

COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

SPECIAL TOWN MEETING

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

MODERATOR: David T. Vieira

**Tuesday, April 12, 2005
7:00 p.m.**

**Carol P. Tinkham
Professional Court Reporter
321 Head of the Bay Road
Buzzards Bay, MA 02532**

(508) 759-9162
caroltinkham@verizon.net

I N D E X

<u>ARTICLE</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1	Unpaid Bills	2-19
2	Planning - Amend Article XXXXII	2-21
3	Planning - Amend Chap. 240	2-39
4	Planning - Amend Map 270 Old Main Road	2-39
5	Land Purchase - Locustfield Road	2-41
6	Woods Hole Comm. Assoc. Land swap	2-45
7	Amend Chap. 1, Sec.1-2 Code of Falmouth	2-46
8	Lease Woods Hole School	2-19
9	Amend Regional School District Agreement	2-56
10	Fund AFSCME contract	2-20
11	Fund DPW Laborers Union contract	2-20
12	Fund DPW Firefighters Union Contract	2-20
13	Fund Police Federation Contract	2-20
14	Fund Police Superior Officers Contract	2-20
15	Land Bank Funds - engineering surveys	2-57
16	Waterways - Site Improvements	2-20
17	Waterways - Megansett Boat Ramp	2-20
18	Harbormaster - purchase work/marina boat	2-20
19	Fund add'l. costs Wastewater Treatment	2-62
20	Fund Rescue Boat Training	2-63
21	Transfer Health Insurance funds	2-20
22	Appropriate Chapter 90 funds	2-20
23	Oil Spill Consulting	2-20
24	WMF Computer	2-20
25	Fund Snow and Ice Removal Deficit	2-79
26	Coonamessett River Restoration Group	2-87
27	Fal. Public Library - Accept Preliminary	2-159
28	Funding Article	2-170

P R O C E E D I N G S

THE MODERATOR: All Town Meeting Members please check in.

I want to thank the League of Women Voters for doing our attendance this evening.

Okay, folks. Town Meeting Members please come forward and take your seats.

I'd like to remind all Town Meeting Members that if you're not sitting in front of the Town Meeting Members sign your votes will not be counted. Only Town meeting Members should be sitting in front of the Town Meeting Members Only signs.

I remind folks we're broadcast live again tonight on FCTV-13. I thank the League of Women Voters for doing our attendance tonight.

Our tellers this evening: in the First Division will be Mrs. Tashiro, in the Second Division Mr. Dufresne and in the Third Division Mr. Hampson.

At this time, would all Town Meeting Members present please rise for the establishment of a quorum.

Division Three, Mr. Hampson.

MR. HAMPSON: 53.

THE MODERATOR: Okay, folks. 53.

Division One.

MRS. TASHIRO: 61.

THE MODERATOR: 61.

Division Two.

MR. DUFRESNE: 96 with a little bit of confusion from the people that didn't sit down.

THE MODERATOR: Okay, 96 with a little bit of confusion. We're definitely well over the number. So, we have 210 members, we have a quorum, and I call the Special Town Meeting to order.

At this time, would all Members please rise for the presentation of the colors by Scout Troop 42 from East Falmouth.

[Colors presented.]

THE MODERATOR: Please follow me in the Pledge of Allegiance.

[Pledge of Allegiance taken.]

THE MODERATOR: I'd like to introduce Sandra Cuny from the Recreation Committee to do our invocation.

MS. CUNY: Oh, God, Creator of all of us, we ask your blessing at this Town

Meeting. Let each one of us here this evening recognize our differences and our similarities. Let us listen to each other thoughtfully and guide us to vote on the issues before us with an open mind. We ask you to watch over our words and our debates so that the result of our meeting will be beneficial to all. Amen.

THE MODERATOR: We'll pause for a moment of silence in honor of our fallen Town Meeting Members.

[Pause.]

THE MODERATOR: Colors post.

[Colors posted.]

THE MODERATOR: Scouts from Troop 42 East Falmouth.

[Applause.]

THE MODERATOR: At this time I'd like to dispense with the reading of the warrant. Mr. Chairman for the main motion.

CHAIRMAN MUSTAFA: I move we dispense with the reading of the warrant except for the Officer's Return.

THE MODERATOR: Okay, 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 unanimous.

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 every precinct in the Town. Signed Constable Paul Gonsalves.

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

At this time, the Chair would entertain a motion to allow non-Town Meeting Members to sit up front with their respect 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 unanimous.

At this time, the Chair would entertain a motion to allow all Town employees who are not residents of the Town to speak on any article during the Special Town 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 unanimous.

At this time I'd like to introduce the Chairman of the Falmouth School Committee Mr. Kirkman for a presentation.

CHAIRMAN KIRKMAN: Thank you, Mr. Moderator. Tonight I want to shine a spotlight on a special individual in this town, someone who has served our School Department and this community very, very well: our retiring Superintendent Peter Clark.

[Applause.]

CHAIRMAN KIRKMAN: Let me just say a few words about Peter. I've known Peter for a long time. My children have gone through the schools over the last 16 years, so I've known him as a parent, as a PTO person, as a School Counsel member, as a School Committee member, as the Chair of the School Committee. This is a man of tremendous integrity, honesty, and everything that we need in a superintendent. I'm confident that our next superintendent will try to fill his shoes, but it's going to be very, very difficult. Thank you very much, Peter Clark.

[Applause.]

DR. CLARK: As I said last night, I'm very, very pleased to have been able to serve this town. It's been a great place to work. It's been a marvelous community and I'm hoping to stay right here and stay involved. Thank you.

[Applause.]

THE MODERATOR: I'd like to call Chairman Mustafa, Representatives Turkington and Patrick to the front, please.

CHAIRMAN MUSTAFA: Mr. Moderator, Town Meeting Members, before I begin, first of all I'd like to recognize Mary Alwardt, our new Town Accountant; she's in the audience, here. Mary, thank you.

[Applause.]

CHAIRMAN MUSTAFA: And Jennifer Mackay, who is the Conservation Administrator. And Jennifer – there she is.

[Applause.]

CHAIRMAN MUSTAFA: And Judy Magnani, could we possibly get you down front, please? We need some guidance. We've got some money to divvy-up here and we need –

THE MODERATOR: I'm definitely going to need some guidance after this Town Meeting.

CHAIRMAN MUSTAFA: Judy, before I begin reading the citation, I have some well water here and I'd like to know if you would –

MS. MAGNANI: Is it cold?

CHAIRMAN MUSTAFA: This is cold well water from my well. If you would check that out for me, please.

MS. MAGNANI: Uh-huh.

CHAIRMAN MUSTAFA: That's a standing joke from years ago.

Certificate of Appreciation. This certifies that Judy Magnani has offered guidance and professional support to the public officials and to the citizens of the Town of Falmouth throughout her 31 years of dedicated service. Her caring, thoughtful, and deliberate approach to problem-solving serves as a lesson and a reminder to each of us and for those who will serve in the future. For that, we are truly grateful. By the power vested in us, we, the Board of Selectmen, hereby award this certificate on this 12th day of April, 2005. Signed by Ahmed Mustafa, Kevin Murphy, Troy B.G. Clarkson, Kerry Ann Murphy and Virginia Valiela.

[Standing Ovation.]

REPRESENTATIVE TURKINGTON: Well, we're standing up here tonight to honor someone who's been sitting up there for almost 17 years. This Special Town Meeting is

particularly special because this is Judy Magnani's last town meeting. Judy has put together a lot of Town Meetings in her time here; to be exact, 30 Annual Town Meetings and 25 Specials. Since she took this job nearly 17 years ago, Judy has drafted, edited, and written recommendations for a grand total of 2,496 warrant articles.

And we've spent a lot of money on her watch. Not counting what we appropriated last night and tonight, Judy has supervised the appropriation of – get this – \$1,148,357,765.52.

[Applause.]

REPRESENTATIVE TURKINGTON: This will not surprise John. But Judy knows where it all went, right down to that last 52 cents. So tonight, Matt and I bring citations from the House of Representatives and the state senate honoring her for her service, but more importantly we bring the thanks of this Town Meeting and the people of this town for all she has done for us.

[Applause.]

REPRESENTATIVE PATRICK: I'm not going to read these citations. They're from the House and the Senate and they recognize all the wonderful things that Judy has done. To me, she has always been someone who was so positive; as a selectman, a young selectman in town, I could always count on her for kind words of wisdom. And I followed them. So, congratulations, Judy. Wonderful job. Maybe you should say a few words.

MS. MAGNANI: Thank you, Matt.

[Applause.]

MS. MAGNANI: This is the best job in town. It's the most fun, and I've gotten to work with so many different people and it's been my privilege to serve you. And more important than my leaving is the person who's taking my place, who is Jill Bishop from the Fire Department. She young, she's enthusiastic and she's wonderful and she'll do a great job. Thank you all so much.

[Applause.]

MS. MAGNANI: I have one question. Who came up with all those hours? Who spent that time?

REPRESENTATIVE PATRICK: Do you want to put in for overtime?

MS. MAGNANI: No, I want to know who did it, that's all. Do you realize what that cost?

REPRESENTATIVE PATRICK: It wasn't me.

THE MODERATOR: As Administrative Assistant to the Finance Committee, there's really only one group outside of a temporary school building committee that the Moderator gets to appoint, and that is the Finance Committee with the approval of your body, so really the Moderator doesn't have a staff other than the Administrative Assistant to the Finance Committee, and back in high school when I started attending town meetings and came back during college and didn't really know what was going on, I'd always swing by Judy's office and she would say, "Well, this is what it really means," and "This is what this is about," and "This is what this motion is," and "This is how the budget works," and "This is what a capital budget is". So, really, the ability of my running for moderator when I got back at such a young age was because of folks like Judy, and in particular Judy being able to teach me and to take the time out of her busy schedule for some kid that didn't have a vote at Town Meeting but was interested in the process. And, since then, she's definitely kept my nose to the warrant book. We now do e-mail and she sends me the warrant electronically and we've really come a long way. But, Judy, thank you very much for all that you've done for me as well as for the Town.

[Applause.]

THE MODERATOR: At this time, I'd like to recognize the Planning Board for a notification of public hearings.

MS. KERFOOT: In accordance with Section 5, Chapter 40A of the Massachusetts General Laws and Article 43 of the Falmouth Zoning Bylaw, a public hearing was held on March 15, 2005, on Articles 2, 3 and 4 for the April 12, 2005 Special Town Meeting and all those who wished to speak were heard.

THE MODERATOR: Okay, at this time I'm going to use a blank vote again tonight for the Special. So, we'll go through article by article; if you'd like to hold the article, just held "Hold" and stand up. We'll do a quick run through a second time and then we'll have a motion to accept the recommendations on all articles that are not held under the blanket.

Article 1, Unpaid bills. Article 2, to see if the Town will vote to amend Article

42 of the Special Permits of the Zoning Bylaw for two associate members.

MR. FLEER: Hold, Fleer.

THE MODERATOR: Hold, Mr. Fleer.

Article 3 is an automatic hold by the Planning Board. Article 4 is a hold by the Planning Board. Article 5, to see if the Town will purchase or take by eminent domain a parcel of land located off Locustfield Road.

MR. DUFFANY: Hold.

THE MODERATOR: Hold, Mr. Duffany.

Article 6 is a hold by the Board of Selectmen. Article 7, to amend Chapter 1, Section 1-2 of the Code of Falmouth.

MR. LYNCH: Hold.

THE MODERATOR: Mr. Lynch is a hold.

Article 7, to see if the Town will vote to authorize the Board of Selectmen to lease the Woods Hole School to a non-profit community service or educational organization for a period of up to 20 years.

MR. SHEARER: That's Article 8.

THE MODERATOR: Eight, sorry. Article 9, to see if the Town will vote to accept the proposal for the Upper Cape Cod Regional Technical School District to amend the regional school district agreement for the towns of Bourne, Falmouth, Sandwich, Wareham and Marion, effective June 1st, 2005.

MR. NIDOSITKO: Hold.

THE MODERATOR: Did I hear a hold? Mr. Nidositko.

Article 10, to appropriate a sum of money for the contract for American Federation of State, County and Municipal Employees. The recommendation is indefinite postponement. Article 11, vote to appropriate a sum of money for the Laborer's International Union of North America DPW contract; recommendation is indefinite postponement. Article 12, vote to appropriate a sum of money for the International Association of Firefighters contract; indefinite postponement is the recommendation. Article 13, to vote to appropriate a sum of money for the Falmouth Police Federation; the recommendation is indefinite postponement. Article 14, to vote to appropriate a sum of money for the Falmouth Police

Superior Officer's Association; the recommendation is indefinite postponement. Article 15, to vote to appropriate or transfer \$200,000 from the Land Bank Fund for the purpose of conducting engineering surveys and placing boundary markers on Town-owned Land Bank property.

MR. SHEARER: Hold.

THE MODERATOR: Mr. Shearer.

Article 16, to see if the Town will vote to transfer \$25,000 from the Reserve Waterways Appropriation Fund for the purpose of funding site improvements and dredging. Article 17, to see if the Town will vote to transfer \$15,000 from the Reserve Waterways Appropriation Fund for the purpose of funding the engineering and permitting required to reconstruct the Megansett Boat Ramp. Article 18, to see if the town will vote to transfer \$13,500 from the Reserve Waterways Appropriation Fund for the purpose of replacing two 13 foot Boston Whalers with one work marina boat.

Article 19, to see if the Town will vote to appropriate \$250,000 to provide additional engineering support and contingency budget for the wastewater treatment facility improvement project, and that to meet this requirement the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow pursuant to Chapter 44, Section 71 of the General Laws –

MR. SHEARER: Hold.

THE MODERATOR: Mr. Shearer.

Article 20 –

MR. BRODEUR: Hold.

THE MODERATOR: Mr. Brodeur.

Article 21, to see if the Town will vote to transfer \$40,000 from Account 01-914-51178, Health Insurance School, to account 01914-51177, Health Insurance Town.

Article 22, to see if the Town will vote to appropriate \$771,627 under Chapter 291 Acts of the 2004 as the state's share of work done under Chapter 90. This is for reimbursement done on Town accepted roads.

Article 23, to see if the Town will vote to transfer \$38,100 from Certified Free Cash for a contract for consulting services to continue response actions required by the

Massachusetts Department of Environmental Protection in case #4-0729 arising out of an oil spill at the Gifford Street maintenance facility.

Article 24, to see if the Town will vote to transfer \$9,000 from Certified Free Cash for the purpose of furnishing and installing a computer and hardware at the Waste Management Facility to track inbound and outbound material, transactions and to record waste by classification and category.

Article 25 is a hold by the Finance Committee. Article 26.

FROM THE FLOOR: Hold – hold.

THE MODERATOR: Is a hold by everybody. Article 27 is a hold by the Finance Committee, and Article 28 is a hold by the Finance Committee.

Okay, one more time. Article 1. Article 2 was held, Article 3 was held, Article 4 was held, Article 5 was held, Article 6 was held, Article 7 was held.

Article 8.

Article 9 was held.

Article 10, contracts.

Article 11, held – not held. Article 12, Article 13, Article 14.

Article 15 was held.

Article 16, Article 17, Article 18.

Article 19 was held. Article 20 was held.

Article 21, Article 22, Article 23, Article 24.

And Articles 25 through 28 were held.

Madame Chairman for the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I move that all articles that have been passed and not held under the blanket vote be and hereby are adopted as recommended.

THE MODERATOR: Okay, you've all heard the main motion for the blanket vote. All those in favor, signify by saying, "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Madame Chairman.

CHAIRMAN LEMOINE: Mr. Moderator, I hereby serve notice of reconsideration of all articles passed under the blanket vote.

THE MODERATOR: Okay, notice of reconsideration has been served.

Article 2 was held by Mr. Fler. The Planning Board for the main motion.

CHAIRMAN FOREMAN: The Planning Board votes Article 2 as printed.

THE MODERATOR: Okay, Article 2, the main motion is as printed. Mr. Fler.

MR. FLEER: Thank you, Mr. Moderator. Alan Fler, Precinct 6. And I wish to speak against this article. First just a little history. You know, before the Charter there was a nine member board. Initially with the Charter it went to a seven member board, and then Janet Hand on her own petition had this body change that to nine members so that we could form or that the Board could form sub-committees. That really didn't sit well with I guess anyone, and so this board then went back to a seven member board and it's been that way since I know at the Charter – first Charter Review Committee that was chaired by Megan Jones, we discussed the fact that five people is a super-majority on a seven member board and six is a super majority on a nine member board. And they thought – that committee thought that there actually might be a little better compliance with the seven member board.

