want this misconstrued as I'm not for affordable housing. I am not going to support this article, this particular article, because it's property that we own next to Town Hall. We were asked to buy it as to be part of Town Hall for one reason or another.

Now, if you vote by two-thirds to change it over to affordable housing, fine, but I think the point that Leslie made earlier, and for those of us that go back, you ask us to do something at one stage, and I'm not going – it's hard to speak against this. It's hard to say, "Okay, I don't want affordable house." I think it's great. It's finally up town and not in Teaticket.

[Laughter, small applause.]

MR. NETTO: Okay. But don't keep changing the horse in the middle of the stream. And, to the Board of Selectmen, what I started to say in the beginning, please give us the information so that we can have it to make an intelligent decision. Thank you.

THE MODERATOR: Okay, this list is growing, so let's get poignant comments. In the back, there. Yeah.

MR. ZUTLER [sp?]: Thank you, Mr. Moderator. Eric Zutler, I live at 63 Glenwood Avenue, along with my wife Linda. And along with some of the other abutting neighbors, as Ms. Thompson says, we've spoken with Selectmen, the Planning Board, the Affordable Housing Committee, and some representatives of the Affordable Housing Trust, including Annie.

As Mr. Dufresne says, the Glenwood Avenue is a little bit rough around the edges, but it's a great neighborhood and we're proud of it, and we want to continue to improve that neighborhood. It's not a disgrace. It's a great place to live. You can walk to everything. It's close to public transport. It's on town sewer. There are kids that play – play there. So we do want to continue to improve the neighborhood and we think affordable housing is appropriate for this property because it is a neighborhood. It's not a parking lot. It's a neighborhood, and a house is appropriate there.

We do have certain concerns that have already been mentioned.

Home ownership we think is very important to add stability. There are actually about 30 dwelling units on Glenwood now, and four of those are owner-occupied. All the rest are rentals.

We're concerned about density. Ideally, we like the idea of a single family house, sort of a three bedroom thing to attract a family and maybe an accessory apartment to help with the mortgage.

Traffic's definitely an issue. It's a substandard street. Two-way, but one car has to pull aside in order for another one to go by. So we're definitely concerned about off-street parking and the number of vehicles that are going to be going in and out.

And finally, architecture. It does have a unique set of faux Victorian houses, and we'd like to see the new structure blend in with the existing neighborhood.

We've received positive responses from most of the people we've spoken with about our concerns, so we would like to say, at least the abutters, we support this article and look forward to working with the Affordable Housing Committee and others to come up with a good plan that we're all proud of. Thank you.

THE MODERATOR: Ms. Taylor, you're next on the list.

[Applause.]

THE MODERATOR: Let's go.

MS. TAYLOR: Okay, very quickly, I think Andy Dufresne did

point out that we have voted zoning of one and two acres in places that we want spread out density. This is exactly the area that we want to have high density, as we just heard from the Glenwood people.

So, this is the right place for this project. I do hope that whoever is in charge of dumpsters, though, is going to be responsive to this. That sounds horrible. But I hope we'll vote for this. This is the right direction.

THE MODERATOR: Yes, Ms. Asendorf.

MS. ASENDORF: Thank you. Martha Asendorf, Precinct 6. I did in fact drive down this road. It very much is a neighborhood as this gentleman said. I probably spoke to his wife. I had to pull aside so her car could come by. I fully support the idea of an owner occupied home/accessory apartment. A parking lot in this area would be a complete eyesore and completely out of character with the neighborhood. Thank you.

THE MODERATOR: Mr. Swain, something new?

MR. SWAIN: [No mic. Inaudible.]

THE MODERATOR: Microphone please.

MR. SWAIN: Charlie Swain from Precinct 7. I was going to go against this and leave it as an area for the kids in the neighborhood, if the DPW kept the lawns up. However, with Glenwood supporting this, I'm in favor of it. Thank you.

THE MODERATOR: Okay.

FROM THE FLOOR: Question.

THE MODERATOR: We're ready to go on the main motion.

The main motion requires a two-thirds – Richard, you don't need to speak on every article.

[Cheers, applause.]

THE MODERATOR: Is it something new? Is it something new? Then have a microphone and it better be something new.

[Laughter.]

MR. LATIMER: Richard Latimer, Precinct 2. I'm also the Chairman of the Planning Board. I'm not speaking as such, but I'm speaking from that perspective.

We were asked to look at this. The Planning Board supports this for affordable housing, working with the neighbors to come up with something that is acceptable to them as well as to the Town's needs. Just because this property abuts the Town land, we have an opportunity to do with this property and which I for one when we look at this on site plan will insist that we do, which is to require an easement over it for emergency access. Because we can emergency access that property from the back across our own Town land.

It's similar to what we do routinely with long, dead-end roads that can't – that exceed the dead end road limit, we often let them provide

a non– an emergency exit that isn't used for regular traffic but that the police, the ambulances and the fire trucks can get to. That is a very important consideration for this because it will also improve access as an easement, it will improve access to the rest of that neighborhood in case there's a blockage up at the entrance to the road. That's something that I think that makes this a very suitable site at this time to convert to affordable housing use since it's not going to be a parking lot. Thank you.

THE MODERATOR: Last comment and then we're going to vote. Mr. Dufresne.

MR. DUFRESNE: Adrian Dufresne, Precinct 2. Looks like you guys want to build houses on Glenwood Place and that's fine by me. I would ask the Selectmen Board acting as the Department of Public Works as part of this project that they get the cars off the street, get the open dumpsters back in somebody's yard other than having them in the public way and take pride in something that abuts Town Hall Square because I stand here and ask each and every one of you after you vote tonight: go take a look at Glenwood Place; it's a disgrace.

FROM THE FLOOR: Boo.

THE MODERATOR: The question will come on Article 4. Article 4, the main motion is as printed; this requires a two-thirds. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It's the opinion of the chair that the ayes have it by a two-thirds and I so declare.

[Applause.]

THE MODERATOR: Okay, let's take a 20 minute break. I'll say 15; let's start in 20 minutes.

[Whereupon, a recess was taken.]

THE MODERATOR: All Town Meeting Members please come forward and take your seats. I prefer to not be here next week, so let's go.

Okay, it has been brought to my attention during the break that There are non-Town Meeting Members sitting in front of the Town Meeting Member Only sign, and they're not sitting with boards or committees of which they are members. So, please, only Town Meeting Members or members of Town boards and committees who are sitting with their board or committee in front of the sign that says Town Meeting Members Only.

Okay, and the row is taped off, there's some black tape on the row, so it should be clear as to where you're supposed to be and where you're not supposed to be.

And to just reiterate, when we're doing voting and voice

voting, only Town Meeting Members can vote, okay?

Okay, let's re-establish the quorum. All Town Meeting Members please stand and the tellers will return a count.

[Pause.]

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

MR. HAMPSON: 61.

THE MODERATOR: 61.

In the first division, Mrs. Tashiro.

MRS. TASHIRO: 51.

THE MODERATOR: 51.

And in the second division, Mr. Dufresne.

MR. DUFRESNE: 84.

THE MODERATOR: 84.

By a counted vote of 196, we have a quorum and the Town Meeting is back in session.

Article 5. Article 5, Mr. Chairman.

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

THE MODERATOR: Okay, the main motion is as recommended. Mr. Chairman.

CHAIRMAN ANDERSON: The Finance Committee and the Town Manager have estimated that local receipts for Falmouth will likely

fall short a budget for Fiscal Year '10. The areas of the shortfall are most likely going to be in Motor Vehicle Excise Tax, Water, possibly in Trash and Investment Income.

A bulletin from the Department of Revenue reminds towns to take action early if a revenue deficit as a result of a shortfall of local receipts is likely to occur. Department of Revenue Bulletin 2010-02B, dated March of 2010, provides guidance for dealing with Fiscal Year 2010 revenue deficits. This bulletin recommends transferring a sufficient amount of unspent appropriations to a budget line item which will go unspent through the end of the fiscal year. These unspent appropriations become a turn back at year end. When the year is closed out, these turn backs will be applied to reduce the revenue deficit for Fiscal Year '10. Mass. General Law Chapter 44, Section 33B provides that Town Meeting can transfer appropriations at any time during the year, or the Board of Selectmen with the approval of the Finance Committee may make the transfer during the last two months of the year.

