

**Vol. One
162 pages**

COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

ANNUAL SPRING TOWN MEETING

**Lawrence School
Lakeview Avenue
Falmouth, Massachusetts**

MODERATOR: David T. Vieira

Wednesday, April 4, 2007

7:00 p.m.

**Carol P. Tinkham
321 Head of the Bay Road
Buzzards Bay, MA 02532
(508) 759-9162**

ANNUAL TOWN MEETING

INDEX

<u>ARTICLE</u>	<u>DESCRIPTION</u>	<u>VOL-PAGE</u>
1	Choose Town Officers	1-23
2	Hear Report of Committees & Town Officers	1-25
3	Authorize Bd. Of Selectmen to Settle claims	1-21
4	Authorize Bd. Of Selectmen to apply for and accept State and Federal Grants	1-21
5	Bond of Indemnity	1-21
6	Fix Salaries of Elected Officials	1-34
7	Revolving Funds	1-36
8	Medicaid Services Program	1-21
9	Amend Zoning Bylaw Article XXXXIII	1-21
10	Amend Zoning Bylaw Section 240-13	1-37
11	Amend Zoning Bylaw Article I Sec. 240-3	1-21
12	Petition - Amend Res. Dist. Bylaw (Alves)	1-47
13	Petition - Rezone 339 Gifford St. (Ferazzi)	1-21
14	Land Purchase - 81 Davisville Rd. (Rapoza)	1-51
15	Land Purchase Foster Road (Haddad)	1-70
16	Amend Position Classification Plan - Library	1-21
17	Amend Position Class. Plan - Treasurer	1-21
18	Amend Position Class. Plan - Planning	1-21
19	Amend Position Class. Plan - Collector	1-74
20	Amend Position Class. Plan – Building	1-21
21	Amend Position Class. Plan - IT Dept.	1-21
22	Amend Position Class. Plan - Human Services	1-79
23	Amend Position Class. Plan - Fire Rescue	1-94
24	Amend Position Class. Plan - Police Dept.	1-98

ANNUAL TOWN MEETING

INDEX

<u>ARTICLE</u>	<u>DESCRIPTION</u>	<u>VOL-PAGE</u>
25	Fund Fiscal Year 2008 Operating Budget	1-101
26	Fund Adm./Management/Tech. Employee Raise	1-22
27	Fund Superior Officer's Assoc. Contract	1-22
28	Fund Police Federation Contract	1-22
29	Fund IAFF Local 1397 Contract	1-22
30	Fund AFSCME Local 1636 Contract	1-22
31	Fund AFL-CIO Local 1249 Contract	1-22
32	Fund Public Library Assoc., MLDC Contract	1-22
33	Worker's Compensation Fund	1-128
34	Fund Waste. Treat. Facility Sludge Removal	1-128
35	Fund Town Hall 3rd Floor Renovation	1-131
36	C. P. F. - Affordable Housing Development	1-22
37	C. P. F. - Affordable Housing Retention	1-22
38	C. P. F. - Community Housing Reserve	1-22
39	C. P. F. - Children's School of Science	1-22
40	C. P. F. - Board of Library Trustees	1-22
41	C. P. F. - School Administration Building	1-22
42	C. P. F. - Coastal Ponds Management	1-22
43	C. P. F. - Recreation Department	1-22
44	C. P. F. - Parks Department	1-22
45	C. P. F. - Bikeways Committee	1-22
46	C. P. F. - Administrative Expense	1-131
47	Accept Layout of Roads for taking	1-134,1-143
48	Amend Code - Waterways Ch.231, §12B	1-137
49	Amend Code - Chapter 83 Licensing of Dogs	1-147,2-70

ANNUAL TOWN MEETING

INDEX

<u>ARTICLE</u>	<u>DESCRIPTION</u>	<u>VOL-PAGE</u>
50	Amend Code - Chapter 83 Animals	1-150, 2-72
51	Amend Code - Chapter 83, §15B(1)	1-150
52	Amend Code - Chapter 83, §18	2-85
53	Amend Code - Chapter 83, §19	1-22
54	Petition - 54 Gardiner Road (Cramer)	2-108
55	Petition - 13 Church Street (Murray)	1-23
56	Funding Article	2-124