You know, in my own case, when I realized that I would be unable to serve on the Board any longer, I resigned and it was really a pretty seamless appointment of Ginger Rabesa, and yet – you know, and I don't think anyone was put out or anyone was inconvenienced by that, and yet that appointment is only good until the first town election.

There are a couple things that I really don't like about this. First of all is that the – we're mixing elected officials with appointed officials. I know that rubs – for a lot of people, they don't like that because there's so few appointed – I mean, so few elected boards in town. And the other problem I have was that the explanation here is really just wrong when it says that this will be just the same as the way that the Zoning Board of Appeals works with their associate members. And this charge extends the same authority to the Planning Board. Now, that just isn't true. The associate members of the Zoning – the ZBA have no restriction on just hearing special permits. And I can read it from Section 12 of – what do we call this?

40A, here. The Zoning Act, Chapter 40A, Section 12, zoning ordinances or bylaws may provide for the appointments of –

THE MODERATOR: Mr. Fleer, could you speak into the microphone, please.

MR. FLEER: I'm sorry. I'm trying to read something. Zoning ordinances or bylaws may provide for the appointment in like manner of associate members of the Board of Appeals, and if provision for associate members has been made, the Chairman of the Board may designate any such associate member to sit on the board in case of absence, inability to act, conflict of interest, or in the event of a vacancy on the board until such a vacancy is filled in the manner provided in this section.

Now, so it isn't the same. It's not the same as what's envisioned for the Planning Board. These members of the Planning Board would not be able to sit on A & R's, preliminary plans, definitive plans, site plans, site plan review, any consideration of policies, any appointments that Board members might need to have to other committees. And I think it's just incredibly awkward that those folks will have to basically be – unless they're there for a special permit, they'll have to sit in the audience. You know, it won't be like the ZBA where those associate members can ask questions and basically be involved in the whole process.

So I really don't see the point of it. And I don't see how anyone would really want to be one of those people at all, you know?

THE MODERATOR: Mr. Herbst.

MR. HERBST: Thank you, Mr. Moderator. Ralph Herbst, Precinct 8, Planning Board member, currently. Just finishing up my third year on the Planning Board. I'm also speaking as a Town Meeting Member. From the beginning when this proposal was brought before the Planning Board, I was opposed to it. And I'm only one of seven that's opposed to it. So, it's an uphill battle for me but I've dug in my heels and I've felt as though this was the wrong thing to do. I'm proud to be elected and not appointed. I don't think an appointed person should be – have any input on special permits.

Tonight, this is a Special Meeting, and special permits are special things, and we see a lot of special permits, and the special permits should be acted on by the people who are elected by the people in this town, not by someone who is appointed. Thank you very much.

THE MODERATOR: Mr. Foreman.

CHAIRMAN FOREMAN: Okay, thank you. The rationale behind this article is basically one of fairness, and as you've seen we've had some thoughtful debate about this within the Planning Board. We then also went to the Board of Selectmen and discussed this in a joint meeting with the Selectmen. But the fundamental reason that we felt compelled to do this was because – and if – put up the one and only slide of this presentation you'll see: from 1999 to 2004, we heard 54 special permit requests. And, in reviewing the statistics, 63 percent of the time applicants were faced with obtaining a unanimous decision of five out of five of the people eligible to vote.

Now, what happens invariably is folks come before the Board with a special permit request and there is a hearing held. And that hearing may go on for several meetings. And, as with all volunteer boards, it's not always possible for everyone to make every meeting. If any Board members misses a portion of that public hearing, he is then ineligible to vote when the final decision comes before the Board. So that is really the rationale for why we felt – at least five out of the six folks voting on the night that we took this vote felt that to be fair to the applicants we ought to have associate members who could fill in on those occasions when Board members were compelled to be absent during the public hearing process.

Now, it's not quite true to say that special permits are always acted on by elected officials. The Zoning Board of Appeals is an appointed board and most special permits in the Town in fact are acted on by the Zoning Board of Appeals. There are only certain special permits, for example planning residential development special permits, some lot coverage issues, that come before the Planning Board.

This is not a unique or original solution to the problem. We did a cursory survey of 15 towns. The Planner discovered that seven of those had elected Planning Boards which have associate members, and five of those seven towns, the towns of Bourne, Plymouth, Dartmouth and Framingham, those associate members are appointed, mixing elected and appointed members on the board. So, this is not a unique solution to the problem.

So, again, the reason that we felt this was important to bring before you is because we feel applicants should not be in the position of having to get a unanimous decision of all five folks eligible to vote and special permits do require that super-majority of five out

of the seven Board members.

THE MODERATOR: Any further discussion? Ms. Shephard and then Mr. McLaughlin.

MS. SHEPHARD: Susan Shephard, Precinct 1. I have a question and a comment. My question is do the – would the appointed members have to be present at every single hearing just as the Board members do, and my comment is if Board members are regularly missing meetings, perhaps that's a separate issue that has to be addressed.

THE MODERATOR: Mr. Foreman.

CHAIRMAN FOREMAN: The answer to the first part is they would have to be present at any special permit – special permits for which they were going to vote, yes, they would have to be there. The issue has not been so much that Board members are consistently absent. There have been some illnesses and so forth that have interfered. But it's that if you miss one meeting and the special permit processes go on for several meetings, then you're ineligible. And over the course of all the special permits at least one or two board members have not been able to be at all the meetings all the time.

THE MODERATOR: Okay, Mr. McLaughlin and then Ms. Lowell.

MR. MCLAUGHLIN: Thank you, Mr. Moderator. Eric McLaughlin, Precinct 5 but also Chairman of the Conservation Commission. I can report to Town Meeting that the addition of alternates has been a great help to us. It's allowed us to process our permits in a timely manner and I thought Town Meeting would want to know.

THE MODERATOR: Ms. Lowell.

MS. LOWELL: Vicky Lowell, Precinct 1. And former Planning Board member. Quite a while ago, now. I think that the Planning Board has gradually over time taken the – through the Zoning bylaw changes the ability to issue more special permits, and one of the arguments was that they try to keep on their side of the agenda special permits that specially relate to planning issues where their knowledge is planning and Planning Board members and thinking more in terms of planning in general. It gives them special experience and knowledge about the kind of special permits that are kept under their jurisdiction as opposed to the Board of Appeals. So I think this is sort of awkward to have associate

members who won't be really part of that whole planning experience unless they're expected to go to the whole meetings and be as involved as the regular members.

Although, but I do appreciate the intent of trying not to hold up applicants by not having appropriate quorum there for the special permit. But I don't – I think there's a problem here that maybe the Planning Board is taking unto itself too many special permits, although I was sympathetic to that goal. But if the idea is that they should have the special permit authority when it specifically relates to expertise of Planning Board members does put the associate member idea in sort of an awkward situation.

They only are asking for it for a limited time as an experiment, so maybe – I don't have strong feelings either way, but I do think it's sort of – it is awkward and I'm not sure this is a good long-term solution. Thank you.

THE MODERATOR: Further discussion? Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct 2 and member of the Planning Board who was in favor of this article. It comes down to simple numbers. We have to get five out of seven members. I mean, the majority isn't just the majority of the people over there, it's the majority of the Board, a super-majority, five out of seven, whenever anybody comes in with a special permit. Simple mathematics tells you it's going to be a lot easier after several continued hearings when we finally come to the vote to get five out of seven people present when the proceedings started than to get five out of five people present.

There are absences from the Board due to the fact that most of us on the Board are working people. I'm a trial lawyer; very often I might be in Boston on a Tuesday at a deposition or a trial, working very late; I can't get to the Board that night. Ken Foreman, he's a scientist at Woods Hole, he might be out on a ship for weeks at a time. He may not be able to make it. Charlie Swain is a businessman, he may have meetings to attend to. There are a lot of us who are busy people on this board who are dedicated, we give everything we have, but sometimes we just can't be there. And if we miss a meeting, that means there's one less person.

Now, if a special permit is coming up and I tell Brian Curry that I'm not going to be there and if we had an alternate, that alternate person could be there in my place for that special permit. And then whenever that special permit came up again, that person could be

there. So, it's not a situation where somebody has to sit among the public through every hearing, it's just people that would be on call for specific nights when we know that people are going to be missing and we know that there's going to be a special permit coming up.

Again, it's simple arithmetic that tells you that it's going to be easier and fairer to the applicants when the time comes to take a vote to have five people out of seven who start the hearing as opposed to five people out of five who start the hearing, that's just a simple question of fairness.

And I also want to tell you one other issue that's important to me. It happened recently this spring. If you get down to the last day and a vote isn't taken on one of these permits, and for some reason a vote isn't taken and doesn't achieve that five out of five, then the applicants – the application will pass by default. It's called a constructive grant. And that almost happened this past winter. As we know, Al Fleeer has been ill and he wasn't present and that's, you know, something that's going to happen from time to time. There were only five people on this one particular – who were eligible on this one particular application, and there was a disagreement on the Board. Personally, I wanted to give the applicant what he wanted. Four members did not. The motion was to give the applicant less than he wanted. I could've – but I didn't – I could've said, "I'm not going to vote on this", and what would have happened at that point is that applicant would have got what he wanted. I thought it was more important for the process to work right that I changed my vote and voted against my conscience on the particular matter before, but voted for the motion that was on the board simply so that the process would work. And I don't want to be put in that position again and I don't think any member of this board should be put in that position.

So therefore, I would urge you both for fairness to the applicants who come before us and fairness to us who are actually sitting on the Board now to vote Yes on this article, thank you.

THE MODERATOR: Mr. Boyer and then Mr. Fleeer.

MR. BOYER: Mr. Moderator, it looks to me as if nothing happens with this in three years, this expires. Do I understand that correctly?

CHAIRMAN FOREMAN: Yes, there's a sunset provision on this and that was – we were thinking about the fact that the Charter may be revised and new – you know, there

could be – this could be incorporated into a new Charter.

MR. BOYER: Hearing this, it seems to me it's worth the experiment. Certainly there are potential for error or abuse either way, and I think it's the preferable way to give it a chance to see if this in fact represents a way out of the dilemmas that Mr. Latimer has described.

THE MODERATOR: Mr. Fleeer.

MR. FLEER: Alan Fleeer, Precinct 6. And I just want to give some counterpoint to what Rich said. I was there for that meeting; I was not absent, and you know there were two motions that had been prepared in advance. One was a positive motion, one was a negative motion. And we said, "Well, we'll try the positive one first," and it didn't pass. But then Rich jumps up, saving the day for the applicant and changes his vote, citing a constructive grant, which allows the – if such a thing were to happen, it allows the thing to pass without any – as submitted without any conditions. But we never got close to that. We never considered the negative motion that we had before us. We never got close to it. Thank you very much.

THE MODERATOR: Okay, there was someone in the center, here, with the white shirt.

MR. WILBUR: Judge Wilbur, Precinct 1, former chairman of the Planning Board. And this has been a problem with the Planning Board for quite a while and I have personally conducted meetings where for one reason or another one or more persons were absent during the initiation of a special permit. And I've actually looked at the applicants and they've looked at the member seating on the Board and I've said, "Well, what do you want to do, take your chances or re-file?" And some of them have just withdrawn and re-filed when they've had a full board. So I support this idea, at least in its three year attempt to move these processes along. It should be a sort of open negotiation across the table depending on who's sitting on the Board at the time the applicant comes before the Board. And I think this would work well provided that the Planning Board and the Board of Selectmen took their charge seriously to select people that were knowledgeable and committed to participating.

THE MODERATOR: Mr. Swain and then Mr. Alves. Mr. Swain in the back.

MR. SWAIN: Charles Swain, Planning Board Member. We had quite a discussion on this at our meeting. And we agreed -- the Charter calls for up to two people. We agreed to try this with one person for one year, and as Mr. Boyer said, if it works, it'll work and we'll keep it. If it doesn't, then it was a good trial. Thank you.

THE MODERATOR: Mr. Alves.

FROM THE FLOOR: Question.

MR. ALVES: John Alves, Precinct 3. This is only a comment. 1950, we had three Planning Board members, then we went to five, all elected, then we went to seven elected. If we need more people on the Board, the two should be elected and not appointed to give the Board some balance. Thank you.

THE MODERATOR: Okay, the question should come on the main motion, Article 2 as printed. All those in favor, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[No.]

THE MODERATOR: This requires a two-thirds. All those in favor, signify by standing and the tellers will return a count.

THE MODERATOR: Division three, Mr. Hampson.

MR. HAMPSON: 32.

THE MODERATOR: 32.

Division one, Mrs. Tashiro.

MRS. TASHIRO: 37.

THE MODERATOR: 37.

Division two, Mr. Dufresne?

MR. DUFRESNE: 58.

THE MODERATOR: 58.

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

Division three, Mr. Hampson.

MR. HAMPSON: 25.

THE MODERATOR: 25.

Division one, Mrs. Tashiro?

MRS. TASHIRO: 27.

THE MODERATOR: 27.

Division two?

MR. DUFRESNE: 32.

THE MODERATOR: 32.

By a counted vote of 127 in favor and 84 opposed, the necessary two-thirds does not pass.

Article 3 was a hold by the Planning Board. Mr. Chairman for the main motion.

CHAIRMAN FOREMAN: Article 3 we recommend indefinite postponement. We are still working with the Affordable Housing Committee on crafting that bylaw and we'll bring it back hopefully in the fall.

THE MODERATOR: Okay, the recommendation is indefinite postponement. Is there anyone that would like to put a positive motion on the floor? Hearing none, I'll 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 4 is a hold by the Planning Board. Mr. Chairman for the recommendation.

CHAIRMAN FOREMAN: The Planning Board recommends Article 4 as printed.

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

CHAIRMAN FOREMAN: Yes.

THE MODERATOR: Okay, any comment?

CHAIRMAN FOREMAN: Well, this was a proposal to rezone a portion of land from Residential B to general Residence. We have an agreement with a developer of that parcel that will permit him to put the same density on the parcel but spread it out in a more appropriate way with that re-zoning. So that's the purpose for this article, to allow the same

density to go on the parcel only for residential use. It's a, you know, rental condominium type development, and but the units will not have to be crammed up against the roadway as they would have been with the current zoning. This is similar to what was done for the Lief parcel, for example.

THE MODERATOR: Okay, further discussion on Article 4? Hearing none, the question will come on the main motion as printed. 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 5. Before we start Article 5, I need to make public disclosure that this is a sale of a piece of property owned by the Boy Scouts of America. I am a member of the Cape and Islands Counsel. I no longer have a corporate interest in the board. I was a director for a number of years, but have left the Board of Directors. So I want to disclose that to Town Meeting. Is there any Town Meeting Member that feels that I'm not fit to oversee the discussion on this article? Hearing none, I'll recognize the Chairman of the Finance Committee for the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I recommend Article 5 as recommended in the warrant booklet, and for further discussion I'll defer to Peter Boyer.

THE MODERATOR: Okay, as recommended. This was held by Mr. Duffany. Can we get a microphone.

MR. DUFFANY: Thank you, Mr. Moderator. Michael Duffany, Precinct 6. For also for full disclosure, I am on the --member of the Troop Committee of Troop 40 of St. Barnabas Boy Scouts of America.

The reason I rise about this article here is not to speak against it, because as you all know I'm a long-term proponent of open space acquisition by the Town, and I certainly don't want to see this piece of property developed as it was – as someone had offered to do. And the Town has stepped forward to purchase the property from the Boy Scouts of America.

I just wanted, for the purpose of discussion for the minutes, I just want to see it read into the minutes that the Conservation Commission will entertain that the property be allowed to be camped on and have fires by the Boy Scouts as they have for the last 50-odd years. I know that many of you in the room did the same as I: as a child I camped on this exact same property myself. And I just hate to see that go unsaid because once it's in the minutes whatever is in the book is what someone can refer to in the future. I would just like to see the Conservation Commission strongly consider that as part of the recreational use of this property. Thank you.

THE MODERATOR: Mr. Boyer.

MR. BOYER: Mr. Moderator, Peter Boyer, Precinct 5. I suspect that there's not going to be a lot of opposition to this, but in case there is some wish for further understanding of this particular parcel, I will run through three or four slides just to give you that sense. They're really two parcels, as you can tell, abutting the pond and stretching in a north-westerly direction. The red is what is a cart path and is Lower Road that reaches from down below the subdivision. There is also a right of way that exists from Locustfield if you could point to that, that's the small extension – that's right – as further access to the parcel. It is topographically difficult and the Boy Scouts have not used that right of way for access.