Town Meeting is being asked to reduce the appropriation from certain budget line items in nearly all departments, and that those amounts be transferred to a special budget line item in the Town Accountant's budget to insure these amounts remain unspent and can be used to offset the expected revenue deficit. To ensure these dollars remain unspent, we ask Town Meeting to make these transfers tonight.

THE MODERATOR: Okay, discussion on Article 5.

Hearing no discussion, then main motion as recommended.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it.

Article 6. Mr. Chairman.

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

THE MODERATOR: Okay, Article 6 as recommended. This is for paying unpaid bills from a previous fiscal year. In a Special Town Meeting, this requires a nine-tenths vote. Any discussion on Article 6?

Hearing none, the question will come on the main motion. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The opinion of the Chair is that the Ayes have it unanimously.

Article 7. Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 7 as

recommended.

THE MODERATOR: Okay, Article 7 as recommended. This is to appropriate \$5,000 to complete a financial audit of the Treasurer function. Any discussion on Article 7?

Hearing none, the question will then come on the main motion. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous. Article 8, Mr. Chairman.

CHAIRMAN ANDERSON: I move Article 8 as recommended.

THE MODERATOR: As recommended. This is to transfer the sum of \$500 from Town Meeting Advertising budget line item to the Town Meeting Salary and Wages part time budget. Any discussion on Article 8?

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

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Mr. Chairman for the main motion on Article 9.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 9 as recommended.

THE MODERATOR: Article 9 as recommended. This is a vote to appropriate the sum of \$14,000 from Certified Free Cash to elections, salary and wages budget line item. Any discussion on Article 9?

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 10, Mr. Chairman for the recommendation.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 9 as recommended.

FROM THE FLOOR: 10.

THE MODERATOR: Article 10, I'm sorry.

CHAIRMAN ANDERSON: My apologies, I move Article 10 as recommended.

THE MODERATOR: Okay, Article 10, the recommendation is

indefinite postponement. Is there anyone with a positive motion for Article 10?

Hearing none, then the Chair would entertain indefinite postponement as the main motion. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 11, Mr. Chairman.

CHAIRMAN ANDERSON: I move Article 11 as recommended.

THE MODERATOR: Article 11 as recommended. This is a vote to appropriate the sum of \$15,733 from Certified Free Cash to the Cape Cod Regional Library budget line item. Any discussion on Article 11?

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 12, Mr. Chairman.

CHAIRMAN ANDERSON: I move Article 12 as recommended.

THE MODERATOR: Article 12 as recommended. This is to appropriate the sum of \$25,000 from Certified Free Cash to the Veteran's Ordinary Benefits budget line item. Any discussion on Article 12?

Yes, Mr. Stumcke.

I want to thank our two microphone carriers tonight: Thomas and Emma, for helping us out.

[Applause.]

THE MODERATOR: You're doing a good job.

MR. Stumcke: Brad Stumcke, Precinct 4. This is a reimbursable line item. We get about 75 percent reimbursement from the state, is that right?

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: That is correct. 75 percent.

MR. STUMCKE: Okay. Have we – do we have any indication that the state's going to hold back some money this year like they've done in some other line items?

THE MODERATOR: Mr. Hill, would you like to address that one?

MR. HILL: [No mic] No, they are not.

THE MODERATOR: Actually, if you could grab the mic there from Emma.

MR. HILL: No, Mr. Stumcke they are not going to withhold any money for veteran services. The governor said so.

MR. STUMCKE: Thank you.

THE MODERATOR: Any further discussion on Article 12? Hearing none, then the question will come on the main motion as recommended. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 13. Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 13 as recommended.

THE MODERATOR: Article 13 as recommended. This is to appropriate a sum of \$100,000 from Certified Free Cash to the Unemployment budget line item. Any discussion on Article 13?

Yes, the back right.

MR. FLOOD: Thank you. Alan Flood, Precinct 7. I'd like to try to reconsider Article 5.

THE MODERATOR: Motion to reconsider can't happen until

we are in between articles.

MR. FLOOD: Oh.

THE MODERATOR: So we can discuss that once we vote on 13.

MR. FLOOD: Okay, thank you.

THE MODERATOR: Any discussion on Article 13?

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Okay, you want to reconsider Article 5? What substantial new information do you have that was not available to the meeting at the time of the original vote?

MR. FLOOD: I'd like to hear Officer DeSousa speak on the issue.

THE MODERATOR: He was present at the time of the initial vote.

OFFICER DESOUSA: [No mic.] I'm not a Town Meeting Member. [Inaudible.]

THE MOD: Yes, were you standing in the aisle and asking for

permission to speak?

OFFICER DESOUSA: [No mic. Inaudible.]

THE MODERATOR: You know how much I don't like to break procedure and set a new precedent, but I am going to allow Town Meeting to vote whether or not to reconsider Article 5 to allow a non-Town Meeting Member to speak. It's not substantially new information, so normally I wouldn't allow this. I paused long enough and no one said they wanted to speak, but I'm going to allow Town Meeting to decide this.

All those in favor of reconsidering Article 5, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It's the opinion of the Chair that the no's have it and the motion to reconsider fails.

Article 14, Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move that the Town vote to appropriate a sum of \$9,175 from Certified Free Cash for the purposes of Article 14, to be expended under the jurisdiction of the Board of Selectmen.

THE MODERATOR: Okay, Article 14, the sum of \$9,175 for the purchase of election hardware and software.

Mr. Chairman.

CHAIRMAN ANDERSON: The hardware and software that the Town Clerk uses to count the votes is outdated and is no longer supported. At first, we thought that we would be able to make a Reserve Fund transfer to facilitate the purchase of this, but we were unable to do so because there was not an appropriate line item to transfer it to this. We did have a conversation with the Town Clerk Mr. Palmer, and he indicated that if Town Meeting were to approve this, he could make the purchase of the hardware and software and have the training – have it done and have the training done in time for the May Town Election.

If we are unable to make this purchase, there likely will be a manual count of the ballots at the May election.

THE MODERATOR: Any discussion on Article 14? Okay, Mr. Waasdorp.

MR. WAASDORP: Peter Waasdorp, Precinct 1. Through you, Mr. Moderator, is any of the hardware being purchased vote counting machines and if so what type of machine?

THE MODERATOR: Mr. Clerk.

CLERK PALMER: Michael Palmer, Precinct 3 – 2, I guess. I'm moving to 3, and I'm the Town Clerk.

The equipment that is going to be purchased is to consolidate the election results that comes from each one of the precincts. The

memory cards from those machines will be coming downloaded onto the machine that we'll have in the office. I haven't had the machine since the November of '08 elections. In the May of '09 town election, I had them come and give a demonstration of the new equipment, and in the last two elections there were only three people on the ballot, so it was easy to input this data into an Excel spread sheet and come up with the election results at the end of the night.

Given the number of offices that are on the ballot for the May election, and the number of Town Meeting Members and then looking forward to the September primaries and the November general elections of the state elections, to be able to do this in a relatively timely fashion and it be correct, that's my main concern is every time you manually input data into a spreadsheet, the opportunity for errors does occur. I would want to make sure we're double, tripled, and quadruple check that before I was giving that information out.

I do not have any equipment. I would be using an Excel spreadsheet to consolidate the equipment right now. It was not an unforeseen because of the last two elections for – to replace Senator Kennedy, we used up all the money that was in the election budget in the annual -- or, actually, in this one I think we transferred some other money to cover this May election because I used the money budgeted for the May election to pay for the elections that we elected in December and January

of this year.

The House has passed, as part of the supplemental budget, an amount of money to reimburse the towns for, and I have put in a request for \$24,000. It is in the senate's hand right now and they're voting on adopting the supplemental budget. Then it would have to go to the Governor's desk. But I would have to have the check in hand in order to pay for this equipment. So, in effect, if I do get reimbursed, this will all become a wash. That money reimbursed from the state will become – basically go back into the General Fund and this will be paid for. But that is where we stand right now.

THE MODERATOR: MR. Waasdorp. Let's do a microphone, please.

MR. WAASDORP: The actual ballots will still be processed through optical scanners, that's correct?

CLERK PALMER: correct.

MR. WAASDORP: Thank you.

THE MODERATOR: Further discussion on Article 14?

Hearing none, the question will then come on the main motion.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 15, Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 15 as recommended.

THE MODERATOR: As recommended. This is for the sum of \$7,400 from Certified Free Cash for the demolition of a structure located at 630 Waquoit highway. Any discussion on Article 15?