SPECIAL TOWN MEETING

INDEX

<u>ARTICLE</u>	<u>DESCRIPTION</u>	<u>VOL-PAGE</u>
1	Fund Bonding Costs for Long-Term Debt	2-16
2	Fire and Police Dept. Line of Duty Injury	2-17
3	Wastewater Treatment Facility Op. Expenses	2-17
4	Wastewater Treatment Facility Legal Expenses	2-20
5	School Foundation Reserve Award - F.H.S.	2-21
6	Funding for UCCRTHS	2-22
7	Preliminary Development Plan for Parcel off Blacksmith Shop Road	2-23
8	Harbormaster - Security Cameras	2-53
9	Waterways - Waquoit Bay Jetty Light and Piling Structure Replacement	2-53
10	Waterways - Site Improvement/Permitting	2-56
11	Amend condition on CPC funding	2-56
12	Wind Energy Facilities Authorization	2-57
13	Adopt Right to Farm Bylaw	2-58
14	Funding Article	2-68

P R O C E E D I N G S

THE MODERATOR: Would all Town Meeting Members please come forward and take your seats. Would all Town Meeting Members please come forward. Don't forget to check in; attendance will be published in the Falmouth Enterprise. I want to remind all Town Meeting Members that you must be in front of the Town Meeting Members sign in order for your vote to be counted tonight. If you're observing the meeting this evening and you are not a Town Meeting Member, please sit behind the Town Meeting Members Only signs.

The tellers this evening: in the first division will be Mrs. Tashiro; in the second division will be Mr. Dufresne; and in the third division will be Mr. Hampson. Would all Town Meeting Members present please stand for the establishment of a quorum.

[Pause.]

THE MODERATOR: We recognize Stephanie Farrell tonight, who will be providing our CART services, and Carol Tinkham who will be transcribing the record. All Town Meeting Members should identify yourselves by name and precinct each time you speak for the record.

[Pause.]

THE MODERATOR: During the break, Falmouth's Together We Can, the after-prom celebration committee, will be selling raffle tickets for a 50-50 cash drawing. This is Falmouth's 13th year

providing a drug-free and alcohol-free party for the Junior Prom. The chances are \$2 and will be sold during the break down in the cafeteria.

In the first division, Mrs. Tashiro?

MRS. TASHIRO: 54.

THE MODERATOR: 54.

In the second division, Mr. Dufresne?

MR. DUFRESNE: 95.

THE MODERATOR: 95.

And in the third division, Mr. Hampson?

MR. HAMPSON: 52.

THE MODERATOR: 52.

By a counted vote of 201 members, we have a quorum and I call the Annual Town Meeting to session. Would all members present please rise for the presentation of the colors.

[Colors presented. Brian Baru Pipe Band plays.]

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

[Pledge of Allegiance taken.]

THE MODERATOR: At this time, the Falmouth Town Band Brass Choir will play our National Anthem.

[National Anthem played.]

THE MODERATOR: At this time, I'll recognize James Nidositko for our invocation.

MR. NIDOSITKO: Heavenly Father, may our meeting this evening be not only an exercise of care and concern for our community and its residents but also an example of how a community can agree and disagree and still be a community. We ask you to watch over and protect our families, our community, our nation and our world. May your gift of peace become a reality for all. Amen.

THE MODERATOR: At this time, the Brian Baru Pipe Band will play Amazing Grace for our moment of silence in honor of Town Meeting Members who have passed since our last meeting.

[Amazing Grace played.]

THE MODERATOR: Colors post.

[Colors posted.]

THE MODERATOR: Girl scouts from Girl Scout Brownie Troop 793 and Girl Scout Junior Troop 261; the Brian Baru Pipe Band and the Falmouth Town Band Brass Choir.

[Applause.]

THE MODERATOR: It is fitting to have the Girl Scouts open our meeting tonight. They've just celebrated their 95th Anniversary on March the 12th, when founder Juliet Gordon Lowe brought 18 girls together in Savannah, Georgia for the first Girl Scout Troop meeting. So, congratulations to the Girl Scouts. Keep up the good work.

[Applause.]

THE MODERATOR: At this time, I'd like to start with the dispensing of the reading of the warrant. Mr. Chairman.

CHAIRMAN MURPHY: I move to 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.

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

Mr. Crossen served the warrant, however Constable Jim Pond is with us as constable for the meeting this evening. Mr. Clerk, I ask the warrant become an official part of the record of this meeting.

At this time, the chair would entertain a motion for non-Town Meeting Members to sit up front with their respective boards and committees.

FROM THE FLOOR: So moved.

THE MODERATOR: 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 for Town employees who are not residents of the Town the right to speak on any issue before this meeting.