Certainly the Land Bank Committee had no objection to the Boy Scouts using the parcel and we've been sensitive to the question which Mr. Duffany has raised; at past meetings, it's been on the radar screen of the Land Bank Committee for a number of years and the 300 Committee has been interested in this acquisition as well.

Next slide, please. This simply shows and emphasizes that in fact at least portions, but in the case at Long Pond, all of this is either within the Zone 2 of zone of contribution for Mares Pond or the Water Resources Protection District Zoning District for Long Pond. And so that adds a dimension to the need for protection of this parcel and preventing it for what could be some fairly dense development if it were developed.

Next, please. This particular slide illustrates the topography and in fact there was substantial excavation in the – yeah, three to four acres were part of the gravel removal operation of the adjacent property owner some years ago. In the short term, that represents perhaps a liability – not a liability, but detracting from the wooded area generally of the

parcel. But the Land Bank Committee decided in the long run, in 50 or 100 years, who's gonna know?

And the last slide is simply a reiteration of that, with an aerial photograph that's not entirely clear but illustrates that removed area.

The – I believe it's in the explanation that the sale price is the million two and 5,000 for the – the appraisal came in at a million three fifty for the development proposed. Thank you.

THE MODERATOR: Further discussion on Article 5? 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 Ayes have it unanimous.

Article 6. This was held by the Board of Selectmen for the recommendation.

CHAIRMAN MUSTAFA: Mr. Moderator, I move Article 6 as printed in the warrant with the exception of the phrase: "or do or take any other action on this matter including adding contiguous additional area."

THE MODERATOR: Okay, the main motion is as printed without the article clause at the end. 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 Ayes have it unanimous.

Article 7. This was held by Mr. Lynch. Mr. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MUSTAFA: Mr. Moderator, that the Town vote Article 7 as printed.

THE MODERATOR: Okay, Article 7 as printed. Mr. Lynch.

MR. LYNCH: I actually am very much in favor with this article and did talk to the police chief about this, who presented the article. But I wanted to put some information up. Can I have the next slide, please?

Just to explain what wheeled devices are. And we went over this a while ago. It includes roller blades, skateboards, in-line skates or other things. It does not include wheelchairs or strollers for children, for the handicapped, infirmed or infants. And the wheeled vehicles are only mentioned in the Code of Falmouth, as opposes to bicycles, and I'll get to that in a moment.

Next slide, please. Where these wheeled devices are prohibited are public buildings, and that includes the stairs, the walkways, the sidewalks or grounds of the public buildings. Or Town property as selected by the Selectmen. And right now we only have one place where that is, it's Main Street from Post Office Road to Shore Street, so if you want to put that up.

Next slide. So, basically Post Office Road, down Main Street, all the way past the Library to Shore Street. And that's the only place where the Selectmen have decided they can't have these skateboards, basically.

Other places, these wheeled vehicles shall not interfere with motor vehicles in the streets or the parking lots or hinder them, and they shall not interfere with pedestrians on sidewalks or streets. So, they can basically be on sidewalks anyplace else except for this portion.

Can I have the next slide, please. And we've got signs all over this town, but this is actually the sign that's on Main Street in various places that's required in the bylaw to post where you cannot use these wheel vehicles.

Next slide, please. Bicycles. Bicycles, they're a little different because they fall under Mass. General Laws, and there seems to be a misconception, but bicycles may be ridden on the sidewalks outside of business districts. They are restricted in business districts at all times. They can be restricted on sidewalks if the local town decides that they want to do that, and this town has not done that. And I recommend they don't do that because I'm sure we'd like to have our children or young children riding on sidewalks throughout the town.

If the bicycle is on the sidewalk, it must yield the right of way to pedestrians and

it must give an audible signal before passing. This is in the General Laws. And the real change in this article is the maximum fine by the Mass. General Laws is \$20, so if you notice on your article it says they have higher fees for the other vehicles, but or correction the wheel vehicles. But the Mass. General Law will only allow us to charge \$20.

Next slide please. More about bicycles. They have the right of way in all public ways and they are subject to traffic laws and regulations. There are a few different ones: they can pass on the right, they have to signal with their hands, and some other things, but basically they should act like vehicles. And the Bikeways Committee is somewhat concerned about that. You know we promote bicycles, but we also promote for the bicycles, you know, to follow those laws so that, you know, they can be in the flow of traffic and not hinder other traffic, and also it's much safer.

So I urge you to pass this article. Thank you for your time.

THE MODERATOR: Okay, any further discussion on Article 7? To the right.

MS. MARLEY: Betty Marley, Precinct 3. I just wanted to ask if we could change the time that the children are being fined for this kind of work. Maybe from – it would be deleted for less than 13 years. Because I can't picture seven year olds driving a scooter on Main Street on the sidewalk and having to go on the street. It's just too dangerous. I think we need to make that clear that little kids get to do a little bit more than the older kids.

THE MODERATOR: Are you submitting an amendment?

MS. MARLEY: I'm not sure if it's an amendment or not but.

THE MODERATOR: Or are you making a comment that we should look at that in the future?

MS. MARLEY: No, I think we should talk about it right now. Because I don't want to see this summer having a little kid killed on Main Street because he was driving in the street.

THE MODERATOR: So what is your amendment?

MS. MARLEY: [Inaudible - no microphone.]

THE MODERATOR: So the amendment would be to exclude individuals under age 13 from the fines? Okay. The question is open on the amendment. Mr. Rowan and then

Mr. Dufresne.

MR. ROWAN: Ted Rowan, Precinct 6 and a member of the Bikeways Committee. I think the children will be safe and the adults will be safe walking on the sidewalk, so that in answer to your question, an eight year old or a nine year old, as a 20 year old, should not be skateboarding on the sidewalks through the Business District of Falmouth or any other district that the Selectmen choose to sign as no-wheeled vehicles. The child has every right to walk with their skateboard through that area, to walk their bicycles through that area and also to go through that area in any other way. So they do not need to be on the streets, they just don't need to ride their vehicle on the sidewalk in those specific areas. Thank you.

THE MODERATOR: Mr. Dufresne and then Mr. Shearer.

MR. DUFRESNE: Adrienne Dufresne, representative Precinct 2. I speak against the amendment. I have a concern for children who are out on the street given the traffic that we have on Main Street, but that does not prohibit that young person from getting off of his skateboard or take his roller skates off or get off of his bicycle and walk like the rest of us. I speak against the amendment because I think we should ensure that the general public in the Business Districts in the Town of Falmouth walk on a safe sidewalk regardless of the age of the people coming along, the young people.

THE MODERATOR: Ms. Perry.

MS. PERRY: Thank you, Mr. Moderator. Good evening, ladies and gentlemen. My name is Jane F. Perry, Precinct 8. And I rise to speak against this amendment. I have spoken on several occasions about bicycles riding on Main Street from the inception of this problem. As you can see, I'm visually impaired and I represent pedestrian public along with the visually impaired and the disabled. We are willing to share the sidewalk with a bicyclist and the young people, but I think that you need to teach the young people at an early age that they can do the same thing as we can: walk on the sidewalk. Thank you.

THE MODERATOR: Mr. Ayres.

MR. AYRES: Dean Ayres, Precinct 7. Question: when does one know when one enters a Business District and leaves a Business District? Does that mean if we ever have

a sidewalk in Waquoit if they ever resurface the road and put in a sidewalk, how does one – does Waquoit apply where the traffic light is there? Is that a business district and how does one know?

THE MODERATOR: Mr. Lynch.

MR. LYNCH: I hope somebody didn't ask me what a Business District is. It's basically – it's not defined in the law, but I would assume that Waquoit isn't, but like Main Street, Woods Hole. I was trying to think of other places in town, but those are the two that I think of. So, it's not defined. It'll be defined by I guess in law if they arrest somebody. And to know if you're in a wheel vehicle area, or wheel vehicle – if you put that slide up again, we'll –

THE MODERATOR: Okay, this is non-criminal enforcement, so there won't be any arresting, there will be civil fines.

[Laughter.]

THE MODERATOR: Okay, are we ready to take a vote on the amendment to exclude?

FROM THE FLOOR: Yes, yes.

THE MODERATOR: Ms. Poole. Microphone.

MS. POOLE: I was just wondering if there will be any notification to people if it would be feasible to put up signs that say, "Walk zone" or something like that. Because –

THE MODERATOR: The Selectmen already post. You saw the sign up on the overhead.

MS. POOLE: They're posted downtown?

THE MODERATOR: Which is the only place that the Selectmen have banned these wheel devices on sidewalks.

MS. POOLE: So that sign is downtown?

THE MODERATOR: That's where that photo came from.

MS. POOLE: Okay, thank you.

THE MODERATOR: Okay, let's take a vote on the amendment and then we'll be on the main motion, here. The amendment to exclude those under age 13 from the main motion. All those in favor, signify by saying "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[No.]

THE MODERATOR: The No's have it and we're back to the article as printed.

All those in favor of Article 7 as printed, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[No.]

THE MODERATOR: The Ayes have it by a majority.

Article 9, this was held by Mr. Nidositko. It's the Upper Cape Cod Regional Technical School District amendment. Madame Chairman of the Finance Committee for the Main Motion.

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

THE MODERATOR: As recommended. Mr. Nidositko.

MR. NIDOSITKO: Yes, James Nidositko, Precinct 2. I held this article basically because it's the one man-one vote state Supreme Court decision that I made reference to last year, which got no response from anyone either through – by choice or by ignorance of the law.

I wish to commend our representatives, Mr. Haynes, Mr. Zmuda, and the superintendent director Mr. Motta for finally, after 16 years, bringing the vocational school into compliance with this state Supreme Court decision. It's going to involve a little bit of work on the part of candidates. As I read the article, candidates will now have to run district-wide. In other words, they would have to run in each of the five member towns to sit – and win – to sit on this committee. But, nonetheless, I'm glad to see this and once again I commend the three people that I mentioned. It's been a long time coming and I recommend it also be passed and accepted.

THE MODERATOR: Okay, any further discussion on Article 9? 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.

Article 15, this was held by Mr. Shearer. Madame Chairman for the main motion.

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

THE MODERATOR: As recommended. Mr. Shearer.

MR. SHEARER: I think – Dan Shearer,

Precinct 6. We voted down a school last night. I think this might be something that we might be able to put off for a while. We have a lot of other things on our plate. And I think we can have a lot of volunteers who could help with this process and I don't think it's something that needs to be done right now. Yes, somebody might cut down a tree that's on 300 Committee property, or might clear a little bit of it in their back yard. But they probably will do that if there's a little stake there, too. So I think it's money we don't have to spend at this time. Thank you.

THE MODERATOR: Okay, Mr. Boyer. I just want to call members' attention that this is a transfer from the Land Bank fund. Mr. Boyer.

MR. BOYER: Mr. Moderator, Peter Boyer, Precinct 5. You took the words right out of my mouth. Yes, it is Land Bank money, and the Land Bank Committee is supporting this and wishes that Town Meeting vote this appropriation, probably one of the last acts of the Land Bank itself, because of those problems that you really are I think are not appreciating fully, Mr. Shearer.

We have one case that is perhaps the most flagrant, and that is the addition of Town-owned property to a back yard of some half an acre, which became mowed and cleared and it was an intrusion on Conservation land. Although I'd like to say that this applies to 300 Committee land, it does not. It's exclusively really Land Bank parcels. In fact, several years ago the Town commissioned a management report from a Mr. Phil Benjamin about town-owned parcels. In virtually every single case of a need for action on parcels, it was to achieve a clear delineation of property boundaries. And that's the purpose of this.

So, a stake that says, "Well, maybe here's the boundary," really isn't sufficient for the legal jurisdiction of those either 300 Committee stewards or Town people who monitor the boundary markers and the potential for incursion into publicly-owned property. That's the purpose of this. The 300 Committee stewards are working on a priority list because clearly this will not accomplish delineation for all parcels. And it doesn't need to be for all parcels, either. It really needs to be in those cases where for example a residential use abuts up against the publicly owned Conservation land and residential owners feel that that becomes their ability to do whatever they want on that property.

So, we do urge that you pass this; that it in fact is an undertaking. It may take some time. It's not something that necessarily needs to be done immediately, but there should be a reservoir of funds to handle those particular parcels that are very sensitive and very liable to encroachment. Thank you.

THE MODERATOR: Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9, member of the Public Access Committee. I would speak in favor of this article, as Mr. Boyer, many of the things I would say he's already said. As we were going around and I know we're late in publishing our fourth edition, but in publishing some of the books that we have, we would go around and members of the committee would go and visit neighborhoods. And really the areas that need to be surveyed but we had a problem was were those areas that led to public access, especially to the water. And we found private fences across land that some people felt belonged to the Town. And we just couldn't go running up to the Engineering Department and say, "Mr. Kalize, every month could you go and send out your surveyors and you know look at this parcel".

I think that this is something that as a town grows and public access becomes more and more important and that's why the committee was formed in 1986, that if every year we would spend a few dollars and a few dollars and a few dollars surveying some of these more contentious parcels and clearly define what belongs to us and what belongs to the private citizens, then in five, ten years from now, a lot of these questions will disappear. So, I hope you will support this and I don't think it's going to cost the taxpayers anything right now that we haven't already spent. Thank you.

THE MODERATOR: Any further discussion?

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".

[No.]

THE MODERATOR: The Ayes have it by a majority.

Article 19. This was held by Mr.

Shearer. Madame Chairman for the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I move Article 19 as recommended.

THE MODERATOR: As recommended. Mr. Shearer.

MR. SHEARER: I'm going to vote "Yes" for this, to start off this discussion. But I hope when we're all paying for this project that we'll remember when there are more projects such as this, that everybody in town meeting has to be responsible for sewage. North Falmouth has gone through real problems with the town, with the people, and everything else. I tried to change it at that time and have everybody pay for it.

When we do the next little patch of sewer in East Falmouth or North Falmouth or whatever it is, I hope we'll remember that everybody who doesn't use this facility who has their septic system isn't doing anything with it, is paying for it, and the people that do this should pay for the other people in town, because it's all of our problems, not just the people at the unit that's being done. Thank you.

THE MODERATOR: Okay, further discussion on Article 19?

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.

Article 20, this was held by Chief Brodeur. The Finance Committee's

recommendation is indefinite postponement. Mr. Brodeur, would you like to put a positive motion on the floor?

CHIEF BRODEUR: Mr. Moderator, Town Meeting Members, I'd like to thank Judy Magnani for everything she's done for the Fire Department.

And now I'd like to ask for a principal assistant for the Fire Department. But that's not why I'm here to speak tonight. Great, huh?

Mr. Moderator, Town Meeting Members, Falmouth Fire Rescue Department Chief of Department Paul Brodeur, Precinct 4 member, citizen at large, taxpayer and willing to speak. On Article 20, I move that the Town vote to transfer – slight correction – \$4,500 from Certified Free Cash for the purposes of Article 20 to be extended under the jurisdiction of the Fire Chief.

THE MODERATOR: Okay, the main motion is as printed: \$4,500 from Certified Free Cash. Thank you, Chief.

CHIEF BRODEUR: Article 20, Special Town Meeting, Mr. Moderator, Town Meeting Members, again. The Falmouth Fire Rescue Department is requesting \$4,500 for the purpose of rescue boat training for our fire rescue personnel on the Department's new rescue boat. The Falmouth Fire Department Rescue Department has received a grant from the Assistance to the Firefighter's Grant Program, which is a section of the Federal Emergency Management Agency now becoming under the Department of Homeland Security. Cost of the federal share of this boat is \$130,500 and the Falmouth Fire Rescue share is \$13,000, which equates to the equivalent to training. The grant approval was on the sixth of August, 2004. Grant was accepted by the Board of Selectmen on the 6th of December, 2004, and a contract was awarded to construct a 31 foot aluminum fire rescue boat in the same December of 2004.

The combined efforts on a voluntary basis under the Deputy Fire Chief Sullivan's charge, Lieutenant Girouard, Dive Officer of the Falmouth Fire Rescue Department, and 16 qualified marine members of the department, wrote – formed a committee, wrote and applied for this grant and were successful. I think in the interests of the Department they should be commended for their actions and their efforts.

The delivery of the boat will be early in June of 2005. The intensive and comprehensive training of personnel will be performed by the Ocean Rescue Systems, which will consist of a five day fast rescue track training program for the Fire Rescue Department members. It equates to a 33 hour program, United States Coast Guard approved for fast rescue boat operator, consists of 3 hours practical, one hour classroom. A confirmed date for the training is the second week of June, 2005. It will entail all three major functions of the Falmouth Fire Rescue Department's rescue boat operations, which was instrumental in the grant writing process which is: number one, rescue, giving us enough work platform and a marine vessel for surrounding waters, number two, for our divers' deployment for search or rescue or both, and also number three, which we do not have the capability of in the Town today, is onboard water board fire fighting capability. Through the hull, 340 gallon a minute, fire pump with monitor. They did a damn good job on this, if I may say so.