Mr. Finneran.

MR. FINNERAN: Yes, again as I mentioned in the precinct meeting, I'm familiar with someone who tore down a small house on Maravista, well, a two bedroom house. This house in Waquoit is a three bedroom house. It had been burned out. They did it for \$2500. I think this amount of 74 or 7500 is excessive. I think that something in the neighborhood of \$4500 should attract somebody who's willing to earn his money and save the Town some cash at the same time.

THE MODERATOR: Okay. Ms. Davis and then Mr. Putnam.

MS. DAVIS: Linda Davis, precinct 4. Mr. Moderator, through you, is there someone up there that can tell me why this is being done? Has this property been abandoned? Is it owned by anybody? What are the circumstances? Because I know we have other buildings actually on Town property that –

THE MODERATOR: I think the Building Commissioner will

be able to address that for us. Mr. Gore.

MR. GORE: Eladio Gore, Building Commissioner, Town of Falmouth. This property, along with two other piece of property, came into disrepair. We contacted the owners of the property as required through the Massachusetts state Building Code. We got no response.

We did a survey. We sent a letter to the Board of Survey. The Board of Survey went out, did an assessment of this building. It's the Board of Survey that determined that this building was unsafe, structurally unsafe. Anyone that goes by it can see that it's structurally unsafe. It has fallen – the roof has fallen down probably another three feet since we started this whole process, and eventually it's going to completely collapse.

The Board of Survey is made up of folks that are here: Mr. Duffany, the Fire Chief, Chief Brodeur, and others. Mike McGrath. They're the ones that went out and did a survey of this building and determined its condition. They also sent a certified letter to the property owner. The property owner has not done anything and has made no effort to correct this.

We had in my – since I've been with the Town for 22 years, we've had this similar situation two other times. We did, in those cases, have to take the building down, put a lien on the property, and subsequent to that the property owners did come in and pay the lien off. This is what we're going to have to do in this situation because the property owner has

refused to take the necessary action to remove this building.

We had four bids on this property – we put this out to bid; we had four people that responded. Some of the folks are here in this room this evening. We took the lowest bid, which is the amount that we're requesting. If somebody would like to come forward and take this building down for \$4,000, please see us and we'd be more than happy to do that.

THE MODERATOR: Okay, Mr. Putnam. Mr. Putnam. Oh, you don't want it, okay, Ms. Putnam was next on the list and then I'll come down here. But, no, okay, yes. Can we get a mic down front, here. Ms. Peters.

MS. PETERS: Thank you, Laura Peters in Precinct 3. It's just this is a private property owner. This isn't Town land. And he did remove the two taxi cabs that were parked out there for years and years and years. So, I just – where money is so tight, the liability is on this property owner, and I'm not interested in spending money to do this guy's job.

So, I understand that it's a concern, but it's not in a densely populated neighborhood. And I know we'll get the money back later, but we don't have the money now. So, my vote is for no, not to spend the money. Thank you.

THE MODERATOR: Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9. About four years ago the

Town purchased a piece of property on Sandwich Road. There was a small house located on it and a park was made. I drove by today to get the address and the next house I think is 174 Sandwich Road, so the location might have been 170, 172. The house was demolished by the Town of Falmouth's Department of Public Works. And I'm sitting here and I'm somewhat surprised when Mr. Gore just says, I mean, that they put out a bid to demolish this house. I agree with Mrs. Peterson with money being so tight, why are we going to take \$7400 from Certified Free Cash to tear down a private building when a couple of years ago the Department of Public Works tore down a building, and why aren't we going – we wouldn't get it done for free, I realize that, because the C & D would have to go to Bourne. But we do possess the equipment. We did this on a piece of property that we bought. And here we are now turning around in these tough times – and \$7400 doesn't sound a lot, but when you're short millions, you start looking for nickels. And this is just another example of I think how if we are going to tear this down, why don't we use the facility. Mr. Whritenour the other day in this presentation of the budget, you know, commended the Department of Public Works and all the jobs that they've done to save us money.

So, if this article does pass, I would request that it not go out to bid and the Department of Public Works tear it down and I betcha the total figure would be a lot less money. Thank you.

THE MODERATOR: Okay, Mr. Pinto. Oh, sorry about that.

MR. PINTO: Greg Pinto, Precinct 3. Good point. If we don't want to spend \$7400 to do this, and the DPW is perfectly capable of doing this, but we don't want to send the DPW onto somebody's private property to do this, do we have legal right to take by eminent domain this piece of property and demolish this house? Because I know there are several lawyers in here. I may use this term incorrectly, but I believe this is an attractive nuisance.

THE MODERATOR: Yeah, we can't do it at this Town Meeting because there isn't an article. But, Mr. Duffy.

MR. DUFFY: We have the right to tear down an unsafe building, a building that has been declared unsafe by the Board of Survey, and that process has taken place. A few minutes ago Mr. Netto referred to a building on Sandwich Road that was taken down and I believe it was owned by the Town, so the DPW can take it down. But, if it's private property, we are required to go out to bid and take the low bidder, otherwise we can't lien the property. So it's a different set of circumstances and we have to go this way.

MR. PINTO: Thank you.

FROM THE FLOOR: Question, question.

THE MODERATOR: Okay, Mr. Duffany.

MR. DUFFANY: Michael Duffany, Precinct 6. I am on the

Board of Survey and we have looked at this dwelling several times over the past several years and tried to come up with a resolution with the owner to deal with this, and it's an unfortunate circumstance the Town finds itself in, but it really does behoove us to remove this structure before someone gets hurt. You would not step in this building if you walked around the back of it and looked inside.

And it'll be a lien against the property. Again, it's unfortunate but the Town is not going to lose in this situation. We do have to put the money out but we will get it back. Either we're going to get it back from the owner or we're going to have another piece of property.

THE MODERATOR: Okay, Ms. Putnam.

MS. PUTNAM: Through you, Mr. Moderator – Rebecca Putnam, Precinct 9 – to the Building Commissioner. If I'm not mistaken, does this property have asbestos shingling on it?

THE MODERATOR: Mr. Gore.

MR. GORE: I don't know the answer to that.

MS. PUTNAM: I'm sorry?

MR. GORE: I do not know the answer to that.

MS. PUTNAM: Okay. Just one thing that, and people who aren't aware of with demolition of houses: we've taken down old houses, my father has, and when you are demolishing a property that has asbestos shingling, which a lot of older homes do have, you have to have proper

contractors. And it is more expensive to actually get rid of the asbestos shingling, which may be a factor in this cost of 7400.

I'm for this because you are putting a lien on the property. The property is for sale. It's being sold as a lot and eventually either somebody's going to buy it or, as Mr. Duffy had pointed out, the Town's going to get the property. So we will get that money back. And it is an awful eyesore coming into Falmouth. And it is very unsafe. Thank you.

THE MODERATOR: Okay, I think the question is ready to come on Article 15 as recommended. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it by a majority.

Article 16, Madame Chairman of the Community Preservation Committee for the main motion.

CHAIRMAN SCHNEIDER: Mr. Moderator, I move Article 16 as recommended.

THE MODERATOR: As recommended. This is to transfer the sum of \$1,003,016.67, which was previously appropriated under a couple of different articles at Town Meeting into one consolidated appropriation for the purposes of the Housing Development Program. And

to authorize the Community Preservation Committee to recommend and distribute the expenditure of such funds, including any future appropriations, into the Housing Development Program, subject to a vote of the Board of Selectmen in accordance with the Affordable Housing Development Program guidelines, as such guidelines may be amended from time to time by the Community Preservation Committee.

Any discussion on Article 16? Hearing none, then the question will come on the main motion as recommended. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it by a majority.

Article 17, Madame Chairman.

CHAIRMAN SCHNEIDER: Mr. Moderator, I move Article 17 as recommended.

THE MODERATOR: Article 17 as recommended. This is to vote to transfer the sum of \$333,000 to be made available for the purpose of the Affordable Housing Development Program. Any discussion on Article 17?

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 18, Madame Chairman.

CHAIRMAN SCHNEIDER: Mr. Moderator, I move Article 18 as recommended.

THE MODERATOR: Article 18 as recommended. This is for the Town to vote to transfer the remaining sum of \$131,809 from the appropriation authorized under Article 39 of the April, 2007 Annual Town Meeting and transfer the same to the Historic Resources Reserve.