FROM THE FLOOR: Moved.

THE MODERATOR: So moved. 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.

At this time, I'd recognize the Planning Board for notification of Public Hearing.

MS. RABESA: Mr. Moderator, Town Meeting Members, in accordance with Chapter 40A, Section 5, Massachusetts General Law, and Article 43 of the Falmouth Zoning Bylaw, public hearings were held on February 13th, 2007, March 6th, 2007 and March 20, 2007, on Articles 9, 10, 11, 12, and 13 for the April 4, 2007 Annual Town Meeting,

and all those who wished to speak were heard.

THE MODERATOR: Thank you.

At this time, if you could open up your warrant booklets to the back page, the back cover, the green Town Meeting Rules. One, Speaking and Voting. Registered voters, residents and taxpayers of the town may speak on any article in the warrant. Persons who are not voters, residents or taxpayers of the town may address the Meeting only with the consent of the majority of those present.

Only Town Meeting members may vote.

Motions and Amendments. Motions and Amendments may be made only by Town Meeting members.

Two amendments will be accepted on any article.

Long or complicated motions, or other motions which he shall so request, shall be presented to the Moderator in writing.

The only exception to the two amendments is when we have an omnibus budget, which we will have our Annual Budget; we can take more than two amendments on the budget itself.

Reconsideration. Reconsideration will be allowed at any time during the meeting if the article

does not involve the appropriation of money.

If the article involves the appropriation of money, notice of reconsideration must be given within 30 minutes of the vote on the article. Reconsideration may then be allowed at any future time.

The Moderator shall determine if the motion to reconsider is in order. Motions for reconsideration must be based on substantially new information not available to the Meeting at the time of the original debate. The motion to reconsider is not debatable.

Our Hours of Operation. The first night: 7:00 p.m.. Subsequent nights, 7:00 p.m., and we'll close at 11:00 p.m. unless a motion to continue is made and approved by a two-third's vote of Town Meeting members.

We're going to begin by using a blanket vote for the Annual Town Meeting. During the blanket vote, I'll go through the entire warrant article by article. I'll give a brief description of the article. If Town Meeting Members want the article to pass as recommended, you can let it go on the blanket. After reviewing all of the articles the

first time with a description, I'll quickly run through the articles that are not held for a second chance, and then I will entertain a motion to approve all articles that were not held as they were recommended.

Article 1, to choose officers is a hold.

Article 2, to hear committee reports, is a hold.

Article 3, to vote to authorize the Selectmen to settle claims and suits. Article 4, to authorize the Board of Selectmen to apply for and accept state or federal grants. Article 5, to vote to assume the liability of all damages that may be incurred by work to be performed by the Department of Public Works of Massachusetts.

Article 6 --

FROM THE FLOOR: Hold, please.

THE MODERATOR: Is a hold. Article 7 is a hold by the Finance Committee.

Article 8, that the Town vote any funds received by the Town of Falmouth as part of the Medicaid medical services program or allotted to the School Committee. Article 9, vote to amend Article 43 amendments of the Zoning Bylaw, which requires notice to abutters and fees. Article 10 --

FROM THE FLOOR: Hold.

THE MODERATOR: Hold. Article 11, vote to

amend Article 1, general provisions of the Zoning Bylaw by deleting Section 243 in its entirety and inserting the text in its place. The recommendation on this is indefinite postponement.

Article 12 is a hold since we don't have a recommendation.

Article 13, to see if the Town will vote to change the Town of Falmouth Zoning Bylaw and amend the official zoning map of the town by rezoning from Agricultural B to Business 3 that portion of land on 339 Gifford Street. The recommendation is indefinite postponement.

Article 14.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 15 is a hold.

Article 16, vote to amend the Town's Position Classification Plan for the Falmouth Public Library. Article 17, to vote to amend the Town's Position Classification Plan for the Treasurer's Department. Article 18, to vote to amend the Town's Position Classification Plan for the Planning Department. Article 19, to vote to amend the Town's Position Classification Plan for the Collector's Office.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold. Article 20, to vote to amend the Town's Position Classification Plan for the Building Department. Article 21, to vote to amend the Town's Position Classification Plan for the Information Technology Department. Article 22, to vote to amend

the Town's Position Classification Plan for the Human Services Department.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 23, to vote to amend the Town's Position Classification Plan for the Fire Rescue Department. Article 24, to vote to amend the Town's Position Classification Plan for the Police Department.