The training encompasses also boat handling, various weather conditions, some nighttime operations in those five days, navigation, rescue swimmer deployment, towing, communications, ocean dynamics, recovery of people in water and vessel dynamics. Ocean Rescue Systems is a Mass. Maritime Academy affiliate and has trained the New Bedford Fire Department personnel.

The reason the Fire Department is requesting these funds in this manner is because the Reserve Fund transfer request to the Department's Fiscal Year 2005 staff development line item was denied by the Finance Committee.

In closing, the Falmouth Fire Rescue Department is requesting your support on Article 20 for \$4,500 for the purpose of fire rescue boat training. Thank you for your support.

THE MODERATOR: Discussion on Article 20. Mr. Dufresne.

MR. DUFRESNE: Mr. Brodeur is always a tough act to follow. This request came to us about four, five months ago as a Reserve Fund transfer. Reserve Fund transfers through the Finance Committee have to be for extreme emergency purposes. So it triggered a red flag and we denied it.

Article 4 in this Annual Town Meeting says that all grants accepted by the Selectmen should be forwarded to the Finance Committee and other agencies so that we can be abreast of all of the financial additional costs that go with a grant.

I did a little research, not much. He's kind of elaborated on what the boat cost: 130,000; we didn't know that. The matching grant is \$14,500. So I made an inquiry in the Town Accountant's office and \$9,000 came out of personnel and \$3500 came out of All Other. I don't know what the All Other was, but that was what the – it said in the Town Accountant's Office. So the Finance Committee really has some problems because several years ago, if you will remember, this type of boat was requested by the Fire Department and I got up and spoke and documented that the purpose of this boat's request is currently being performed by the Coast Guard facility in Woods Hole, and that though I support the small boats that the Fire Department has because we have so many small inland ponds like Weeks's Pond, Shivericks Pond, and I can probably name another dozen but I think most of you know that we have a lot of little inland ponds, and the Fire Department really does a great job – they can go through your yard, my yard or anybody's else's yard that lives on the water and rescue some canoe that tipped over or some kid that fell through the ice. So the boat in the Fire Department really is not a bad thing, the ones that they have.

The ones that they are requesting – and I was told at some time back that they have an eight man dive team, and I know what the time and a half costs are because I'm a strong supporter of the four ambulances that we've approved because I believe the Fire Department's primary function in the Town of Falmouth is 80 percent or 85 percent emergency medical and 15 percent fire runs. Now, I don't know when we've had a call for the Fire Department to go out into Vineyard Sound to save anybody because I think the Harbormaster has done it, a lot of private boat owners have done it, so I've had kind of a stickler on this type of piece of equipment coming into the Falmouth Fire Department.

I was also told it was going to be stationed at Slip 47, which is a revenue loss for the Harbormaster's Department of approximately \$3750. So that is another additional cost to us acquiring this boat. And then of course I have, you know, strong suspicions that if we're going to do this for Vineyard Sound then maybe next year we'll have to do it for Buzzards Bay. So I just wanted Town Meeting to understand that this \$5500 is the tip of the iceberg to what could be a lot of additional cost for something that may or may not ever be required by the Falmouth Fire Department.

A few years ago I got up and spoke against a second phone truck and I think

that's only been used once. We have two of them and I think they ended up putting it out with a – but I don't want to go off on another tangent.

I've not supported this size boat in the Fire Department. It's obvious my Finance Committee cohorts, I debated it long and hard and we were able to get an indefinite postponement because we really did not have, as members of the Finance Committee, the information necessary to justify a positive motion to this body. But as long as we understand that this \$5500 is the tip of the iceberg, or \$4500, which I've been corrected, is the tip of the iceberg, there's another \$14,500 which is the grant match, and anyway, the decision is yours. If we want to expand and create our own little navy –

[Laughter.]

THE MODERATOR: Okay, Mr. Boyer.

MR. DUFRESNE: – I'm at your wishes.

THE MODERATOR: Mr. Boyer.

MR. BOYER: Mr. Moderator, a question for Chief Brodeur. Can you tell me whether or not there are any contractual provisions for extra compensation for employees certified with this training?

MR. BRODEUR: Through you, Mr. Moderator, at this time, no. The compensation that would be the overtime rate of which is standard now. There is nothing for marine operators.

THE MODERATOR: Okay, –

MR. BRODEUR: Did I answer that?

THE MODERATOR: Yes. Mr. Ayres.

MR. AYRES: Dean Ayres. Considering the world situation, this might be my paranoia, but I've always thought about conceivably something happening, God forbid, between here and Martha's Vineyard. Mr. Dufresne said, "Well, this could lead us to having to do something in Buzzard's Bay." Well, there's a difference between a party boat in Buzzard's Bay going down with four people on it and some drastic incident happening between here and Martha's Vineyard.

I think this is \$4500 well spent to possibly save lives in the future, whether you think an incident is real or perceived or not.

THE MODERATOR: Mr. Bishop and then Mrs. McElroy.

MR. BISHOP: Pat Bishop, Precinct 3. Just to correct Mr. Dufresne. In the early '70's – I've been here since '71 – in the early '70's myself and another firefighter rescued five people between here and Martha's Vineyard in the middle of October, where a boat just went down, there was two children and five adults. And the 17 foot Whaler that we have now is the same 17 foot Whaler that myself and another firefighter endangered myself, the firefighters and the people that we did rescue.

The boat is here to stay; the only thing the chief is asking for is training money. The boat is not going to go back. We've already paid for the boat with the grant. The only thing he's asking for is \$4500. Thank you.

THE MODERATOR: Ms. McElroy and then Mr. Crocker.

MS. MCELROY: Town Meeting grants the Selectmen the discretion to accept these grants. If the Finance Committee has a bone to pick with the Selectmen about how they use that discretion, this article isn't the place to pick it. This article is about training.

I believe this outfit Ocean Systems – Ocean Rescue Systems is the same outfit that has taught a couple of courses down at WHOI; they are excellent trainers in a broad area of water safety and rescue. That's what this article is about: training for the Fire Department, whether it's in this discretionary boat or any boat for people who are working on the water in a rescue capacity this is excellent training that I'd like to see our Fire Department have.

THE MODERATOR: Mr. Crocker in the back.

MR. CROCKER: Mr. Moderator, ladies and gentlemen. We're going ahead in the Town of Falmouth in the next few years. We have a fire chief that's very interested in this department and he's trying to do the best for the Town of Falmouth. A lot of you know when we came up with the fire house on Main Street we had a problem. People didn't want it in the other place, so he went ahead and he made the provisions where the Fire Department is right now. He's asking for \$4,500 for a boat. I hear this: "Oh, we'll probably never use it". Well, I'm going to tell you something: if I'm out there, I hope that somebody will rescue me, or rescue you. There's no price to pay for safety. And let's vote this in tonight. Let's go along with the Chief, and let's build this department and go ahead for the future. Thank you.

THE MODERATOR: Ms. Abbott.

MS. ABBOTT: Jane Abbott, Precinct 7. Mr. Dufresne referred to the Coast Guard serving this function. I think with their extra duties for Homeland Security Falmouth needs its own well-trained boats men.

THE MODERATOR: Mr. Murphy.

MR. MURPHY: Matthew Murphy, Precinct 7. In my regular life, I'm the attorney for the Sheriff's Office, so I deal with training and workplace liability. And if you put – these are firefighters. If something happens, they're going to go out in their boat if they're trained or not trained. I can tell you from experience, if they're not trained, that's when you get workplace injuries. You're going to run through \$4500 in doctor bills, attorney's fees, fees for the Division of Industrial Accidents in a heartbeat. This is going to save us tens of thousands of dollars. It's a no-brainer. Thank you.

THE MODERATOR: Mr. Swain and then Ms. Lowell.

MR. SWAIN: We're talking about a rescue boat and the Coast Guard. The Coast Guard does a nice job, but we're here in Falmouth, which is possibly six miles from the Coast Guard base. With the efficiency of our Fire Department, of which everybody here should know, I would say it would take them four minutes to get to the harbor, another three minutes to be out on the harbor, heading for the distress call. Thank you.

THE MODERATOR: Ms. Lowell and then Mr. Shearer.

MS. LOWELL: Yeah, Vicky Lowell. It's hard to be against training and I'm not. But I do think that this type of article makes the point that was made last night that information provided prior to Town Meeting about how departments operate and where the money's going to be spent, what areas, is much less than the School Department has provided and I hope this is more fuel for that position to – I shouldn't use the word "fuel", I guess, when we're talking about fire, but it's more – it just sheds – it makes us think that more information so that we would know how often the existing boats are used and other types of information like that about all the departments would be helpful when we're trying to make decisions. Thank you.

THE MODERATOR: Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6. It's very hard for me to believe, in boating all my life, that only a five hour course is going to enable anybody who isn't an avid

boater to be able to rescue somebody in a storm. It's something you have to practice, it's something you have to work on, it can't be done in a day because the weather has to be different from one way to rescue than another.

The other thing that bothers me about this is there's nothing in budget about this boat. We have to dock it, or we can put it on a mooring, I guess, but then you'd have to learn how to row; that would take another hour or so.

[Laughter.]

MR. SHEARER: That's going to cost the Town about \$4,000. You're going to have to haul it and paint the bottom. You've got a big gas bill. It's going to be \$50-60 an hour to run it.

FROM THE FLOOR: Point of order.

THE MODERATOR: Yeah, let's keep it on the training line item. We own the boat.

MR. SHEARER: But the training really isn't enough. To get a six pack license to take somebody out in a launch in a quiet harbor is three times this amount of schooling. Thank you.

THE MODERATOR: Mr. Maclone.

MR. MACLONE: Mr. Moderator, Richard Maclone, Precinct 4. I would support this training. This boat is going to be kept at the harbor. There are millions and millions of dollars worth of yachts in that harbor and there are thousands and thousands of gallons of fuel and we've got a couple of fueling depots there. To have a firefighting device right there at that harbor is – would be a godsend someday. So, if we don't support this, I think we're fools. Thank you.

THE MODERATOR: Mr. Miller, and then I think we're ready.

MR. MILLER: Mike Miller, Precinct 4 and a Finance Committee member. Just so everyone knows, on line 119 in the budget there's a \$16,000 line there for staff development for the Fire Department.

THE MODERATOR: Okay. Anything else? The question will come on the main motion. The main motion is \$4,500 from Certified Free Cash for the purpose of rescue boat training for the Fire Rescue Department. 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 25. This is snow and ice deficit. Madame Chairman for the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I move that the Town vote to transfer \$500,000 from the Stabilization Fund to budget 01423, snow and ice removal, for the purposes of Article 25, to be expended under the jurisdiction of the Director of Public Works.

THE MODERATOR: Okay, this is a transfer of \$500,000 from the Stabilization Fund for snow and ice removal. Madame Chairman.

CHAIRMAN LEMOINE: As of – Mr. Rowan returned from his vacation, or wherever he was last week, and we now have a total deficit in the snow and ice budget for this year of \$901,000. Yeah. That's why we're recommending we take the \$500,000 out of the Stabilization Fund at this time. Remember, we have already spent, in addition to that amount, \$96,000 and change that we carry in the budget every year. The rest will be made up probably by a Reserve Fund transfer toward the end of the year if there's money left in the Reserve Fund. And we're planning on about \$100,000 being there at this time. That means that the Administrator and the department heads have done a fabulous job budgeting for this year, because typically the Reserve Fund doesn't have five cents in it at the end of a year.

And the other approximately \$112,500 will come from federal or state money because of the emergency and the three feet of snow that fell in January.

That leaves a balance in the deficit of about \$188,500 at this time. Typically that's about how much we carry into the next year and take off the top of Proposition 2 ½ funds. That's a normal amount that we roll forward in deficit, and so we're not panicked by that.

So tonight our recommendation is for \$500,000 from the Stabilization Fund. We hope you all agree. There's virtually no other place to get it, to get this money, and the only other option is to let that 500 plus the 188,500 come off the top of next year's Proposition 2 ½ increase, which will further decrease the amount of money available to the various town

departments.

So, I so move: 500,000 from the Stabilization Fund.

THE MODERATOR: Okay, the main motion is transfer of Stabilization Fund 500,000. Any further discussion on the snow and ice removal? Ms. Stetson.

MS. STETSON: Judy Stetson, Precinct 1. Of course going to vote for this. Just following up on Vicky Lowell's last point and asking a question. Would you define the purposes of the Stabilization Fund for those of us who need that information? Thank you.

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: The Stabilization Fund is the town fund that's used as – it is an unreserved fund balance for the community and it's used in order to stabilize the town's tax rate. We've euphemistically referred to the Stabilization Fund as the Town's rainy day account. I believe in this instance it's more appropriately the snowy day account.

THE MODERATOR: Okay. Ms. Flynn.

MS. FLYNN: Thank you, Mr. Moderator, Pat Flynn, Precinct 6. What balance does that leave in the Stabilization Fund with those funds being removed?

THE MODERATOR: Ms. LeMoine – Mr. Whritenour.

MR. WHRITENOUR: Approximately 1.2 million.

MS. FLYNN: Is there a regular plan on an annual basis to put funds into the Stabilization Fund?

MR. WHRITENOUR: Our annual budget did place this year \$100,000 back into the Stabilization Fund and we are currently in a position right now we had placed -- the Stabilization Fund had been down to less than \$500,000, and over the past three year period we've grown the Stabilization Fund to – it was close to two and a half million and what we've used the Stabilization Fund since last year in response to the negative economic times is to use portions of that to recover deficits and supplement one-time capital expenditures. And what we maintain the goal in the fiscal plan that was adopted by the Finance Committee and the Selectmen when the economy turns around, the free cash amounts begin to increase again, to slowly build that back up to approximately \$3 million.

MS. FLYNN: Thank you very much.

THE MODERATOR: Okay, any further discussion on Article 25?

Okay, this requires a two-thirds vote to appropriate money in and to take money out of the Stabilization Fund, so all those in favor of the main motion in Article 25, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

By a call of the chair, otherwise we're going to lose our folks I think downstairs, I'm going to put us in adjournment for 15-20 minutes, have some refreshments and we'll come back with the last couple of articles.

[Whereupon, town meeting recessed.]

[Whereupon, town meeting resumed.]

THE MODERATOR: If we can establish the quorum, we have two articles left. Actually three, but one's housekeeping. Let's go, Town Meeting members, come on forward so we can establish the quorum.

Let me make a general statement as the Town Meeting members come forward. I just want all Town Meeting members to know that if you call me at home the day before Town Meeting, it doesn't change the order in which you get to speak.

[Laughter.]

THE MODERATOR: Unless you're making a presentation on behalf of the main article, of which I like to know up-front so we can set it up to have the pro, the con and then go into the debate. But I know that almost everyone in this room has something to say on the next article, and maybe half of all of you called me and asked if you could speak tonight. And of course you can. So, you need to stand up, raise your hand, I'm going to put you on the list and we'll go through the list as we always do and allow you the right to speak on the floor, okay?

I know we have some folks in the back of the room, I had some questions during the break, folks that were not Town Meeting members. If you are a resident or taxpayer of Falmouth, you have the right to speak before the meeting. You need to stand up in the aisle

and then I'll put you on my list. If you are not a resident or taxpayer in the Town of Falmouth, you can vote with the majority – excuse me, you can speak with a majority vote of Town Meeting members.

Would all Town Meeting members present please rise to establish the quorum.

Mr. Hampson.

MR. HAMPSON: 60.

THE MODERATOR: 60?

MR. HAMPSON: Yes, 6-0.

THE MODERATOR: Mrs. Tashiro.

MRS. TASHIRO: 64.

THE MODERATOR: 64.

Mr. Dufresne.

MR. DUFRESNE: 90.

THE MODERATOR: 90.

By a counted vote of 214, we have a quorum; we're back in session.

Article – Mr. Nidositko?

MR. NIDOSITKO: I have a point of order on Article 26.

THE MODERATOR: Well, point of order means I've done something wrong. I haven't even started yet.

[Laughter.]

MR. NIDOSITKO: I didn't call you. I mean, that's possible, but I did wear my cranberry sweater, so I think I should have the opportunity –

THE MODERATOR: What's your – do you have a point to make?