Any discussion on Article 18? Hearing none, the question will come on the main motion as recommended. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Mr. Chairman. Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move that all articles approved at this town meeting be funded as voted, for a total of \$5,534,581.27.

THE MODERATOR: Okay, you've all heard the main motion to fund this warrant, all the articles for \$5,534,581.27. Any discussion? Hearing none, all those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous. Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move the April, 2010 Special Town Meeting be closed.

THE MODERATOR: You've all heard the main motion to close the Special Town Meeting. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous and the Special is dissolved.

All Town Meeting Members present please rise for the establishment of a quorum to return to the Annual Town Meeting.

[Pause.]

THE MODERATOR: I have a little note in my possession from the break. If we're back here tomorrow night, I'm going to urge all

Town Meeting Members and guests to bring your favorite food to donate to the Falmouth Service Center so they can add some choices to those that are coming to the pantry. And if we are lucky enough to not come back tomorrow night, we urge that you drop off your favorite food to the Falmouth Service Center out on Gifford Street.

In the first division, Mrs. Tashiro.

MRS. TASHIRO: 49.

THE MODERATOR: 49.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 89.

THE MODERATOR: 89.

And in the third division, Mr. Hampson.

MR. HAMPSON: 63.

THE MODERATOR: 63.

By a counted vote of 201, we have a quorum, and I call the Annual Town Meeting back into session.

Article 14. Article 14 was held by Mr. Johnson. Chairman of the Finance Committee for the main motion.

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

THE MODERATOR: Okay, the main motion on Article 14 is as recommended. This is to vote to raise and appropriate the sum of

\$1,011,030 for the purpose of Article 14 and to raise this appropriation by excluding it from the provisions of Proposition 2 ½ as a capital outlay exclusion under the General Law Chapter 59, Section 21C (1½) of Fiscal Year 2011, and only after passing the town wide referendum vote that shall be placed on the ballot at the May, 2010 election.

Mr. Johnson.

Do we want to hear the presentation first or Mr. Johnson, do you want to --

MR. JOHNSON: I simply held it so that we'd have a presentation, then I would like to make a comment on the North Falmouth Fire Station.

THE MODERATOR: Okay, Ms. Harper.

MS. HARPER: Thank you. Good evening. I did want to put this article into a little bit broader perspective for you.

FROM THE FLOOR: Can't hear you.

THE MODERATOR: Yeah, that's a very directional mic; you've got to get right in front of it.

MS. HARPER: Okay. I did want to put this article into a broader perspective for you, as we are thinking long-range in this meeting. I know you've put a lot of work in tonight and I will not belabor some of the slides this evening.

First I would just draw your attention to I think it's the second

full white page in your warrant booklet. It talks about Proposition 2 ½. What we're talking about this evening is just almost to the bottom of the page: Capital Exclusion. So if you want to refer to that in terms of what the impact of tonight's discussion will be, that explanation is there for you.

The Capital Improvement Program, this is the implementation of really Fiscal '10 is now occurring in Fiscal '11, the implementation of the Fiscal '10 needs. We have a multi-year planning process. We have a six year plan from Fiscal 2010 to 2015. We hold a discussion with the Board of Selectmen every year. Our financial policies are in here. And we also have a public hearing every year with the Finance Committee on that year's implementation plan.

The financial policy as well as the capital policy guide the decision making and the recommendations that you'll see in tonight's presentation. The Board of Selectmen's Strategic Plan also guides what priorities emerge in that fiscal year for recommendation.

In September, '06, those policies were adopted and we heard a lot tonight about revisiting those policies and setting some longer term goals with those, and more modern goals with those policies.

The Capital Improvement Policy and the Capital Improvement Plan work in concert with our Town's financial planning. If anyone's interested in the details of this plan it is available on the Town's website underneath the Town Manager's page, along with the Operating Budget,

and those decisions are intertwined.

Each and every project, both long range and individually on an annual basis are reviewed by the Finance Committee.

Any time we have a chance, I like to give an opportunity to recognize the Board of Selectmen's strategic planning process, whereby they adopted and re-affirmed their strategic goals for the Town of leadership and public trust, financial and economic stability, coastal resources, community development, water and wastewater planning, resource conservation and energy resources, and I think we've been making good progress in this meeting on several of those and as a town on all fronts.

This is a planned expense and a planned funding source. If you recall last year in November, you asked us to come back with a plan for our capital needs. This strategy is part of a multi-year process. The Town-wide capital exclusion has been projected in our capital improvement plan for five years. Phase One was the multi-year exclusion for Public Works and the fire apparatus, which was implemented in FY'09 and we're entering into our third year of that program.

This is Phase Two, which is a one year exclusion for capital projects, specific capital projects.

Phase Three will be a revisiting of that approach, is the three year, multi-year plan for Public Works, the right approach, she would be

combining that major public works program with the annual capital needs, or is there some other alternative that we should be looking at, but this is the second phase of the program that we've presented to you.

Next slide. The projects presented at this Town Meeting are generally those funded in November with available funds, otherwise known as Free Cash. And Town Meeting did ask us to come back with a Town-wide plan for those needs.

This is just an illustration of our Capital Plan and our Capital Program, going back to 2002. That was – I'm sorry it's tough to read, but that's \$2.2 million. The funding at the Annual Town Meeting in November from available funds has been in the range of \$2 million, right up to 2009. And we've seen this slide over and over again, but the available funds declined precipitously, and those of you recall that we pulled this one together with a string of transfers from other departments, and those funds simply aren't available anymore. We have to look at a more sustainable source for capital programs.

Now, we do a terrific job funding major Capital programs. The debt exclusions for those big community projects that we all know give a huge source of community pride. Whether they're libraries or schools or town halls or wastewater projects. We do a great job voting those exclusions. It's very difficult to fund the annual capital maintenance needs for those projects, and that's what we're here tonight to do.

Our plan for that has been to sustain that annual funding level of \$2 million. Now, that doesn't fund all of our needs. What that does is fund most of the critical needs to continue to move this Town forward and to sustain the projects that we've invested in.

Annually the departmental requests range from three to five million. Every year we whittle those down to a range of about two million dollars in projects and I can assure you that the million to three million dollars that are left on the table are all valuable projects that you will see in those next years.

We don't want to fall behind on those capital needs; we want to stick to that \$2 million funding level.

The Fiscal 2011 plan proposes a little over a million dollars plus the next article, which is the School Roof Project, and I did want to mention that that \$1.6 million level including the two school roofs are part of the Town's proposed capital plan. They're two separate articles, but we consider that part of the town's capital program.

Just to mention what those town-wide priorities are in the warrant. The Old Dock Road and Old Silver Beach Septic Replacement programs support our coastal resources goals. Facilities maintenance, the North Falmouth Fire Station renovation to sustain the useful life of that building. The Gus Canty HVAC marries with our goals of energy conservation. The East and North Falmouth school roof repair.

Public safety, police cruiser replacement. Now, the Police Department has done a tremendous job holding things together, working with us, revising the way that they roll those cruisers into their maintenance program. Now, there has been an impact to the Operating Budget. The lack of replacement program, one, impacts the way that those vehicles can travel on their routes. It also increases the maintenance budgets for those. And they've been hanging on, but those police cruisers need to be funded.

Also the police soft body armor replacement has been priority for several years and this is the year that those – that meet the end of their useful life.

Information Technology, now this is one that I think needs special recognition, and that is the Town/School Financial Upgrade. This is a little bit like peeking behind the Wizard of Oz's curtain with the Town's Financial System. Our IT Department has done an absolutely tremendous job pulling together a very modern program of financial controls with one of the oldest systems going. They do a terrific job getting those tax bills out on time. We never have any problems but it's with a system that's 20 years old.

We've worked for over a year with all of the Town and school financial leaders in evaluating, very thoroughly evaluating the different models of financial systems that are out there. We've narrowed those down and if the Town supports this program, we'll be able to adopt a

program that streamlines both the School and the Town financial systems.

And a lot of the things that we've been talking about for years: the program management, the outcome-based types of programs, that type of analysis will be able to be done with the program that we're looking at – programs that we're looking at.

So, to a person, the department heads were willing to forgo their own capital needs to support the new information technology program. They know how powerful and how useful that will be in communicating with you and substantiating their own needs and communicating with the community about what their programs are.

Again, IT and the GIS upgrades are really necessary to support both the new Information Technology program and our ongoing administration.