Article 25 is the omnibus budget, that's a hold.

Article 28, to vote a sum of money for the administrative management -- 26, excuse me, to vote to appropriate a sum of money for administrative/management/technical permanent employees. The recommendation is indefinite postponement, no agreement has been reached.

To vote the Falmouth Superior Officers Association contract; indefinite postponement is the recommendation. To vote the Police Federation contract; the recommendation is indefinite postponement. To vote the International Association of Firefighters Local 1397; the recommendation is indefinite postponement. To vote the American Federation of State, County and Municipal Employees Local 1636 contract; the recommendation is indefinite postponement. To vote the Laborers International Union of North America, AFL-CIO Local 1249 contract; the recommendation is indefinite postponement.

Article 32, the Falmouth Public Library Association, Massachusetts Laborers District Council contract; indefinite postponement.

Article 33 is a hold.

Article 34, to vote to appropriate the sum of \$450,000 in authorized borrowing under the provisions of Chapter 44, Section 71, to exempt from Proposition 2 ½ for the removal of sludge from the original treatment ponds at the Town's Wastewater Treatment Facility.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 35, to raise and appropriate \$68,623 for renovating the third floor at Town Hall.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 36, to appropriate the sum of \$330,000 from Fiscal Year 2008 estimated Community Preservation Fund revenues for the purpose of additional funding for the Affordable Housing Development Fund. Article 37, to appropriate the sum of \$80,000 from Fiscal Year 2008 estimated Community Preservation Fund revenues for the purpose of additional funding for the Affordable Housing Retention Program -- Retention Fund, excuse me.

To reserve the sum of \$50,000 from Fiscal Year 2008 estimated Community Preservation Fund revenues to fund the Community Housing Reserve Account.

Article 39, to appropriate the sum of \$135,000, \$125,000 of which will come from the Community Preservation Fund Balance Reserve for Historic Resources and \$10,000 from the Community Preservation Undesignated Fund Balance, to be made available for the exterior rehabilitation of 3 Water Street in Woods Hole.

Article 40, to vote to appropriate the sum of \$101,660 from Fiscal Year 2008 estimated Community Preservation Fund revenues to be made available for the purpose of several historic preservation projects at the Main Street Library.

Article 41, to appropriate the sum of \$490,534, \$485,534 of which will come from the Fiscal Year 2008 estimated Community Preservation Fund Revenues and \$5,000 from the Community Preservation Fund Balance reserved for Historic Resources for the purpose of roof and gutter replacement for the School Administration building.

Article 42, to vote to appropriate the sum of \$25,000 from Fiscal Year 2008 estimated Community Preservation Fund Revenues to be made available for the purpose of shellfish habitat assessment for West Falmouth Harbor.

Article 43, to appropriate the sum of \$185,000 from Fiscal Year 2008 estimated Community Preservation Fund Revenues to be made available for the installation of electrical conduit and commercial grade irrigation system and associated structures such as backstops and

fencing for the Sandwich Road athletic facility.

Article 44, to appropriate the sum of \$210,000, \$180,000 which will come from the Fiscal Year 2008 estimated Community Preservation Fund Revenues and \$30,000 from the Community Preservation Fund Balance, to be made available for the purchase of additional materials to complete the installation of the Guv Fuller Field lighting system.

Article 45, to vote to appropriate the sum of \$33,000 from Fiscal Year 2008 estimated Community Preservation Fund Revenues, to be made available for the purchase and installation of bicycle racks, said project to be managed by the Bikeways Committee.

Article 46, to vote to appropriate the sum of \$90,000, \$58,846 to be applied as appropriate to budget numbers 01175 and 01914 for salary and benefits for professional staff and \$31,134 for other Community Preservation Committee administrative expenses for the purpose of administrative expenses of the Community Preservation Committee.

Article 47 is a hold.

Article 48, to vote to amend Chapter 231, Section 12B, Waterways of the Code of Falmouth, by deleting the present 12B and inserting the text in its place for vessels fueling from tanker trunks.

Article 49, to vote to amend Chapter 83 of the Code of Falmouth, Licensing of Dogs, by adding a new section to be appropriately

numbered by the Town Clerk for multiple dog licenses.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold. Article 50, to vote to amend Chapter 3 of Code of Falmouth, Animals, by adding a new section to be appropriately numbered by the Clerk to establish clear standards for the care and habitation for companion and farm animals.

FROM THE FLOOR: I'd like to hold that one.