MR. NIDOSITKO: Yeah, I just have a question, Mr. Moderator. This article restricts Town Meeting from making any amendments to it, and I'm just wondering mechanically if it were a report, why wasn't it listed under last night's meeting under item 2 of the index, saying, "Reports by Town Committees"? It's not indexed in the Special Town Meeting.

So, my question is that this seems to be totally out of character with the democratic process of Town Meeting because it does not seem to allow for any amendments to

it, particularly when there's been money involved. The working –

THE MODERATOR: Okay, let me make a general statement about the amendments, which I was going to do after the main motion, and then we can bring that back up in the middle of the article.

MR. NIDOSITKO: Ten-four.

THE MODERATOR: Okay. The Article 26, I'm going to get a main motion on the floor and then I'm going to make some comments about the procedure for this article.

Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MUSTAFA: That the town vote Article 26 as printed.

THE MODERATOR: Okay, the main motion is as printed. This is to accept the report of the Coonamessett River Restoration Working Group, and as Mr. Nidositko just mentioned about the amendments, I am not going to allow amendments on this article because the main motion is to accept a report. Had there been a motion to do a series of actions listed that we could vote up or down or amend in and out, but we are given a motion by the Selectmen to accept a report.

So, for those who had alternative thoughts of what this plan should be, you need to express that tonight in a "No" vote. There will be no amendments on this article, okay?

When we open up the presentation, the Working Group will give its report, and then there will be two ten minute blocks, one for the Bog Preservation Group and one for the River Coalition. They had chosen what order they were to go in and we couldn't come to an agreement, so we did do it by lottery. And we'll have three presentations and then we will use the traditional format of you stand up, I put you on my list and I recognize you.

At this time, I'd recognize the – Mr. Peck? Yes. Microphone.

MR. PECK: Bill Peck, Precinct 9. You were just speaking, you said this is only a report. But my warrant says a report and recommendations. Can you speak to that?

THE MODERATOR: Yes, the recommendations are within the report. They haven't been given to us as a separate motion. There's an explanation that tells you a little bit about what's in that report. Those recommendations are within the report. So, had there been a motion to have a series of recommendations as the main motion, then you'd have the ability to discuss those recommendations independently, and add them in or out. But since the main

motion is to accept the report and recommendations, we either accept them or deny them.

MR. PECK: Okay –

THE MODERATOR: The Working Group has been charged to do this work in a public forum, and I can read Town Counsel's opinion if I need to, but I think I'm going to be real clear that no matter what you say on the floor is not going to change my mind.

Mr. Antonucci.

FROM THE FLOOR: Point of order.

MR. ANTONUCCI: Just a question, Mr. Moderator, on the recommendations: if we accept the report, does that mean the recommendations become binding?

THE MODERATOR: They become a binding part of the report. Any further action that requires Town Meeting –

MR. ANTONUCCI: I know it's part of the report –

THE MODERATOR: Yes.

MR. ANTONUCCI: – but do they become binding on the part of the Town so they don't have to come back here? I think that's the question procedurally.

THE MODERATOR: No, it isn't binding. This is –

MR. ANTONUCCI: Fine, that's all –

THE MODERATOR:– an advisory group to the Selectmen. This –

MR. ANTONUCCI: I think that was the issue at break, that's fine.

THE MODERATOR: Yeah. We said before that we can't tell the Selectmen what to do – the Working Group can't tell the Selectmen what to do, either – but we're sort of giving them a sense of if this is where we want them to go. The Selectmen still have the independent authority to make any decision within or without of the report. We're just showing them whether or not there's support from Town Meeting for the recommendations and the report.

Okay, you ready?

FROM THE FLOOR: Point of order. [Inaudible.]

THE MODERATOR: Chairman of the – this – microphone, please.

MS. BOTELHO: Cynthia Botelho, Precinct 4 and I would like Mr. Duffy's decision on that, thank you. I'm sure that you – you have gotten it, David, but I would like it

right from Mr. Duffy.

THE MODERATOR: Now, procedure is under the sole jurisdiction of the Moderator, so Mr. Duffy does not have any say on this. However, I did give him the courtesy of giving me an opinion and his side to help me make my decision, and this is what I got: [Reading:] "Article 26 of the Special Town Meeting asks that the Town vote to accept the report of the Coonamessett River Restoration Working Group. Two questions arise out of this: is the report amendable and what is the significance of accepting the report.

"Is the report amendable? It is not. The Working Group was established and given a mission. It's work was done in accordance with the Open Meeting law. The issues were debated at group meetings and the group is charged with returning a report. Town Meeting may vote to accept it or reject it and the report itself is not amendable."

And I concur with that opinion.

Madame Chairman of the Working Group for the main motion.

I've answered all the procedural questions. We are going to have the main motion presented.

MR. WILBUR: I think it should be made clear that – I'm Jude Wilbur, Precinct 1. I think it should be made clear if there are any action items to be taken on these recommendations they will have to come to Town Meeting; if they are going to ask for funds to carry out their recommendations, they are going to have to be considered separately.

THE MODERATOR: That is correct and anybody who is a half knowledgeable Town Meeting member knows that.

MR. WILBUR: Well, let's make that clear this is not a block vote to say we're going through with these recommendations. Okay? If it's an action item requiring funding to implement –

THE MODERATOR: It will have to come to Town Meeting.

MR. WILBUR: – a recommendation, it will come back here as a separate issue.

THE MODERATOR: That is correct. I didn't know this was going to become Municipal Government 101, but anytime we spend money --

[Laughter.]

THE MODERATOR: No, I'm serious. We haven't even started this and we've already spent five minutes, okay? Any money to be spent by the Board of Selectmen has to be authorized by Town Meeting. They cannot spend money unless we authorize it. We are not authorizing any money to be spent in this article. We are voting whether or not to accept the recommendation reports to give it to the Board of Selectmen to have them look at it. If they want to take any specific steps, as Mr. Wilbur said, that requires the expenditure of money or any particular actions – which means you're going to see more of these articles on the floor of this Town Meeting.

This is whether or not you think this is the direction they should start heading in, and that's what they're here for tonight, is to get your sense of whether or not this is the direction they should head in.

MS. O'CONNELL: Thank you. Maureen O'Connell, Precinct 4. Mr. Moderator, when you were reading Mr. Duffy's comments, you said that there were two points. One was what – the amendment issue, and one was the impact –

THE MODERATOR: I'll read the rest of it.

MS. O'CONNELL: Thank you very much.

THE MODERATOR:[Reading:] "What is the significance of the acceptance of the report? The legal effect of acceptance of a report may be uncertain. However, if the Working Group wants the town to follow acceptance of the report with action, then a separate article must be prepared and inserted into the warrant of a future Town Meeting to appropriate the necessary funds to pay for the action. Article 26 does not seek an appropriation of money, and a motion to appropriate money to effectuate its purposes would not be in order at this meeting. This will make it clear that a future Town Meeting vote will be necessary to appropriate funds and that acceptance of the report does not constitute an authorization of future action."

Madame Chairman.

CHAIRMAN VALIELA: This is the report. I'd like the other members of the Working Group to join me down here in front.

FROM THE FLOOR: Can't hear you. Use the microphone.

CHAIRMAN VALIELA: Okay. Good evening, ladies and gentlemen. I'm chairman of the Coonamessett River Restoration Working Group, Virginia Valiela, Precinct 5, and I'm inviting the other members of the Working Group to join me down here when we get – if you would come now, please. And they are Jeff Williams, who is vice-chairman of the Working Group and a Conservation Commission Member; Katie Lund; Dave Smith; Greg Pinto; Joe Netto; and Mary Kay Fox. And, thank you Greg. All right.

Tonight, we are presenting the highlights of our report to restore the Coonamessett River while maintaining our cranberry heritage, and our recommendations for how to move forward on this complex issue. Article 26 asks for your approval of what we have done so far. This report that's in front of you recommends a course of action for the entire river with a phased approach, but this article does not implement that course of action. We anticipated the questions which the Moderator has so clearly answered tonight.

Passage of Article 26 means that the Working Group will do the necessary planning for the first phase and return to Fall Town Meeting with specific information on each demonstration project, costs, design features, permitting requirements and funding strategies, and in additional information as that seems appropriate. Separate articles in the Fall Town Meeting will determine what plans, which plans, move forward. Those articles will be amendable. They will have money with them. They are the action. Tonight is the report of what we have learned so far, and that's why it's not amendable.

The recommendations that you will hear tonight that we will discuss tonight do not provide the Bog Preservation Group or the Coonamessett River Coalition with everything that they have asked for. The Working Group has tried to make a careful, reasoned choice in finding a path forward on a very complex, multifaceted issue in which many people have very strong opinions. We are trying to find a compromise that is in the best interest of the town and one that can be implemented in a gradual phase so that we can begin to answer the concerns and the scepticism that we hear at so many of our meetings.

First slide. Next slide. The Working Group was chartered by the Selectmen to look at the entire river, starting at Dutchman's Ditch, up here on the arm of the Coonamessett River, coming down, crossing Hatchville Road though the Upper Baptiste Bog, Lower Baptiste Bog, passing by several private bogs: Augusta, Lasalle, Adams; on down to the

Thompson Bogs, they're called West Thompson and East Thompson; another private bog, Chaston Bog; on down to Sandwich Road, through a reservoir, a portion of which is called Pond 14 and was a former bog; on down through Reservoir Bog, Middle Bog, Lower Bog; private lands that were formally bog land; and into Great Pond.

There is a second set of bogs called the Flax Pond Bogs. We call them one, two and three. And there is a man-made connection, tributary, from Flax Pond that connects to the Coonamessett River at the very end of River Bog, right in there.

In all, the Town owns 54 acres of bog land that is situated on 135 acres of town-owned land. The private bogs, the four that I named, are 11 acres in total. And they are all north of Sandwich Road.

In the Town of Falmouth there are 191 acres of cranberry bogs.

Next slide. In reviewing all of the sections of the river during our meetings, we found that the most severe habitat problem and the greatest potential for agricultural improvements were in the bogs south of Sandwich Road. There is one mile of river that is totally wide open; this is why it's called a flow-through bog. The cranberries come right down to the edge. And, based on both walking the river and looking at existing data on the river, we conclude that the letter that was sent to the Selectmen dated March 12th, 2003 from the Division of Fisheries and Wildlife, the present Coonamessett River in the Town-owned bog system is functioning as a main bog ditch rather than a stream habitat. And that is the concern that we would like to address tonight.

Next slide. We've put up on these next two slides our major findings. And then we're going to go into detail on a number of them.

This information was the result of 26 Working Group meetings, 22 presentations from professionals, two site visits, nine presentations in all from citizen's groups, over 200 documents in our library, and I can't count the hours. What is out on Sandwich Road on the river now could not be built now. Flow-through bogs have been shown to not be environmentally wise and that agriculture should be pulled back from the river.

In our discussions with the public, we had these key concerns: that the vista be maintained in whatever plan we move forward, that we watch out for exotic species, that's basically invasive plants, that we need a management plan that would keep a restored wetland

free from trees so as not to obscure the vista, and there was a concern for mowing around the edge of the bog; that we maintain the access the public has now to the bogs themselves: they can walk around them, they do not walk on them, and that we maintain our cranberry heritage, our agriculture. And, lastly, to get back to the issue of the flow-through bogs, that we reduce the chemical inputs from the agricultural practices, and that's herbicides, pesticides and nutrients.

At no cost to the Town, through the Coastal Zone Management, we were able to get a number of consulting services. One examined the entire river for the existence of rare or endangered species. He found no endangered species. There were 15 plants and five animals that were rare.

Another group in town examined the river for specifically for these two invasive species, or exotic species: Phragmites and purple loosestrife, and did not find any. Two members of the Working Group walked the entire river in the river and they likewise did not see either of those plants. We do know that there are some other small amounts of exotic species plants.

Our second slide on major findings. This is a very controlled river, 26 water structures on the river itself and five on the Flax Pond tributary, and there are a number of places where the fish have multiple channels by which they can get to their next point. This is confusing, it divides the fish population, makes it more vulnerable to predators, and we need – that's a thing that needs to be corrected.

The hydrology was the second area in which we benefitted from technical assistance from Coastal Zone Management, and also from work that was being done regionally by the U. S. Geological Survey, and we're going to show some of that data. This is a water-rich valley. There is an enormous amount of water up welling particularly south of Sandwich Road, which as I said was the area that we found to be of most concern in terms of habitat and best candidate for improving agricultural practices. There is nearly three million gallons that joins the river between Sandwich Road and its exit at Lower Bog.

The second thing is to repeat that the river itself is the water table, just as the ponds in the town are the water table, and that that river rises and falls as the water table.

And lastly, the concerns about habitat. The river itself, again especially south of

Sandwich Road, is very wide and shallow. When you do an inventory of the plants, you find very few aquatic plants. You don't find the diversity you would in a healthy river, and that goes for the animals that live in association with the plants. The bottom has thick, sandy area, very poor for spawning, which needs gravel, cobbles, and the river is totally unshaded. It warms in the summer and this is inhospitable for some species and stressful to other existing species.

I'm going to next show you some of that data. Next slide. This is from the U. S. Geological Survey. It was a series taken in the same year over several months, and you can see the pattern of the water gain very clearly. Coming out of Coonamessett Pond, a very low amount of water. Many people think, "Well, Coonamessett Pond feeds the river." Actually, the river is fed by groundwater up-welling farther downstream. There is a big gain between Hatchville Road and Sandwich Road and then another gain between Sandwich and that exit that I told you at Lower Bog. It doesn't matter what the elevation of the river is, that's the water table going up and down, the amount that's gained is nearly three million gallons in that stretch. It's very consistent.

We had Horsley and Whitten also do a measurement of the river and they found the same pattern.

Next slide. This is the river looking downstream at Reservoir Bog; it's just below the fish ladder. We're pointing out the wide, shallow area, the fact that the bogs come right down to the edge of the river, that to some degree these are irrigation pipes, they are barriers on which vegetation gets hung up. All of these create obstacles to the fish.

The river is 96 percent groundwater up- welling. When you have a rain event you don't really see a change in the river because it's being fed by the groundwater surfacing here and surfacing in the perimeter ditches. Every bog has a perimeter ditch and as the name implies it goes all the way around. And there is an enormous amount of groundwater coming into the perimeter ditches and then flowing from there into the river itself.

This river is dammed for three months of the year and then it is dammed for a shorter period of time during harvest. It may be dammed at other times. Whenever you dam a river you slow it down. Any of the sediment that it's carrying settles out and that's part of the reason we have a flat, sandy river.

Next slide. A normal river has a V shape, and it gradually merges into the land. The river is connected to the land and when we talk about the habitat of a river, we're talking not just about the water that flows through space, we're talking about the plants and the animals that live along the edge, and they vary depending on the depth of the river. The depth gives shelter to the fish. The lower areas are obviously cooler and so the historical species that we used to have here could live in that habitat. What has happened over the last hundred years of agriculture is that this V has been lost in the areas where we see agriculture now. You can find some sections of the river where there is no agriculture where this V stills exists. But wherever we have agriculture we have this more or less rectangular structure, shallow, few plants, warm, and cranberries operations coming down to – to the edge.

I spoke about the sandy bottom before as being an important problem with the river. There are three fisheries that were of importance in the town. One of them is already gone; that's the Sea-Run Brook Trout, which needs cold water, around 50 degrees to 60 degrees. The groundwater coming into the system is 50 degrees, but because it's so exposed, it warms up and the average summer temperature is 70.

The Trout spawn in the river, and because there is no gravel bottom, there are no longer any Trout in this river. You will find them in the Quashnet River but they're not here.

The second population is the Blue Back Herring that come in at the same time that the Alewives come in. They also spawn in the river, and their habitat is so reduced that the population are very minimal, just sort of hanging on is what we heard from the Fisheries people. So you only have the Alewives as the population that is in any way strong, but that population is a tenth of what it used to be, and the Alewives spawn in the ponds if they can get to the ponds.

The other concern is chemical inputs to the river. What you see here is irrigation, it is not chemigation. This is during the day and it's just irrigation. Chemigation is done at dawn or at times during the night when there's low wind. But the potential for the chemicals to get into the winter either by seepage or by errant sprinkler heads is clearly there. Half heads are put onto the sprinklers that are near the river, but it's not a perfect system and it just again reinforces that we need the agriculture moved back from the edge of the river.