Water Utilities, Water Mains, Fixtures and Hydrants. I've had this speech I think now for 12 years. It started with Ray Jack, and Mr. Chapman does a tremendous job explaining the importance and the value of the water main replacement program. And then the repair of one of our Town wells that has not been operating for over a year, to bring that up on line.

And then I just have a few photos I want to share with you. This is the Old Dock Road de-watering program, and these were from the Department of Public Works. They're a little bit tough to see, but this is the

type of work that we do in-house, using the resources available.

Joint project with the Conservation Department to make these projects happen. A little bit more of that project.

Somebody hard at work, and my understanding this was February or early March, waist-deep in water.

The Old Silver Beach Septic design. I know this is an expensive item, and we have the department heads here available to discuss any of the items in the Capital Plan, but the design of this program was done in collaboration with the Health Department and our own Engineering Department, putting together – you can see the stamp down there – wait – see that seal? It's the Town of Falmouth. There are no fees for services associated with the design work on this project.

Again, our coastal resources, tremendous need for investment there. We're taking some baby steps, proposing the design services. Our experience is if we have the designs on the boards, that the funding resources become available -- if grants and programs become available, we're poised to take advantage of them.

Next slide. Again, you don't want to get caught in this business here, but you certainly need a safe police vehicle to carry out the work of the Police Department.

The Gifford Street water main breaks. I don't know if anyone is out there today on Main Street, but they were doing a massive repair out

in the Main Street area to repair some of the water main projects there.

Mares Pond Well, this is an example of that well that has not been operating. Again, Mares Pond Well.

The slide of the financial systems software. You all received a green handout in your packet in the front of Town Meeting on the first night, last night, which talks about the integration and the functionality of that program that any number of our financial directors and managers can talk about that.

Okay, the funding source. It is a capital exclusion. A ballot vote is required if Town Meeting so chooses. The impact on the tax rate is in Fiscal 2011 only. We vote this one time, raise it on the taxes in '11 and it goes away. Limited and defined to the items on the warrant.

The impact on a \$350,000 home in Fiscal '11 is \$31.50.

Next slide. This isn't presented for you really to read every item. I wanted you to be aware that the Assessing Department last year at the request of Town Meeting prepared a tax impact tool which has been updated to reflect this year's value. I have a good time with this tool. You can go in and propose whatever project or budget that you're interested in, plug it in. It tells you the effect on the tax rate. This is the 1.011030 funding of this capital program effective nine cents on the rate.

You enter your assessed value and it gives you the impact on the tax bill. So, that tool's available to anyone in the community that's

interested in knowing what the impact of the projects are. You can put in my salary if you want to.

One key sign of a healthy – I'm sure some people are going to do that, now.

One key sign of a healthy and resilient community is its capacity to identify revenue and to maintain aging infrastructure to address capital needs. Falmouth has done that through the multi-pronged approach. Commitment to the Capital Improvement Program, but our commitment will be tested, not only this evening but it will be tested at the ballot. I know these are challenging times but I'm absolutely certain that a little payoff, the investment in our infrastructure.

Townie support is needed. I think that's it.

Are there any questions? I know that the Chief does have a presentation available on the renovation of the Fire headquarters – North Falmouth Fire Station.

THE MODERATOR: Okay, Mr. Johnson, do you want to start off with questions, or?

MR. JOHNSON: [No mic.] I'd like the Chief to make a presentation, please.

THE MODERATOR: Okay, Chief, do you want to make the other presentation?

[Pause.]

THE MODERATOR: All right. I see the sound graphic in the bottom corner.

CHIEF BRODEUR: Mr. Moderator, Article 14. I believe we'll start with the North Falmouth Fire Station door. And then I have two issues in the capital improvement, but I figured the door would probably be the biggest of the two.

We'll give you a little music first. Go ahead. Okay. Thank you. As you can see, the Fire Department is back again looking for money. The source in question, Station 3 door, North Falmouth, is renovation of the door, not just an overhead door replacing two small ones, but a renovation, \$167,000, and the shift commander vehicle later on is \$37,500.

The importance of the mission statement that we've had in the department for 14 years is I think the key words here is effective, efficient, and expedient emergency services to the Town of Falmouth. I think when we look at the overhead door at North Falmouth, remember effective, efficient and expedient. Thank you.

Next. And every time we go out, we're saving lives on a daily basis, either on medical or fire. Eighty percent of our business is medical. So when we go to work, it's a pleasure to go to work to save people's lives.

And here we go. North Falmouth's two door system now, the proposed renovation will widen the door as far as we can go within the maximum

allowable. Can you hold it up, please? Can you go back to that other one.

[Laughter.]

CHIEF BRODEUR: And raise the opening of the door to about two courses of bricks below the sign "Engine 3". And in the house right now is the debt exclusion engine that we purchased, one of the two. Which was specified by the fire team of the fire department that's going to be here for the next 20 years. This is the platform of the fire apparatus and the fire engines in the Town of Falmouth for the next 20, 25 years. And to the right is the next ambulance that was also purchased on the debt exclusion.

Next slide, please. That's the way the ambulances used to look like.

Next. And that's the way our new ambulances look now. Progressive fire department. The reason we went from the smaller to the bigger, if you'll recall, is we can put 250,000 miles on the ambulance and the medical people want us to do more in ambulance and we need the room in the back with the patient.

That's the old fire steamers, engines, and then the new engine today. That's a \$500,000 piece of apparatus. We do a lot more with those fire engines than we did 20 years ago. We have many extrication tools on that where 15, 20 years ago we had everything at headquarters. We now have this type of extrication equipment for motor vehicle crashes in Woods

Hole on the other engine as well as this one, here.

Next slide, please. You will notice that the top of the new engine right now, here's the overhead door in the open position and the top of the engine is, the clearance I would say, without saying an optical delusion is about four and a half to five inches.

Next slide. To the right, facing the front of the house, behind the engine that we were just looking at, that's the clearance on the mirrors.

I was informed by the apparatus maintenance division when they spec'd out this engine they had to have the manufacturer cut the mirrors in closer to the cab, so this engine is a custom engine designed to fit in this space.

This, in the fire lingo of the Fire Rescue Department is know as the trophy wall because every time somebody would clear out the molding on the existing apparatus in there for the last 30 years, you'd sign their name on the trophy Board because we'd have to replace the trim and it made the lumber yard companies happy. That's the

clearance on the left side of the fire engine. This is the clearance of the mirror on the right side of the ambulance heading out the door.

Next slide, please. This is the rear of the engine and this is the side door opening which, before, you can't make the engine any wider on the highway, so you go higher and longer, in order to put the apparatus equipment that is required on the apparatus today.

Next slide, please. This is the engine pulling out. You'll notice

the clearance on the door, it's pretty tight. You can say, well, we can make do. This project, with the door, gives this town and that fire station ten to fourteen years life before you have to consider a fire station for North Falmouth.

Falmouth Fire Rescue Department is continually improving customer service and ever striving to improve performance management daily. That's just not a sign that we have on the wall, that's something that we're striving to attain. Very important.

Next slide, please. Next slide. This is how I felt on the Article 2 of the Special Town Meeting tonight: normal QRS about 80 to 90 beats a minute, and right now, with the – we understand the economic downturn. We also understand what the purpose of a capital exclusion is, and this was going to take the place of what your requests are annually for the operation of a department.

Next. This is the left side of the ambulance closest to the living space of the station, and you'll notice the proximity of the mirrors to the clearance to the door. Also, on this side, for note, we can't go in too far because the import now is structurally the columns either side of the doors as well as the carrying steel across the top.

Next slide. There's our ambulance pulling out. Since we've had this ambulance in service in the middle of August to date, they've done 324 medical runs out of North Falmouth. It's very important because right

now, to date, starting in the Fiscal year, we've done 400 ambulance trips from the North Falmouth area. North Falmouth area covering North Falmouth and also covering half of West Falmouth to Old Dock Road, Chappaquoit Road.

Next slide, please. Savings lives, again, on a daily basis. Eighty percent of our business is medical. 1.6 million this fiscal year projected from the federal government into the General Fund on ambulance receipts. Even with the politicians in Washington reducing the Medicare rates on our ambulance trips and the free medical by the free health at – they started with Mitt Romney's health plan for everybody in this state, they don't pay the same rates; they pay a lesser rate than Medicare and the federal government pays. So therefore we have to transport more people to keep increasing our revenue. It's on a sliding scale.