Next slide. After ten months of the twelve month charter that the Selectmen gave us to do this job, the Working Group held a consensus-building workshop. It was on August 14th. And this was to see if the Working Group could come to agreement on how to move forward. We had had ten months of information and during that time we had had seven presentations specifically from citizens' groups and Handy Cranberry Trust. During those presentations and during those ten months, we heard the full spectrum of ideas and visions as to what to do with the river, and we documented them in what we called a planning matrix as a way of keeping track of the ideas section by section of the river.

At the workshop, which was three hours long, the Working Group discussed each section of the river and each of us put out what we thought would be the best way to improve the agriculture and the habitat of that section. We used a trained facilitator to run the meeting. The end result for each of those nine sections of the river was a unanimous recommendation by the Working Group members. We had input from two representatives from the Bog Preservationists, and two representatives from the River Coalition. But the decision was the Working Group's and the decision was unanimous. The recommendations themselves are a carefully selected compromise based on what we heard of two separate visions: berms throughout most of the river or restore most of the river.

We arranged the recommendations in phases. That was a charge that we received from the Selectmen. The first phase was to be two demonstration projects. And we specifically use that word demonstration projects again because there is so much disagreement, mistrust, scepticism between the two groups that the idea of the other group will work, and the only way we're going to know as a community that they work is to demonstrate them. The Working Group itself has confidence in both groups and that their ideas are good ideas, and that if we can move beyond the talking back and forth and everybody's going to feel better, the community is going to be better, the river will be improved and the agriculture will be improved.

We looked at equal acreages so there was no sense of favoritism to one or the other group, and we looked at a five year time frame as being a reasonable amount of time to get something accomplished, to monitor what was happening and to report back to the Selectmen and the Town Meeting and stay within a legal space that is provided to agricultural

land. Under the Massachusetts Wetland Protection Act, agricultural land can lie inactive, fallow, for five years without losing its agricultural exemptions. There is no question that under the agricultural exemption the grower has a great deal of latitude as to what he can accomplish, and we want to stay within that window in case it does in fact turn out that the Town does not support the restoration.

Our recommendations were that there be restoration to Lower Bog and Flax Pond 2, and I'm going to give you the details in a few slides, that we put a berm on the west side of Middle Bog and along Flax One, and that this little bog over here, this one acre called Flax Pond 3, be organically farmed. We have been hearing about organically farmed agriculture during our session and also in previous years. This bog is now out to bid and there are two bidders and the bids will be opened on Friday.

The remainder of the river system was to be a later phase. We have a portion of East Thompson Bog and a portion of Lower Bog that have also been recommended for restoration. All of the recommendations are listed on this map that everybody should have received, and the recommendations are on the back. The ones that we're going to discuss in detail tonight are the ones in bold.

I want to stress throughout this discussion we were very aware that there are four private owners in Falmouth and that their riparian rights, their property rights must be respected. They are all located north of Sandwich Road, they're located in the area where there would be a later phase for restoration or changes, but it's clearly on the radar screen that their concerns are paramount and have to be factored in to changes in that area.

Next slide. This is to give you a sense of proportion of what the compromise is. When Town Meeting April 2003 voted to take agriculture off the river and just leave it on the bogs that were outside, that left 17 percent of the Town acreage in agriculture. That was what the April, 2003 vote was on. What we've come up with with our compromise is that nearly 75 percent of the Town land remains in agriculture. The demonstration project for Phase one for restoration is that amount, and this is the demonstration project for berms. Both demonstration projects have a small bog and a big bog, partly to compare and also these bogs made sense in terms of doing a demonstration.

This is the later phase that I mentioned: East Thompson and Lower Baptiste, pending – well, it's the later phase. This represents all of the other bogs and there's your total: nearly 54 acres. So what Town Meeting voted in 2003, which is what led the Selectmen to set up this group to work on that plan that was voted by Town Meeting, this is the compromise we've come up with, and it heavily maintains the Town's agricultural tradition.

Next slide. I'm now going to talk about the various demonstration projects and give you a little more detail about each one. The berming is for Middle Bog and Flax Pond One. For Middle Bog, there is a berm that will be – that will trail the river, the full length. It's on the west side. The distance that it is set off from the river is an unresolved issue. That would be worked on this summer and it would be part of the plans that we bring back to you in the fall. It would have a tailwater recovery pond which is just shown in schematic here currently. The information we have says that it will be 40 feet by 40 feet, so more or less fit in this corner. And that is to hold water for up to five days that has chemicals in it. Depending on the type of herbicide or pesticide that Mr. Handy is using, there is sort of a decay time before it can be safely released to a wetland environment and safe for fish and animals. So it must be held somewhere and that is what a tailwater recovery pond is supposed to function as.

Flax Pond One, over here, is small enough and can be sealed off that if you put a berm right in there, the fish will be able to follow – they come through here, follow the perimeter, they go through a pipe under John Parker Road and you can see that tributary coming in right here. This actually is one of the confusing places because they can come this way or they can go around that way.

So, those are the two bogs that are recommended for berms. It's about 12 ½ acres.

And the next slide shows you the schematic of the two features that we've just talked about. Here is your cranberry bed, here is your berm, which is a low mound, it's about 2 ½ feet above the bog platform, it's eight feet wide at the top and sixteen feet wide at the base.

Mr. Handy did a lot of corings along the river to look at the soils, because there was a question about whether the berms would be stable. There were some berm failures in

the Quashnet River. And they found that there were two to three feet of sand above the peat, so the design includes a core trench, where you actually remove the sand so that you don't have seepage underneath the berm and out into the river.

We've shown here that – here is your water table and here is your water table over here in the ditch. There is a question mark here on the vegetated buffer, and that is a very important feature because it's the west side that is needed to shade the river. If you think about the summer sun, it's hot during noon and moving into the afternoon. The tailwater recovery pond will require excavation of the bog itself, and we put this dashed line of where the former bog platform was, and it is as I said supposed to hold the chemigated water for the appropriate amount of time. Each bog is different in the amount of up-welling that occurs in the perimeter ditch, and that's what determines the size of the tailwater recovery pond.

Middle Bog had the lowest groundwater up-welling. It was still a lot, it was 9,000 gallons per day, and you need to hold it five days so that's 45,000 gallons. You need a pond that will hold at least that much. And each of the bogs had a design done by U. S. Department of Agriculture to give us an estimate of what the size of the pond would be if we were to berm and install a pond in that bog.

The activity on the cranberry bogs occurs more or less inside this enclosed area. The water is held in the pond and then released when the appropriate amount of time has elapsed.

Next slide. This is a picture of berms. These are at East Thompson. You would see them if you were on Thomas Lander's Road driving east towards Sandwich Road. This was built by AFCEE as a result of the EDB issue. We show it to you to give you an idea of flat, low mound, and the fact that it comes right down to the river and that there's no habitat along the river. So that this is the ditch. The river flows through a ditch, it doesn't flow through a habitat. And on the other side there was no berming, and so the cranberries come right down to the river.

Next slide. This is a summary of the main points of why we chose Middle Bog. It has the least amount of groundwater up-welling, as I said, and therefore it will be the easiest to manage in terms of building a tailwater recovery pond. The bog itself is wide, so it's possible to put the pond over to one side at a distance from the river. Keeping activities of

all types separate from the river is very important. This is the largest bog in the whole system and it is very appropriate that it stay in agriculture, and it's also the most visible bog, whether you're crossing John Parker Road or driving on down, this is the bog you see on one side and Reservoir Bog is the bog you see on the other side.

If you drive a little farther, going south, and you look on your left, what you will see is Flax Pond One. And again, because this is our heritage, this is what our landscape looks like, that rated very high as a candidate for putting berm. As I said, it doesn't need a tailwater recovery pond and to our knowledge there is not problem with up-welling.

So, those were our selections for starting this process of showing that berms work and maintaining our agriculture. The vista obviously will change to some degree because there will be a berm along there and we believe that it's very important that there be a vegetated buffer so that you get at least some shading and some habitat along the river. Just building a berm ten feet in isn't going to do a lot. But it's definitely a start.

Next slide. All right, wetlands restoration projects. The two bogs we chose for that were Lower Bog and Flax Pond Two. The Lower Bog has a lot of features to it that made it a good candidate to try restoration. One of the most important is that fish coming up from Great Pond are already in a habitat where the river does have a "V" and there is some cover and there is better aquatic life. So to extend that corridor seemed wise. In addition, at least one fish population would be able to get safely up and then go across and into Flax Pond with a minimum of exposure to predation.

As you can see, the bog itself right now is extremely open and wide. It formed the end of the chain of Town-owned bogs. It's the end of the chain of commercial activity on the bog, and so there are two benefits to that. One is restoring this doesn't affect any commercial production further south because there isn't any, and as this emergent marsh grows, it can act to some degree as a buffer. So, to the degree there are chemicals and nutrients in the river, you have an active habitat that can filter it, that can intercept it.

All right, Flax Pond Two. This bog, as you can see, has a pond in it. That pond wasn't there 20 years ago. This is a case of groundwater up-welling or peat sinking and so you have a wetland habitat within the bog itself. and, in addition, the bog has a high degree of wetland plants. It's right next to the pond and seemed like a good candidate for restoration.

Next slide. This is to show you what a wet meadow and an emergent marsh look like. That's an example. This area here, the taller grass, that's the emergent marsh. And moving on up is the wet meadow. In the slightly higher areas you will get other kinds of plants. The other things that's interesting about this slide: this is in Barnstable. This is a bog that was abandoned three years ago and it had no active restoration. What you're just looking at is natural restoration. We point out that you don't see any trees, which was one of the concerns that we heard from the community. There will have to be annual surveillance to make sure that trees do not take root on the bog and destroy the vista, but it's not something that happens overnight; it's gradual.

Next slide. The Quashnet River is a restored river. This is very healthy emergent marsh. You do have a V-shape. The river is deeper. The fish have a much better chance of survival. And it's what more mature restoration would look like. Clearly there are trees here. We have heard from the community they don't want trees so you would not have the trees.

Next slide. Okay, why Lower Bog? I've given you a number of reasons already: extending the corridor, important link to Flax Pond, flow-free year round. As I said earlier, when you dam a river, you have sediment dropping and secondly you don't get an established habitat. Plants that live at a certain level when they get drowned for three months, you don't get the kind of habitat that you need that you would find in a natural river. Because this is the last bog on the chain, the river can run free, you can get an established habitat and you will get a process of better river bottom for spawning.

Lower Bog also is less visible than Middle Bog. We have never said that these bogs are not visible. Clearly, anybody that walks there or lives close by, these are definitely visible. But, in terms of major change to the vista, this one is less. And, as I showed you on the previous two slides, what you're going to see is more vegetation and diversity along the river and wet meadow farther in.

Here's Flax Pond, with the pond in the middle, several channels by which the fish can get over to Flax Pond, which is over there. This bog, as I said, has the grey areas, or not cranberries. And it hasn't had a harvest in the last three years. Secondly, it is also less

visible. You don't see it from John Parker Road at all. You will see it from Parker Road if you drive in, and it is a beautiful area to walk around. But it is already largely wet meadow and you have an emergent marsh right along there developing now.

Next slide. This says "Restoration Options", but the concept applies to both demonstration projects. For restoration, we can – you can push towards recovery of the river and the habitat along the river actively by building of shade, by installing plants, by creating diverters that cause the river to accelerate, or you can let more natural practices – and, as we showed you with the Barnstable bog. The more you are actively manipulating the environment, the more there will be regulatory oversight and permits and processes of that sort, and it will also drive up the cost. So, there are choices here that need to be made and that's the planning piece that needs to be done between now and fall Town Meeting.

For the berms, you have choices as to the buffer. There are design issues with the berm and with the tail water recovery pond. Most of the activities on the bog are exempt from the Wetlands Protection Act, but they're not exempt from the Corps of Engineers. And so, depending on what the activity is or how it affects or does not affect the river, you have that interaction.

So, all of that information we don't have concrete now, and we're saying, "This is where we are now." We know we need additional information. We know that Town Meeting can't make a meaningful decision without that information. And that's why we're asking for your support tonight.

Last slide. Moving Falmouth forward. Everybody agreed that the environmental quality of the bogs and the river could be improved. There was no disagreement. And we all agreed that both heritages are very important. And this is not one heritage versus another. We recognize that these lands are very important to the townspeople and as a working group we recognize all of the strong, heartfelt messages that we heard from various townspeople at our meetings, and we're trying to do the best we can to blend and integrate the various visions that we have heard. We've evaluated the whole river system; that was our charge. It's been a very intense public process. We are recommending two demonstration projects as a way to move forward. They don't actually move forward until you Town Meeting approve.

We spoke about the time frame of five years as being a workable time frame and that we'll be back in the fall.

And lastly, we believe, all of us, that this is a reasonable compromise and that it helps us move forward on a very contentious issue. This issue has been churning in the town for more than a decade, and the river has gotten worse, the bogs have gotten worse. The grower could obviously be getting better harvests if he could control his bogs in a better way. Berming gives him more options in terms of pesticides and herbicides that he uses. But everything has been just stuck, and so we have tried to assemble useful information in the hopes that we could move this forward. We recognize here tonight that there are going to be, again, strongly felt views. But we hope in the end that town meeting will believe that it is best to proceed with planning with an orderly process and to bring you back in separate articles the various possibilities of moving forward. I thank you for your time.

[Applause.]

THE MODERATOR: Having heard the report, at this time I'll recognize Linda Davis from the Bog Preservation Group for their presentation.

MS. DAVIS: How do we do this? George. Thank you, you can hear me? It's a hard act to follow and it's very late and –

FROM THE FLOOR: [Inaudible.]

MS. DAVIS: No. And, first of all, Linda Davis, Precinct 4, and I am involved with the Falmouth Bog Preservation Group as most of you know. There are going to be some slides up here; there will be no words. They're just being shown to you. They are of our bogs, so you don't have to read anything; it's late. And I will try to get to the point.

This is a very involved process. There's so much that I would like to comment on but I can't because of time restrictions. First of all, the Bog Preservation Group appreciates all the hard work that Virginia and the group have done. We've been along for the ride also and so we have spent a lot of time.

Regardless of the outcome tonight, the process will continue, I think you have to know that. I think we're getting there. But we still have a lot of work to do. I have to be honest with you, I have – we the Falmouth Bog Preservation Group have some real concerns

here about the plan that has been presented. We are – we support separating the bogs from the river, there's no question about it. Both the river and the bogs are extremely important resources in this town and we want to see both of them improved. As a matter of fact, one of the things that becomes very clear: when you -- in these discussions, is that both the river and the cranberry farming are in decline and they both need attention. It's important for lots of reasons, but there's a big one that I think we overlook: both these bogs and the river have produced money for this town. And they can do it again if we get behind good plans to do so.

With that, I will share with you our concerns. The big one here is that we are very concerned that the recommendations before you in this Article 26 could be a phased approach to the slow demise of cranberry farming on our Town-owned property. We are afraid that that might happen and that we may lose our wonderful historic heritage. I say this because I believe that cranberry farming could have received more consideration on the Working Group. Part of it is the nature of the composition of that Group. That Group was selected after the spring town meeting where the town was asked to restore the river with very little cranberry farming. After the fall town meeting, where we re-affirmed our commitment to agriculture, no one ever addressed the idea that someone from agriculture should have been on that committee. And so oftentimes agricultural questions and concerns, even general knowledge, was not there, and that may have helped the process so that we would not be here asking questions.

We are also concerned that a range of options was not really put out there for us to look at. There were options, some of them involved berming, berming one side, berming both sides of the river. Some options were moving the river. Some options were using a combination of both. In all cases, we have just really one option, and that option came out of a workshop where consensus was used to determine what was going ahead, and that consensus served as the recommendations that went out. It's unfortunate that the public could not provide input or there was no debate after those recommendations were made. Certainly, throughout the process prior to that, people were given the opportunity to provide input at all the meetings.

Other concerns are long-term maintenance. We really have to consider how this

land is going to be managed. It is a great concern. We are also concerned that there's a need for more baseline information so that a viable plan can go forward based on really good science. I guess I'm going to finish up -- because others have to speak -- to ask you to look carefully at this article and vote No at this time. The process will continue. We'll all be there to provide more input.

It's unfortunate that we could not amend this article. I think that would have provided the opportunity to reach perhaps a compromise that would have been more pleasing to other people. It also would have provided the opportunity for some of those who felt left out of the process to address their concerns.

So thank you. I would like to introduce Ann Sears who has a very brief statement.

THE MODERATOR: Your group has three minutes left.

MS. SEARS: Thank you, Ann Sears, Precinct 1. I urge you to reject the recommendations of the Working Group because they call for a drastic land use change: the closing of the ten acre Lower Bog. That is unnecessary to improve the health of the river. Please vote No to encourage the Working Group to come back again with a plan that saves more cranberry bogs. There are a lot of reasons why Falmouth should preserve the Coonamessett River cranberry bogs. They provide a beautiful vista, which you've seen and perhaps are seeing. They are a symbol of the East Falmouth community. The Falmouth Chamber of Commerce in its tourist guide this year identifies East Falmouth Village with the cranberry bogs. They are a connection to the past. When immigrants from the Azores and the Cape Verde islands worked the bogs, these bogs, to earn money to buy their own small farms. The bogs are a part of fast-disappearing old Falmouth.

The Coonamessett Bogs and the river are like a historical building that needs to be updated to meet modern safety standards. As with a historical building, we need to make the adjustments, moving the bogs back from the edge of the river to bring it up to code, to improve the habitat of the river. We don't need to destroy the Lower Bog, we don't need to abandon it, we just need to move the bogs back from the river's edge. Like historic building, like Highfield, if we let those buildings go, they disappear and they're gone forever.

I'd like to bring on Adele Rowe. Hurry, hurry, hurry.

THE MODERATOR: You've got half a minute left.

MS. SEARS: Hurry. I'll introduce her. Adele is a former teacher. She was the organizer of the first Cranberry Harvest Festival and is one of the presidents of the East Falmouth Association.

MS. ROWE: Okay, so now that you know me, what I am here speaking about is lamenting the loss of farm land. Falmouth doesn't have much farmland left. In 1950, we had 4,000 acres in production. Then, it went down. It kept going down. Ninety percent of that farmland has disappeared, most into housing. We're down to five acres of actual land in agriculture. By contrast, the town has more than 900 acres of wetland. Do we need another wetland? And finally, last November the New York Times praised us. It reported on the loss of cranberry bogs to housing development in Southeastern Mass. It mentioned that Nantucket, Martha's Vineyard and Falmouth had bought cranberry bogs to preserve them. In 1971, we were ahead of the curve. Let's not lose that today. Please, vote No on Article 26.

And now I would like to –

THE MODERATOR: All right, Ms. –

MS. ROWE: – introduce –

THE MODERATOR: – Rowe, the time has expired, but Mr. Putnam I'll put you on the list for general debate.

MR. PUTNAM: Mr. Moderator, if I may, I have a brief presentation that included slides, and I understand there's a time limit here but –

THE MODERATOR: I'm going to give you each ten minutes and then we'll get you in –

MR. PUTNAM: Mr. Moderator, Selectman Valiela took well over 20 minutes –

THE MODERATOR: Yes, she –

MR. PUTNAM:– and we're being asked to rebut in a very short period of time.

THE MODERATOR: – she was making the main motion, putting it on the floor. I will give you the right to speak after the ten –

MR. PUTNAM: Will I be able to show my slides as well, Mr. Moderator?

THE MODERATOR: As long as it's within a reasonable period of time.

MR. PUTNAM: It is less than five minutes, Mr. Moderator.

THE MODERATOR: Okay. So, let's have the other group for ten minutes and then we'll get into the general debate, of which I'll put you on the list. I told each group you could have ten minutes and I want to stick to that.

Representing the River Coalition is Bob Golder.

MR. GOLDER: Thank you, everyone, for your attention. You've heard some fine presentations. I'll keep my remarks brief and to the point. I am Bob Golder. I am a homeowner in Precinct 6 and I'm speaking on behalf of the Coonamessett River Coalition, which supports passage of Article 26.

Why do we support the compromise? We support the compromise because of the merits of the plan. It provides meaningful restoration of the river while retaining cranberry cultivation. We also support the plan because by doing so the town process of community decision-making is supported.

May I have my next slide, please. People who do river restoration agree that three basic elements are required to restore the health and vitality of a river. A buffer zone is needed on both sides of the river. After reviewing scientific studies, the Commonwealth of Massachusetts concluded that this naturally vegetated zone should be no less than 200 feet wide on each side. Good restoration work also reduces harmful quantities of nutrients entering the river and requires a return from artificial channelized conditions to a more natural stream flow.

Two years ago, the Coonamessett River Coalition proposed a restoration plan to Town Meeting. The plan called for 100 percent of the Town owned conservation land along the river to be restored to buffer. Four cranberry bogs that are off the main river were retained under this plan to be kept in organic production. Established river restoration techniques would be employed to restore the natural flow of the Coonamessett River. This is what we wanted for the river and for Falmouth. The Coonamessett River Coalition wanted many things that are not found in the Working Group's compromise plan. We wanted the best restoration possible on Town-owned sections of the river. We wanted a 200 foot natural buffer on both sides to provide habitat for fish, birds, frogs and otters. We wanted organic agriculture away from the main river to keep fertilizer and pesticides out of the river. We wanted water control structures removed to allow free fish passage. We wanted trees and

bushes to shade the river. We wanted a deeper channel with pools and riffles and gravel areas so that fish could spawn. We wanted the big fish, and we got the little fish.

Nevertheless, we support Town Meeting passage of Article 26.

Next, please. Under the provisions of Article 26, the majority of Coonamessett River cranberry bogs remains in production, including bogs that are well within the 200 foot buffer zone. The proposed Lower Bog restoration alters less than 25 percent of the Town owned bogs along the Coonamessett, and this is only seven percent of the total cranberry bogs in town. We included cranberry growing off river in our original plan because we want cranberry growing to continue. Our sole interest is in revitalizing the Coonamessett River, but this requires change.

Why, then, do we support Article 26? We find that the efforts of the Restoration Working Group have significant merit. Their plan allows the town to undertake a meaningful restoration of a portion of the river. The restoration of Lower Bog with a full buffer of 200 feet and natural river flow will serve as a demonstration of the benefits of the best restoration approach. We are convinced that this restoration will benefit the herring and other wildlife. No one needs to be reminded that herring are as much a part of our shared cultural heritage as cranberries. We can have both under the Working Group's plan.

Many alternate plans could be put forward and debated, but by voting Article 26 and supporting the Working Group's plan, the Town receives the benefit of a plan that was developed through the give and take of a public process. The Coonamessett River Coalition believes in the public process. We respect and applaud the Working Group's 18 months of effort. We find that their hard work was also good work. The plan doesn't include everything we think the river needs. Well, how often in life do we get absolutely everything that we want?

Next, please. We believe that the Working Group's plan will benefit the natural heritage and the people of Falmouth.

And my final slide, please. This says you should not divide townspeople into two groups: herring people and cranberry people. We are townspeople. We all want what is best for the town. There is agreement that change must occur. We appointed the Restoration Working Group to make a good and balanced decision; let's go forward with it.

The Coonamessett River Coalition thanks the Working Group for their work on behalf of the Town. We thank Town Meeting for permission to speak in support of Article 26, and we respectfully urge your "Yes" vote in this matter. Thank you very much.

THE MODERATOR: Okay, we'll now open the floor for discussion and I'm going to – where did Mr. Putnam go? Mr. Putnam, I'll give you a few minutes. I want you to be respectful of open debate and I'll let you use a few of your slides, and I see hands and I'm starting to make a list, so.

MR. PUTNAM: I'm missing some stuff. Let's skip to the next slide, please. Thank you. Everyone here agrees that we must do something to improve the Coonamessett River. The point of disagreement is the cranberry bogs. The Coalition believes that the only way to improve the river is to close the bogs. We believe that the two can co-exist.

Agriculture is exempt. It may sound startling to some of you, but the state Wetlands Regulations have specifically exempted agricultural activities. Contrary to what we've been told, preserving these bogs is easier than restoring a wetland. Agriculture in the state of Massachusetts is protected. How protected is it?

Oh, my. Next slide, please. Well, it's missing.

There's an Executive Order, ladies and gentlemen, a state regulation, if you will, it's called Executive Order 193. It defines our cranberry bogs as state-owned land because they were purchased in part with state funds and because they have been in continuous agricultural use for well over a hundred years. Because they are state-owned agricultural land, they are protected. That protection, ladies and gentlemen, extends as far as mitigation. If we close any bogs along the Coonamessett River, Executive Order 193 would require the Town to either find acre for acre, equivalent bogs in the Town of Falmouth, or to pay \$10,000 per acre in mitigation.

Why do you live here? Why do you stay here? What is it that brought you to the Town of Falmouth? Next slide, please. This is why we live here, ladies and gentlemen. Some of us who live in the Old Barnstable-John Parker neighborhood, we live here because of the bogs. Some of us have lived here for decades, like the Howards. Some of us like the Monizes have lived here for generations. Our neighborhood was not invited to participate in

the creation of the recommendations that were presented tonight. A member of the Working Group is an officer of our Association, but several members of the Working Group are members of the Coalition and yet they were allowed to sit as a separate entity. Why were they given more representation than us? We're not asking for special treatment, ladies and gentlemen, we're asking for equal treatment. We've been told that this plan can change, that it may in fact change. But, if so, why are we voting on it tonight? Why is it that in the eight months since this plan was developed, it has not changed at all?

Next slide, please. Oh, I'm missing more information. But we'll leave that there. You've seen the Coalition's plan. You saw that two years ago, ladies and gentlemen. Tonight, you've seen the Working Grupo's plan. Are we to believe that there are only two viable options for the Coonamessett River? No. There are other plans, plans like this one that the neighborhood has suggested, plans that have not been explored. Our plan would give more – it would give a longer section of free-flowing river than the Working Group's plan, it would retain more cranberry bog acreage than the Working Group's plan, and in fact our plan has been suggested by the U. S. Department of Agriculture. Next slide, please. Eighteen months ago I stood before you and said that no matter what vision we adopt, it needs to be broadly based, with support from all parts of the community. Article 26 has support from the Coalition, but it does not have community-wide support.

Why are we here tonight? Are we here to improve the river? Or are we here to close bogs? The Working Group tells us that these recommendations, that these demonstrations won't be permanent. But a successful demonstration, ladies and gentlemen, what the Working Group is trying to achieve, a successful demonstration is not going to be reversed. It will be permanent. A successful demonstration of a berm, ladies and gentlemen, will not only improve the river, it will save the bogs. But a successful demonstration of a wetland will improve the river and close bogs, and that is why we're opposed to Article 26. Just like that sign that you saw out front, ladies and gentlemen, we can restore the river and save the bogs, and I ask you to vote against Article 26. Thank you.

THE MODERATOR: Mr. McLaughlin.

[Applause.]

THE MODERATOR: Let's hold our applause to the end, please.

MR. MCLAUGHLIN: Thank you, Mr. Moderator, Eric McLaughlin, Precinct 5 and I rise as Chairman of the Falmouth Conservation Commission. Thanks to Mr. Ed DeWitt we were able to come forward with a position statement which I have for you tonight.

On March 31st, the Conservation Commission held a special public meeting to discuss Article 26. All seven regular members and two of the associate members participated in the discussion and the following position was unanimously agreed to. The Commission and the entire town owes thanks and appreciation to the Working Group for their hard work. Individual members of the Conservation Commission have differing views on the nine recommendations of the Working Group. The status quo of the Coonamessett River is neither good for cranberry growing nor for a functioning river ecosystem. Doing nothing for the river is not an acceptable option. The Commission recognizes that cranberry cultivation is part of the historic legacy of Falmouth. The Commission also recognizes that fisheries are part of the historic legacy of Falmouth. The Commission recognizes that the views and vistas along John Parker Road are some of the best and most unique in the community. The cranberry bog future is not about winning and losing, but improving the river ecosystem, maintaining our views and vistas and keeping the bogs as working, productive bogs within the regulations.

Town Meeting Members should vote Article 26 based on the values expressed in the statement and not on the issue whether they are for or against cranberry growing or for or against river restoration. Thank you.

THE MODERATOR: Mr. Hampson.

MR. HAMPSON: George Hampson, Precinct 5. I gotta tell you, folks, I'll be glad when this is all over one way or another. It's taken an awful lot of energy out of all kinds of people, not only the working group but both parties that have attended all these meetings. And it's consumed a lot of time.

Along with my 31 years here at Town Meeting, I find it very difficult to speak to an article which I don't know where it's going at this point. I know it's supposed to be clear in my mind, but I really don't know where it's going. I'd love to see an option that we could consider and not be a firm commitment to one solution. I just don't like that. First of all, I don't like berms. I'd like to see just one berm, as that slide just showed, because the berms just consume a lot of wasted space.

But I want to mention another thing that's kind of important to me. It's actually more important than cranberries and it's more important than herring, and that's people. And I was asked to go to a meeting at Waquoit Bay at the National Estuarine Research Reserve; it's called WEBNER. It was a Massachusetts Coastal Training Program. It was held on November the 12th, 2004. And the speaker was Jim Churuck [sp?] of the NOAH Restoration Workshop. He's the northeast team leader. And the message he told me was very, very clear, and this is very important and pertinent to this discussion. He said you need a community-based restoration plan, which we have, essentially, here. It's a community-based. You need in-kind volunteers. Once you start restoring the river, you need a tremendous amount of volunteers. And I think we have that, for a few years. And the trouble with that is after that pool of volunteers drains, you have to come up with supplement to that. It has to be sustainable. So what you're talking about, the only way I can figure it, is that we're going to have to ask the town to pitch in. And whether you like it or not, it's shown over and over again in any project that has been done that you need to have a base of volunteers. And it can't be just for five years.

The other thing is you've got to have citizens participate right up front. You've got to go to the citizens right away to explain this. Now, this is one thing the Working Group didn't do. What they did do is they got a lot of information from experts, but they didn't go to the citizens first to ask them what they want. That came later. And what we need is you've got to have those local citizens that live along John Parker Road and Old Barnstable Road be for this project. That's what this man said, he said you've got to have the local citizens behind you. And I ask you, ladies and gentlemen, and I state that you don't have that. The people from Old Barnstable Road and John Parker do not believe in this project and there's a majority. East Falmouth is another situation, the rest of East Falmouth. But, by and large, the neighborhood that lives on those bogs are not in favor of this article.

So, I ask you, please vote the article down, we have to demonstrate this secondary plan which we feel is a lot better than what the Working Group has come up with. I don't want to get rid of a whole cranberry bog just for the sake of demonstrating that we're going to have an improved fishery, because I don't think that's the whole answer. Thank you

very much.

THE MODERATOR: Mr. Handy.

MR. HANDY: Thank you, Mr. Moderator. Brian Handy. I speak to you as the representative of a family that's operated this property for over 30 years. I know if my dad was here he'd say it was indeed an honor for him to have this property under his control, and it's indeed an honor for me to continue on in that heritage.

I'm disturbed by the recommendations of the Working Group because I don't think they've taken into consideration a lot of the input that was put in. The original charge was to develop a range of options; they didn't do that. Their specific goals were to come up with – to save cranberry acreage where it could be easily separated from the river; they didn't do that.

We're not against the Working Group and what they've tried. I think they need to go back and finish what they've started. We certainly support that. We support the compromise from the neighborhood group and I think that's the way to go. Thank you.

THE MODERATOR: Mr. Wilbur. The woman with the blue folder, I've got you on the list.

MR. WILBUR: Good evening, everyone. Jude Wilbur, Precinct 1. At first I have to make a disclosure and that is that I'm a professional environmental scientist, and I am currently active in river assessment and restoration projects on the Herring River in Plymouth County and Bourne and on the Eel River in Plymouth next to the Plymouth Plantation. Okay?

I want to remind Falmouth of its other heritage. We've heard an awful lot about the cranberry heritage, the heritage of growing cranberries in this town. Falmouth also has another legacy. Falmouth is as well known for its environmental activism over the past 50 years as it is for growing of anything in the land of this town. Okay? In just the last 50 years, we have, this town has stopped cold in its tracks a proposal to create an atomic park, a storage and processing site of high radioactive material on what is now the Otis Airbase. Okay? This was exclusively the initiative of Falmouth, to stop the Atomic Park. Look it up: 1959, in the Enterprise.

When the big road, Route 28, was built from the bridge down to Falmouth,

Falmouth elected to have a no curb cuts rule. So now, 40 years later, how do you know when you're entering Falmouth from Bourne? Two ways: suddenly you're on a safe highway, and second of all, the trees start at Falmouth. Okay?

In the '70's, it was the great sustainability experiment in Hatchville: New Alchemy, a full quarter century before sustainability became as it is now the operative word for all future development. In the '80's it was the establishment and stunning success of the 300 Committee, a state-wide and indeed a nationwide model of grass-roots activism for conservation and preservation of environmental integrity. We saw at the same time the birth and robust growth in this town of internationally prominent environmental institutions, including the Woods Hole Research Center and the Ecosystem Center at the MBL. Okay? That we have people at these places working so hard for Falmouth on environmental problems is a rare treat indeed.