Next slide. These are our statistics, and just to see what we used to do town wide: 1970 was 670. Then, in the six months in 1985, as I stated at the last meeting, that's the changeover from calendar year to fiscal year on statistics.

Next slide, please. And right now, we're at 4,385 incidences, 833 fires for 2010, and our total rescue is 3,552. And I believe right now we're at about maybe 1.1 million in receipts, with three months to go. And here we go. The import is you need this, you need the electricity in your

body otherwise this article isn't of any importance.

Next slide. And if this thing isn't pumping, there's no need to worry about your tax rate.

[Laughter.]

CHIEF BRODEUR: Capital exclusion question integrates enhanced customer service and performance management. Customer service to us, is less than an eight minute response from the time of the caller dispatcher, minute and a half to two minutes out of the station and to your residence no more than six to seven minutes. That's the key for performance management in the Fire Rescue Department.

Next slide, please. That's what we're asking for. We appreciate your consideration and also that's for our two issues and if you'd like I can discuss the shift commander's vehicle.

Next. Next. Next slide. Again. So, this is the bill in question, and we'll tell anybody what you want to see because it is your department and we're here to serve you. So, we're requesting on May 18th, when I put this together they didn't have the number, if we were going to be successful what the number would be on the ballot and the lottery, but we're requesting that you vote yes for your fire rescue department. Thank you.

Thanks for the memories.

[Laughter and applause.]

THE MODERATOR: Okay, thank you, Chief. Chief, when you retire, will you be available to put together PowerPoints for some of the other departments?

CHIEF BRODEUR: For a slight fee.

THE MODERATOR: Okay, good deal.

Mr. Johnson.

MR. JOHNSON: Leonard Johnson, Precinct 5. I'm going to miss those presentations. And thank you, Chief, for all your valuable service for the Town.

I have just a couple of points to make on this article. A number of us have been talking about this in North Falmouth. We feel that there are some less expensive alternatives that should be considered. This is not a unique problem. Anybody who's making vehicles these days, or up until fairly recently, has made them wider. And one issue that we believe should be considered is fold-in mirrors. That engine was indeed designed to fit the space, as the Chief said, but we do believe that fold-in mirrors is something that you should consider. They are widely available now.

I have a Chevrolet that I've owned for five years and I am somewhat chagrined to admit that I didn't realize until two weeks ago when I hit the wrong button that it has retractable mirrors. So this is commonly available technology that would certainly help alleviate this situation.

So the question is really one of priorities. When we're asking town employees to take five day furloughs to help with the budget in the coming year, I think we have to ask ourselves the serious question as to whether the expenditure of \$167,000 on this project is a sufficiently high priority.

We talked last night about separating wants and needs. This is something that we may indeed want. The question is do we need it today.

These are difficult decisions; I understand that. But that's why we are elected Town Meeting Members. Several people have been somewhat incredulous in North Falmouth that we're going to spend this kind of money on the fire station. "To do what?", they asked me. So I think we run a risk if we put this on the ballot as town Meeting Members. I think we run the risk of our credibility. And I think we also risk jeopardizing some of the other capital items in this budget that are truly needed. Thank you.

THE MODERATOR: Okay. Chief, you want to respond to that? After this I want to go through the Capital Budget by section, like we do with the Operating Budget. Chief.

CHIEF BRODEUR: I forgot to mention one thing: we have a federal stimulus application in since November for \$167,000 awaiting the application for this overhead door project. So, that was dovetailed in with

the five million for the West Falmouth Fire station and we're just waiting for that.

So, the 167,000, we've used the Town Building Committee, all these figures are January of '09; we put some escalation in there and they feel that in this economic downturn we should be less than 167,000 for this project.

A key point that I wanted to get was that we have a federal stimulus application in for this \$167,000. Thank you.

THE MODERATOR: Okay. Mr. Lowell.

MR. LOWELL: Nick Lowell, Precinct 5. Are you going to move through the lines one by one?

THE MODERATOR: Yes –

MR. LOWELL: Because I would like to make an amendment on this line.

THE MODERATOR: On this particular one –

MR. LOWELL: Let me know when.

THE MODERATOR: – then let's deal with the Fire Department door right now.

MR. LOWELL: Okay. My amendment, then, is to zero this line out.

THE MODERATOR: Okay.

MR. LOWELL: That would be line 4, changing \$167,000 to

zero dollars.

THE MODERATOR: Okay. And so the amendment, and we'll take more than two amendments on this because it's an omnibus budget in a Capital form. So, the first amendment here is to reduce line item four to zero. Further discussion on the amendment to reduce the line item to zero? Mr. Lowell.

MR. LOWELL: Nick Lowell, precinct 5. I have looked into this quit a bit and back in November, 2007, when we originally appropriated \$22,000 for the design of this door, I questioned this and amended – made an amendment that we zero that out; that failed. We'll see how we do tonight.

But the issue here – there are several issues here. One is that the original purpose for widening the doors, the 22,000 was for a wider ambulance. It had west coast mirrors and we needed to widen the doors to fit the ambulance in. Well, the ambulance fits. It was shown there.

We then subsequently purchased a fire truck. The fire truck is wider still, and according to one of the officers there is, you know, the ambulance is not the problem it's the fire truck. The fire truck though does fit. Granted it's a tight fit. Backing in, you need to be very careful. It has about 2 ½ inches on either side. About eight inches, by my estimate, at the top. But it does fit.

And there are precedents for even tighter fits, believe it or not.

Over in Mattapoisett I have been told – I didn't actually see it – they have half an inch on either side. Hopefully we don't have to go that way, but it does fit.

So there is a real question here as to whether this is a want or a need, in my opinion. Furthermore, I feel like there are less expensive alternatives that have not been investigated. Mr. Johnson mentioned possibilities of retractable mirrors. There are other options, perhaps, such as better painting on the ground. At the precinct meeting the Chief mentioned that the fire truck operators need to drive almost into the street before they can make the turn. If they turn too soon, they risk damaging the back of the truck. Well, if we put some simple marking on the ground, we could help reduce that chance. And, as we've shown, there are a lot of operations out of that fire house; we have not had an incident yet. Do we need to do this right now?

So, this does amount to about 15 percent of a roughly \$1 million override. It's a pretty hefty amount. And I believe that, just going back to Mr. Anderson's comments yesterday, this is a want, not a need, and it would be great if they had a great, big garage, but right now I don't think we can afford it. Thank you.

THE MODERATOR: Okay, I saw a hand floating to the left, somewhere. Microphone over there.

MR. THRASHER: Scott Thrasher, Precinct 4. I was involved

with the committee that designed the engine fit in North Falmouth, and although it was quite a task, it was a good restriction for us because we wanted a smaller engine for Falmouth. That's the best you're going to do. Those mirrors are not all the way out. Those mirrors are turned in, which cut down your visibility when you're out on the road.

We had to bring in the length; you can do that. We brought down the height; you can do that. You can't bring in the width any more; that's the design. We brought the mirrors in as best we could. We changed the style of mirror we wanted. It's not just the mirror clearances that are in issue. When you go to pull out of the station, you take a right or a left, you have to make sure the back of the engine is cleared. There's a reason there's a trophy on the wall, there. It's just a matter of time before that door gets hit or that post gets hit or the side gets hit. You're backing in at night, snow, rain, sunlight, trying to find a line painted on the ground.

The engine was put there because there's a need for it.

The ambulance is also tight. You have a half a million dollar fire apparatus in North Falmouth and a quarter of a million dollar ambulance. If you're willing to cheap out on \$167,000 door which the Chief has put off until now – we were hoping to have in place when the apparatus arrived – I don't think that's very smart. That's not counting the potential damage to the fire station, trying to get a little more life out of this fire station; apparatus is changing. We did a lot of work to get two new

apparatus up there; this needs to be addressed. Thank you.

THE MODERATOR: Mr. Putnam.

MR. PUTNAM: Brent Putnam, Precinct 9. A question, Mr. Moderator, I'm not quite sure who to direct this to. But that central post, is it structural? And if there is an accident where the post is damaged or taken out completely, would it affect the structural integrity of the building?

THE MODERATOR: Chief.

CHIEF BRODEUR: The center post is a structural member that carries the front facade on the second floor. It's like a lolly column boxed in, or boxed out if you will. Structural. That's why, to get the height and to get the width opening, the steel structural for the integrity of the building requires that much more in cost.

THE MODERATOR: Okay. Mr. Crocker.

MR. CROCKER: Harold Crocker, Precinct 3. [Inaudible] the station, and they were looking to see how the trucks are backed into the fire station. One thing we got to remember is safety of the men and the equipment. That's one of the priorities of having that station up there, and how much it costs to repair these fire engines or ambulances.

Whenever you get an alarm coming in and the fellow that's going to operate that truck to take it out of the garage, he has one thing on his mind is your life and your property. You're driving out of that station, it takes one just little swipe; he could rip that whole side of the truck down

and tear the garage down on the one side.

I think we have to think of something that's very important here and go on and get this job done. Thank you.

THE MODERATOR: Okay, Ms. Johnson. Ms. Johnson. Oh, you were waving for her. Okay. Ms. Valiela and then Dr. Clark.

MS. VALIELA: Virginia Valiela, Precinct 5. I have lived next to this fire station for 37 years and I figure that I have seen at least 2,000 coming ins and going outs from that station. The firemen are excellent drivers. And I have never seen difficulty either leaving the fire station or backing in. It is a very smooth operation, and that includes the new equipment that is there now.

You have to remember that this fire station is on a corner, so there are actually three way traffic. North and south on Old Main Road and coming in from Wild Harbor Road. So the equipment pulling out of the station is at the same time that they are clearing these doors, are also looking in three different directions for traffic and they obviously have their lights on. There is no lighting, no flashing lights such as you have on Main Street for the equipment entering or exiting. It all depends on the lighting of the equipment itself.

I believe that this is a very nice to have project, but I do not think it is essential. I think that we have things in this override that are essential to the Town, and there just is so much coffee shop buzz about

this amount of money to widen doors. That, it works now, and I really think it should be deleted from this override.

THE MODERATOR: Okay. Mr. Clark.

MR. CLARK: Peter Clark, Precinct 1. I also have to agree that I don't think this is as essential as many of the other things. I guess I have a couple of questions. One is, is a Town Meeting vote necessary in order to use the stimulus money when it comes in? Or, if we turned this down, could the stimulus money be used without a Town Meeting vote? If our vote is necessary, could it be made conditional on receiving that money, rather than using Town money?

THE MODERATOR: Mr. Whritenour, is there any contingencies on the stimulus?

MR. WHRITENOUR: The answer to the question would be no. If the grant came in, it could be approved by the Selectmen.

THE MODERATOR: Okay. Okay, Ms. Putnam. I have a hand there, and then we're going to go up in the aisle.

MS. PUTNAM: Rebecca Putnam, Precinct 9. We just heard from one of our firemen how tight and how difficult it is. Unless any one of us has had to drive one of these vehicles in and out of a tight space – I have a Yukon XL. I have a pretty good sized garage door, and guess what? I've backed out and I've taken out my mirror.

I mean, unless you understand driving these major vehicles –

these are very expensive pieces of equipment and we just took \$10,000 in repair money out of their budget. I mean, do we want a building to fall down and then, oh, it's too late? I mean, this is a serious issue that needs to be addressed. Carrying walls, you got to put in steel beams. I think we should leave this back in this budget.

THE MODERATOR: Okay, I had somebody in the aisle, there, had a hand up. And then I think we're going to be ready to vote on the amendment. Mr. Stumcke, you got something new? Okay, after this gentleman.

MR. PUTNAM: Andrew Putnam, Precinct 9. I really am in support of this. And I think that many other people in the Town would be in support of this, too. It's the Fire Department. It's safety. It's reacting to something before something terrible happens. And I honestly don't think that, you know, even in times where the budget is tight, that we should skimp on things such as this.

THE MODERATOR: Mr. Stumcke. And then Ms. Johnson. And then let's either vote yes or no on this.

MR. STUMCKE: Brad Stumcke, Precinct 4, through you, Mr. Moderator, to the Chief. Do you have any other trucks in the inventory that you might be able to switch up to North Falmouth and maybe a little bit smaller? Why – we have the new equipment up there, that's nice, but if you have an older truck that maybe is not quite as wide as the new truck,

maybe you ought to switch it.

THE MODERATOR: Grab the mic from the other side, behind you, Chief.

CHIEF BRODEUR: Thank you. We have one spare fire engine that would fit in there. I believe in 2002 when I started the overhead door project in North Falmouth – that was before we got the debt exclusion for the two engines and the ambulance, those engines were earmarked and that engine was custom made for North Falmouth Fire Station. We have \$20,000 on the article, it's been approved by Town Meeting. The Town Building Committee got involved in this project and this is what it costs by the architects to get this job done.

If you look at Wild Harbor Road, yes, it's a three way street. If you drive a piece of apparatus, Wild Harbor Road should be redesigned by the DPW because if you are backing in on Wild Harbor road with a piece of apparatus, if you have the pushbutton mirrors, your mirrors fold into the apparatus and then you're shooting blind for the length of the truck to get into the barn. Doesn't make sense.

The other issue is this was to get 14 to 18 years out of that station before this town has to face building a new fire station. So if you take 14 to 18 years and add another five to ten, because that's usually how long it takes to get something done through government, I think what we've been trying to do here in the department is we were asked to go for

stimulus money, get all the money out of the grants you can get. That's what we've been trying to do to alleviate the cost. In this 2010 fiscal year the Fire Department has cut out 241,000 out of an operating budget to get your 2010 budget solidified. And when you see salary and wages in the last thing in Article 5, that's the fire chief and the two secretaries taking a furlough day so that we can get through 2010. We are professional within the Fire Department and we are looking at this in the long term. And what I'm asking from Town Meeting is to approve, as requested, \$167,000 for the overhead door at North Falmouth, and I do understand that it takes a ballot question to get it done. But this is the first step in many.

I have had failures. I've read in the New York Times two weeks ago: failure builds character. Well, I've got a lot of character and my father told me many years ago that, "You're quite the character." So, I'll keep failing but I'm coming back. So that's what I'm requesting for the Department. Thank you.

THE MODERATOR: Okay, something new? Ms. Johnson. Then we're going to – Ms. Lichtenstein, is it new? On this amendment? Okay.

MS. JOHNSON: I have a couple questions. I'm Patricia Johnson. I live in Precinct 5. I actually live on Wild Harbor Road. So I see a lot of action at this fire station. I have a couple questions. Has this plan been before the Historical Commission for a review of architectural

features? That's one question.

CHIEF BRODEUR: The year 2002 I went to the CPC because I was told by my Town Manager and my boss to go and get the money from the CPC. I will answer your question about the historical. I am in the North Falmouth Historical Build – whatever the hell –

MS. JOHNSON: District. District.

CHIEF BRODEUR: Historical District for North Falmouth. The only problem with the Historical District, we're in it, but the building isn't historical. So therefore, no CPC funding, so that saved a year on this project for the Town not to expend money.

However, I'd like the Town Meeting Members to know that if we are successful, and I know we will get this door this year, is if we are successful and we get the door, then the North Falmouth Historical District Commission has to approve the windows in the overhead – the new overhead door.

So, we have jumped through the loops and hoops that have been given us for this project. Thank you.

MS. JOHNSON: I have a couple of comments. I don't think that this is – reflects it's not only the needs and wants, but it also isn't long-term planning because I feel that if we are going to build a station in Hatchville, we should include — I mean, Hatchville on Thomas Landers Road, we should include the North Falmouth station in that plan and

eliminate the North Falmouth station located on Wild Harbor Road. It is a very strange location for a fire station.

It was built in 1957, when you know probably 90 percent of the people who lived in the north and west side of town lived between the existing 28 A and the water. Now, the water isn't – Buzzards Bay isn't calling the fire station, you know, it takes like a minute to come to my house from the station. And I live near the water side of Wild Harbor Road. I would feel, as a person contributing to this town, that if I even – if the station was located on Thomas Landers Road and I had now six minutes to get to my house, that a lot of additional people in Hatchville who now have longer, would then have a shorter distance for rescue time. And I think that's a factor. That fire station in North Falmouth can get to Bourne in half a minute.

THE MODERATOR: Okay.

MS. JOHNSON: So I think a long term, we ought to be thinking of closing the North Falmouth station.

THE MODERATOR: Okay, all right, let's discuss this – we're not going to relocate any fire stations right now. Leslie, is it something new?

FROM THE FLOOR: Question, question.