The awareness, the definition, the push for mitigation on the matter of toxic plumes originating from the Mass. Military Reserve has been from the start spearheaded by this town. Okay? All parts of the town have been involved in these matters. We've had the careful piecing together of the Moraine Trail on the west side of town, the designation of Waquoit Bay as a National Estuarine Research Reserve, one of a handful in the entire nation, on the east side of town. The efforts of the Pond Watchers in identifying problems of nutrient loading in our coastal embayments still stands as a state-wide and nation-wide model.

Recently we have seen a lifelong resident, Fran Smith, designated as an environmental hero for spearheading decades of restoration work on one badly-degraded river, the Quashnet River, which was cited tonight as a healthy restored river system.

All this brings us to the issue at hand tonight and the work of the Coonamessett Restoration Working Group. The River Working Group. And the very reasonable recommendations based on sound science, an abundance of input, as represented in Article 26. The Coonamessett River Valley and its northward extension, which is known as Turpentine Valley, is the longest continuous river valley on Cape Cod. In 2000, I was performing a detailed study of coastal erosion in Great Pond where this river empties into, the coastal pond that it empties into. During this time I worked above the Great Pond itself.

And, in fact, over a period of a few weeks, I walked the entire valley from Falmouthport to where it is abruptly truncated by a wall of fill where the railroad enters the air base. Since that experience, I have thought often of proposing a valley trail as a parallel counterpart to the Moraine Trail. It's an entirely different experience. It is a unique and beautiful resource of the entire town, extending from our northern border to our southern border. The proposal of the Working Group is not only reasonable and prudent, it is another in a long list of Falmouth showing other people the way to do it.

I strongly urge you to vote for Article 26. It is both a fine extension of Falmouth's legacy and a necessary and proud step into our environmental future. Thank you.

[Applause.]

THE MODERATOR: Mr. Stumcke. Let's hold the applause to the end please. Mrs. Botelho, you're on my list if you'd like to have a seat. Young lady in the aisle, you're on my list if you'd like to have a seat. Mr. Stumcke.

MR. STUMCKE: Thank you, Mr. Moderator. I'm Brad Stumcke, Precinct 4 and President of the Falmouth Associations Concerned with Estuaries and Saltponds, otherwise known as FACES, and a member of the Selectmen-appointed Ashumet Plume Citizens Committee. The Ashumet Plume Citizens Committee was charged by the Selectmen to recommend remediation actions for the nitrogen overloading and problems in Great Pond, Green Pond and Bourne's Pond, and their associated watersheds. The town, with our recommendation, hired Horsley & Whitten to conduct a comprehensive study of the three ponds and they completed their study with a report in February of 2000. And each Town Meeting Member received a summary report in October of 2000.

The evaluation of the nutrient loading to the ponds was conducted by Dr. Brian Howes of the Center for Marine Sciences and Technology, University of Massachusetts, Dartmouth. In Dr. Howes's evaluation, he states that cranberry bogs contribute a very small portion of the nitrogen to the ponds. This is based on a report for some of the opponents of this article to state that there is no scientific evidence that cranberry farming adds to the nitrogen loading. Everyone knows that our ponds are overloaded with nitrogen, and therefore no one source should be given a free ride.

Now let me put on my other hat, that of President of FACES. FACES is an

organization of over 60 homeowner associations and organizations and 150 individual members throughout Falmouth. Our mission is to educate and inspire the residents of Falmouth to preserve the environment and natural resources of the estuaries and salt ponds of Falmouth. To that end, FACES is keenly interested in the water quality of Great Pond and Perch Pond, as well as all the other ponds in Falmouth. Our Board of Directors, 29 strong, some of whom are in the audience tonight, have followed closely the deliberations that have taken place over the last few years concerning the impact of the Coonamessett River on the health of Great Pond.

At our monthly Director's Meetings, we are updated on the latest developments and have high praise for the doggedness that Selectman Valiela has conducted the Working Group sessions, a couple of which I actually attended. With two diverse factions at a standoff, Ed DeWitt brought both parties together and negotiated a compromise which was agreed upon by both the bog supporters and river supporters. Now the bog supporters don't like the compromise and are ridiculing it. The dictionary defines compromise as a settlement of difference in which each, and I emphasize each side makes concessions. The compromise is not terminating cranberry growing in Falmouth, but it is a step to improving the quality of the water entering Great Pond.

We have to look forward to the future of this town and the health of our coastal ponds as they are vital to our economic well-being and survival. We lose the health of our ponds and Falmouth is in deep trouble from an economic standpoint. Everyone will pay the price if that happens.

On behalf of the FACES Board of Directors, I strongly urge Town Meeting Members to vote Yes on Article 26. Thank you.

THE MODERATOR: Mr. Rhodes. Mr. Rhodes down here, microphone on the left, and then Mr. Dick.

FROM THE FLOOR: Mr. Moderator?

THE MODERATOR: Yes.

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: We're getting close.

FROM THE FLOOR: I move that Town

Meeting vote to continue past eleven.

THE MODERATOR: Okay, we have a motion to continue past eleven o'clock.

All those in favor, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[No.]

THE MODERATOR: The Ayes have it; I declare two-thirds. We'll be able to stay after 11.

Mr. Rhodes.

MR. RHODES: Scoba Rhodes, Precinct 8.

Mr. Moderator, some of us have sat through hours of listening to debate. We have heard again what the Coonamessett Restoration Group has accomplished, having heard that before. We have heard the opposition. We have yet taken hours to read some of the material that's been sent to us in the mail. I realize that you have an agenda for the evening, but we are getting to eleven o'clock and I respectfully request at this point that you call the question.

FROM THE FLOOR: Yes, yes.

[Applause.]

THE MODERATOR: Okay. The question will come on whether or not to close discussion and move to a vote on the main motion. This requires a two-thirds majority in order to close debate. All those in favor of closing discussion signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[No.]

THE MODERATOR: It's the opinion of the chair that there's a two-thirds majority and I declare the question moved.

Having moved the question, the main motion on Article 26 is as printed. This is a majority vote. All those in favor, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[No.]

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

Division one, Mrs. Tashiro.

MRS. TASHIRO: 20.

THE MODERATOR: 20.

Division 3?

MR. HAMPSON: 41.

THE MODERATOR: 41.

Division 2, Mr. Dufresne?

MR. DUFRESNE: 61.

THE MODERATOR: 61.

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

Mr. Hampson?

MR. HAMPSON: 20.

THE MODERATOR: 20.

Mr. Dufresne?

MR. DUFRESNE: 23.

THE MODERATOR: 23.

Division one, Mrs. Tashiro?

MRS. TASHIRO: 43.

THE MODERATOR: 43.

By a counted vote of 122 in favor and 86 opposed, the report is accepted.

[Applause.]

THE MODERATOR: The question will now come on Article – let's go. Article 27 was a hold by the Finance Committee. Madame Chairman.

CHAIRMAN LEMOINE: Mr. Moderator, I move Article 27 as printed.

THE MODERATOR: Article 27 as printed. This is to accept the preliminary design for the renovations and addition to the Falmouth Public Library.

CHAIRMAN LEMOINE: And I would defer to the Library Trustees.

THE MODERATOR: And the Library Trustees are going to take the lead. Ms. Zacks would like the floor. Marilyn Zacks, Library Trustee. Chair of the Library Trustees, I

think, if I'm correct.

MS. ZACKS: I'm going to be very brief. I think tonight is a Town Meeting night that's very cultured. It's the three B's. I don't mean Bach, Beethoven and Brahms. I mean boats, books and bogs. And I want to talk about books. I don't think I have to make the case for why the library needs renovation and I am going to turn the meeting over to Mr. Adams and Mr. Smith who are the architects from Beacon Associates. They have sat here this evening; they probably know more about bogs than they'll ever want to know, but they do know about libraries and library designs. And one of the gentlemen has to be at the airport at five o'clock this morning. He says don't make an issue of that, but I really feel sensitive to the fact that they have been here waiting very patiently here tonight. And, following that through you, Mr. Moderator, I would like to have Mr. Duffy also –

THE MODERATOR: Sure. Are the two gentlemen citizens or taxpayers of the town?

MS. ZACKS: No, no.

THE MODERATOR: Okay, the chair will entertain a motion to allow the two gentlemen from the architectural firm to speak. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, "No".

[No.]

THE MODERATOR: The Ayes have it by a vast majority. Gentlemen you have the floor.

MR. ADAMS: Okay, thank you very much. Frank Adams with the architect's office. I've been involved in developing the conceptual plans and wanted to tell you where we are to date in that process and how we got here. The first thing we did was to update the program which was originally prepared in 2001. And we updated it to provide for the 20 year need, which is the usual term in library programming and also to bring everything up to the standards assuming that the town has the current level of service extended during that period. We did at the same time an analysis of the existing building to see what space was available if any to accommodate this program. It was clear early on that the library space was fully utilized. We looked at even going up into attic space and other places to reclaim space, but it

just wasn't there. It became clear that the only solution was to expand the building along with the renovation.

The design as it stands today is what we would call conceptual. We've been looking ahead to applying to the state for a library grant and this process requires that we illustrate that the program that meets the 20 year need can be housed in this design. We know that there's a great deal of work further to do on this, both in the community and with such agencies as the Massachusetts Historical Commission and others. The library board would have an interest if they funded it, which we fully anticipate.

This rendering here is just a conceptual view from Main Street with the addition shown to the left.

Next slide. This is a site plan that shows the original building, the 60's addition, the 1978 addition and proposed location of our more modest addition as compared to the '78 addition. It proposes an entrance on Katherine Lee Bates Road moved from where it is now down to this more central location which is convenient from the existing parking which will stay as well as the municipal parking and the street parking. This plan also envisions re-activating the original entrance on access with the Veteran's Memorial, increasing its presence, and this plan also includes a sloped walk up to provide full, barrier-free access to that front entrance.

Next slide. This is a view of the main level, this is the entrance from Katherine Lee Bates Road, this is the entrance from the lawn, it comes into the rotunda space which would be preserved. The circ desk is in this area which can monitor both of those entrances. The functions are laid out in a very simple way across the length of the building. To the left is the main adult services, stacks, audiovisual material, circ desk we mentioned, staff areas here, administration, young adults, periodicals, and in this new wing reference is the primary function in the new wing. We show in this new wing a projection here envisioned is largely glass and a matching one built onto the existing building to give a view from the inside out to the lawn to give a view of the inside of the building from the street, and also at night from the street it would be sort of a beacon, a highlight of that stretch of Main Street.

Next slide. Yes. Lower level. Again, you would arrive off of Katherine Lee

Bates at this – at the lobby space. Instead of going up as you did half a level to the adult services, you go down a few steps to the lower level which is primarily a much more generous children's room with its own program area for crafts, story telling; larger rooms for the Friends and their activities; text services for processing of materials; a central area that can be used for vending, an informal, relaxing area; more staff functions, and then in the new wing program space, large, medium and small, to accommodate a variety of program needs.

Next slide. This is a computer-generated image, just a study from the Katherine Lee Bates side.

Next one. And a similar view from the other side showing the lawn, the memorial, the '78 addition, the proposed addition, and it's an example of what we would be using as we further developed the design.

What we have concluded here is that the project needs to be about 39,000 square feet. We've had a professional estimator that we've worked with in the past and has been very reliable prepare a complete construction estimate for this, and the construction costs plus the project costs, which are all the other fees, furnishings, equipment cost, project management and so forth, and three years' worth of inflation because we know this isn't going to be built immediately, or don't expect it, the total project cost is \$8.6 million. Of that, the state would fund, under the grant program, 2.7 million, leaving about 5.9 for the Town.

Our experience with the state program has been very successful. We've received grants from 24 applications that we've been associated with. The state program is very reliable. They put you on a list and they fund the projects as funds become available to them. And when they put you on the list, you're on the list at that amount, at the amount that they have acknowledged. And when the project is approved, or money is available from the state, it comes back to the Town for the option of the Town to then match the money so that there is another chance.

This is not a commitment to this project or this exact design, but it's the opportunity to move forward with this concept and to put it to the state to see if they will match the town money and we expect to hear that in July. That's where we are.

THE MODERATOR: Okay. Mr. Duffy.

MR. DUFFY: Thank you. Library Trustee Frank Duffy. I'd like to just

summarize briefly this article. And on behalf of the Trustees I'd like to thank the Finance Committee for reconsidering this article. In your book it recommends indefinite postponement but they have recommended that we approve this preliminary design tonight based upon the information that we gave them at meetings last week. And the Selectmen have also come aboard and approved this.

We have applied for a grant from the Massachusetts Board of Library Commissioners for the 31 percent. This is a competitive grant and only the towns that produce a really solid application will get considered for the grant. More towns are applying for this grant than there is money available. One of the requirements is that the Town at the meeting approve the preliminary design, and that's what these gentlemen have shown you. This is a preliminary design. And we only get a chance to apply for this grant every five or ten years, so this isn't something that we can put off until next year. The application was due February 9th, it has been submitted. Now the Board of Library Commissioners is looking for a statement from the Town that you are behind this project and the preliminary design.

This preliminary design is for demonstration purposes only and it may change as we progress in the process. So you're not absolutely buying the final design here, you're just endorsing the preliminary design. The Board of Library Commissioners as part of the grant process requires that there be a Town Meeting vote approving the preliminary design.

This preliminary design also as the architects have indicated looks forward for 20 years. They have projected the need of the library and of the community for the next 20 years and it's a requirement of the grant process that we address a 20 year need. The state simply doesn't want to pay us money to renovate the existing library for today's needs; they want to make sure we're going to get our money's worth over 20 years and I think as a town that's what we want to do also.

Another benefit of this plan is that the architects have been asked to create a plan that will allow us to operate the library during the project. If we had to close the library and move to a temporary location, it would be extremely expensive, and it might even jeopardize the project itself. But they've been asked to submit a preliminary design that will allow us to continue operating at 123 Katherine Lee Bates Road and that is what this preliminary design does.

The preliminary design also does not anticipate any additional library staffing. The library will continue to operate with the existing staffing and if there's any additional staffing needed it will be for programs, not for the building. The building will also be designed to take advantage of the up-to-date conservation features. The Town has an Energy Committee that will be looking at this and they will be participating in the design process as we go along.

It's clear that the Town needs this library addition. It's totally maxed out at the present time, it's in very bad condition. We have been asking the Town for money to make repairs to this library for quite some time and indeed in the capital budget for the town there is anticipated significant costs for renovation of the heating and air conditioning system, the utilities and so forth, all of which are beyond their useful life. So, renovating the library and putting the addition on to meet our 20 year need seem to be the only sensible thing to do.

And finally, I want to remind you that this is not a final vote on the matter. The project will be subject to further review by the Town Administration, by the Finance Committee, by the Building Committee. When we're ready with a final design and final figures, we'll come before you for authorization to proceed. It will probably also be subject to an election ballot question. But we would like your support tonight to go forward and inform the Massachusetts Board of Library Commissioners that you stand behind this preliminary design and you stand behind the Town's application for this grant for about 31 percent of the construction costs. Thank you.

THE MODERATOR: Okay, discussion on Article 27? Hearing none, the question will come on the main motion. The main motion is as printed. 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.

I'd like to recognize and thank Nick and Sarah Clayton for doing mics for us tonight. I missed recognizing our young people at the beginning.

[Applause.]

THE MODERATOR: Article 28. Article 28, Madame Chairman.

CHAIRMAN LEMOINE: Mr. Moderator, I move that all articles considered in the April, 2005 Special Town Meeting be funded as voted, for a total of \$3,072,387.40.

THE MODERATOR: Okay, you've all heard the main motion to fund everything we did tonight. All those in favor, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Madame Chairman.

CHAIRMAN LEMOINE: Mr. Moderator, ladies and gentlemen, I move the April, 2005 Special Town Meeting be closed.

THE MODERATOR: You've all heard 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. The meeting is adjourned.

[Whereupon, the meeting adjourned.]

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing transcript represents a complete, true and accurate transcription of my audiographic recordings taken in Falmouth Special Town Meeting, Tuesday, April 12, 2005, to the best of my knowledge, skill and ability.

Carol P. Tinkham
Notary Public
My Commission Expires
May 14, 2010

PLEASE NOTE: THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT DOES

NOT APPLY TO ANY REPRODUCTION OF THE SAME BY ANY MEANS UNLESS
UNDER THE DIRECT CONTROL AND/OR DIRECTION OF THE CERTIFYING
REPORTER.