THE MODERATOR: What can – Okay, I see more and more hands going up. What could possibly be new? Either you want to do this

or you don't.

MS. LICHTENSTEIN: Leslie Lichtenstein,
Precinct 8. I hate to spend money. It's true this is a lot. But before you vote, think for a minute. I've had that ambulance come to my house for a defibrillator. Do you want, if it's you, your parents, your kids, do you want the driver of that ambulance spending a couple of minutes being very careful getting out of that driveway? Or do you want him at your door?

THE MODERATOR: Ms. Whitehead.

FROM THE FLOOR: Question, question.

THE MODERATOR: Last one. She hasn't spoke yet, at this town meeting. Last one, and then we're going to vote the amendment.

MS. WHITEHEAD: Lynn Whitehead,
Precinct 1. And Chief, I know what you mean by loops and hoops, because it took nine years to get that bandshell built.

I have just one question. I didn't hear why we could not change this new fire engine and the new ambulance to a different fire station down below and take one of the older ones that may be a little smaller and place them up there. I only heard you say that that fire engine was meant for that North Falmouth station. But are there any – it may be a dumb question, but are there any fire engines or any ambulances in this town that are smaller even by five or six inches or are they all exactly the same no matter how old they are or new?

THE MODERATOR: Chief.

CHIEF BRODEUR: The new ambulance that's up there now replaced the ambulance that we bought in 1997, which is Rescue 36. And the reason Rescue 36 went to North Falmouth was because it was the only one that we had at the time that would fit in the station. It's getting tired. That's our reserve ambulance.

MS. WHITEHEAD: [No mic.] What about the fire engine?

CHIEF BRODEUR: The fire engine, we have one spare engine. That engine that was designed and custom built for North Falmouth station is the one that's there.

MS. WHITEHEAD: [No mic. Inaudible.] So the other is exactly the same size?

CHIEF BRODEUR: Negative. The East Falmouth fire engine will not fit in North Falmouth, nor will the one in headquarters fit in North Falmouth. The one in Woods Hole is the same size as the one that's in North Falmouth, and the West Falmouth engine is the old C series oil truck engine and that just gets into the West Falmouth Station, that's why we're going for a new fire station in West Falmouth.

THE MODERATOR: Okay, now, this is our exception to the rule where yes doesn't mean yes. The amendment is to zero out line 4, okay? So if you vote yes, that means you do not want the \$167,000 in that line item. Okay, it will zero it out.

All those in favor of the amendment to zero line 4, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It is the opinion of the Chair that the No's have it by a majority and the amendment fails.

Lets go up to Coastal Resources. Any discussion of the Coastal Resources section of this? Mr. Wilber.

MR. WILBER: Jude Wilber, Precinct 8. I have also been the long-time adviser to the Coastal Resources Working Group which is now finishing its ten year process of studying the long range planning for the coastlines of both the south shore of this town as well as the Buzzards Bay side of this town.

I have personally examined Old Dock Road and Chappaquoit Road area – Old Dock parking lot and the Chappaquoit area in many times and in many different ways.

I have an amendment here that this particular line item be zeroed out because the design specifications are not made here. I am assuming that you're going to make design specifications in the same old way that we have done repairs to coastal structures forever in this town.

This flies against every single recommendation that has been put forth by

every single coastal sedimentologist as well as the Coastal Working Group in the last ten years.

So, this is not only bad long term planning, this is no long term planning. Those structures that you plan to repair are the direct result – are the direct cause of the disappearance of Chappaquoit Beach. The idea that you would then repair them and do further damage to that beach is just ridiculous.

So, I propose that you zero out this and then consult with the findings of your own town-appointed working group as to what alternatives may be in order at This site. I can assure you that by repairing that standing up wall, no matter how many blocks of rock you throw in front of it, no matter how many tons of sand you throw on top of it, it's all going to go away. It's just the way it works.

Okay, so I recommend highly that this be zeroed out, and this is not something that we need to want to put off forever, but there are solid alternatives to a standard old way of doing it. Thank you.

THE MODERATOR: Okay, discussion will be on the amendment to zero out line 1. Next on my list is Mr. Netto. Mr. Finneran, you're on the list. Mr. Netto.

MR. NETTO: [No mic. Inaudible.]

THE MODERATOR: What?

MR. NETTO: [No mic. Inaudible.]

THE MODERATOR: You don't want to talk? Okay, Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6. I'm a member of the Finance Committee, however I'm talking as a landowner in West Falmouth and a Town Meeting Member.

Number one, I'd like to know what one of the alternatives is that you – what you're talking about for Chappaquoit Road. But why I got up and why I raised my hand first was that both these have been engineered before. And the Chappaquoit Road, the engineering plan was turned down by our administration or the DPW because it was much too expensive and we didn't have the money. So I don't know what we're going to try and do there.

The Old Dock Road has nothing to do with Chappaquoit Beach or Black Beach; it's in the harbor. It should be done. It should have been done years ago. It's also had plans done of it, I think eight or nine years ago, how to fix that, and again, there's never been Waterways money to do it because the Waterways money seems to vanish someplace, which I'll talk about in another article, here.

So, I don't know what you want to do and why we want to do a design. I think, and if we do do a design, I'd like to ask the Selectmen or Mr. Whritenour where we're going to get the money to repair it.

MR. WHRITENOUR: That's a future project.

MR. SHEARER: Are we talking six months or six years? I mean, why are we spending the money now if we do not have any money in the stream to do it? That would be my question. I would zero it out. Thank you.

THE MODERATOR: Okay. Mr. Finneran.

MR. FINNERAN: This item was brought before the Board of Selectmen, and as Selectman Mustafa noted that if they just increased the amount of scuppers, or the holes where the water could drain, it may have an effect to make the thing last longer.

I went down there during the last storm that we had a few weeks ago. The rain was actually blowing from West Falmouth over the harbor up against the wall. Anybody can go down there and see where the seaweed builds up and the sand builds up. I went back afterwards and measured. It's 55 feet between each scupper there. So there's absolutely nowhere for the water to go, therefore it works its way down behind the wall, washes out the loose, and that's why you have what you have.

I think that those things should be drilled out in the neighborhood of ten feet. It would give more than ample area for the water to flow. And if the concrete – the asphalt was sealed up against the concrete it wouldn't be able to wash down behind. And you don't have to engineer it.

And as far as the repairs that they did to it, that's a fairly good

idea. I mean, they keyed it to the wall. They poured more than ample concrete to hold it in place. And I think it's just fine-tuning and you'd be able to make that thing last considerably longer.

And I don't know about zeroing it out because I haven't looked at Old Dock Road, but I don't think there's any need to spend any money engineering that. Anyone can look at it and figure it out for themselves.

THE MODERATOR: Mr. McGrath, you're on the list. You can sit down.

Mr. Hampson.

MR. HAMPSON: I'm awake, Mr. Moderator.

THE MODERATOR: That makes one of us.

MR. HAMPSON: I would like to – what did you say? Just barely?

[Laughter.]

MR. HAMPSON: I'd like to make a motion that we continue this item and vote on it and so that's my motion.

THE MODERATOR: Okay, to continue after 11:00 for Article 14. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: Whoa. We might be going home. All

those in favor of staying after 11:00 to finish this article, signify by standing and the tellers will return a count. This is just to finish this article.

[Pause.]

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

MR. HAMPSON: 22.

THE MODERATOR: 22 in the third division.

Mrs. Tashiro?

MRS. TASHIRO: 23.

THE MODERATOR: 23.

Second division, Dufresne?

MR. DUFRESNE: 25.

THE MODERATOR: 25.

All those opposed?

[Pause. Laughter.]

THE MODERATOR: Okay, so when we come back tomorrow night, we'll pick up at the amendment. A sufficient number having arisen in the negative, this meeting will be adjourned until tomorrow at seven o'clock and we will come back on Article 14 and we will be on the amendment for line item one.

[10:55 p.m., whereupon this meeting adjourned.]

CERTIFICATE

BARNSTABLE, SS

I, Carol P. Tinkham, a Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that:

The foregoing 177 pages comprise a true, complete, and accurate transcript to the best of my knowledge, skill, and ability of the proceedings of the Falmouth Town Meeting held on Tuesday, April 6, 2010, commencing at 7:00

p.m.

I further certify that I am a disinterested person to these proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal this 25th day of May, 2010.

Carol P. Tinkham

My commission expires:
April 21, 2017