THE MODERATOR: Hold. Article 51, to vote to amend Chapter 83, Section 15B (1) of the Code of Falmouth, the Licensing of Dogs. This is dealing with kennel license.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 52, vote to amend Chapter 83, Section 12 of the Code of Falmouth, Dogs At Large. This is restraining of dogs required, exceptions.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 53, to vote to amend Chapter 83, Section 12, of the Code of Falmouth for dogs again, dealing with fines. No? Okay.

Article 54 --

FROM THE FLOOR: Hold.

THE MODERATOR: It's a hold.

Article 55, vote to amend the official Historic District Zoning

Map, designation Woods Hole, by removing the property at 13 Church Street; the recommendation is indefinite postponement.

And Article 56 is the funding article and that's an automatic hold.

Okay, we'll go through it real quick again. Yell out if you want to hold one that was not held.

Article 1 is a hold. Article 2 is a hold.

Article 3. Article 4. Article 5.

Article 6 is a hold. Article 7 is a hold.

Article 8. Article 9.

Article 10 is a hold.

Article 11.

Article 12 is a hold.

Article 13.

Article 14 is a hold. Article 15 is a hold.

Article 16. Article 17. Article 18. Article 19 is a hold.

Article 20. Article 21.

Article 22 is a hold.

Article 23 --

FROM THE FLOOR: Hold.

THE MODERATOR: This is Firefighter/Paramedics classification plan.

Article 24.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold. That's the Police Department
Classification Plan.

Article 25 is a hold.

Article 26. These were the contracts that hadn't been
settled. Article 27. Article 28. Article 29. Article 30. Article 31.
Article 32. Article 33 is a hold. Article 34 is a hold. Article 35
is a hold.

Article 36. Article 37.

[Cell phone rings.]

THE MODERATOR: Please shut your pagers and cell
phones off.

Article 38. Article 39. Article 40. Article 41. Article 42.
Article 43. Article 44. Article 45.

Article 46 --

FROM THE FLOOR: Hold.

THE MODERATOR: Hold on Article 46.

Article 47 is held. Article 48 --

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 49 is a hold. Article 50 is a hold. Article 51's a
hold. Article 52's a hold.

Article 53.

Article 54 is a hold.

Article 55.

And Article 56 is a hold.

Mr. Chairman for the main motion.

CHAIRMAN ANDERSON: I move that all articles that have been passed and not held be and hereby are adopted as recommended as the official action of this meeting and that the necessary monies for the same shall be raised and appropriated or as otherwise specified.

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Mr. Chairman.

CHAIRMAN ANDERSON: I hereby serve notice of reconsideration of all articles passed under the blanket vote.

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

Article 1, to choose all necessary Town Officers. The main motion from the Finance Committee is as printed. I'm going to submit the names for nomination for the Finance Committee. We have

the five seats that are a three-year term and we're also appointing a one-year unexpired term and a two-year unexpired term. We have one individual who is not seeking reappointment, Mr. Bryan Anderson. I want a round of applause for Mr. Anderson. Thank you for all your years of service on the Finance Committee.

[Applause.]

THE MODERATOR: Those members that are seeking reappointment to the three-year term are Gary Anderson, Jay Austin, Adrian Dufresne, Gardner Lewis. The new member being nominated for a three-year term is Matthew Murphy. The one-year unexpired term nominee is Chuck Eastman. And the two-year unexpired nominee is Stephen Fassett. Are there any nominations from the floor?

[No response audible.]

THE MODERATOR: Hearing none, the Chair would entertain a motion to close nominations.

FROM THE FLOOR: So moved.

THE MODERATOR: So moved. All those in favor of closing nominations, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.
All those in favor of the slate as presented by the Nominating Committee,

signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

The next one is to hear reports of committees and officers, the main motion as printed. Let's see. We've got the Charter Review Committee would like to make a report. This Town Meeting voted some articles at the last Town Meeting that we're going to see on the ballot. Ms. Flynn.

CHAIRMAN FLYNN: Thank you, Mr. Moderator.

Mary Pat Flynn, Precinct 6, Chairman of the Charter Review Committee. And I'm glad to have the opportunity to make this brief report before we talk about the dogs tonight.

THE MODERATOR: And maybe tomorrow night, too.

CHAIRMAN FLYNN: The purpose of the report tonight is to inform or more or less remind Town Meeting Members and the voters of Falmouth that there are ten ballot questions on the election for May 15th, and these are all proposed amendments to the Falmouth Home Rule Charter. And those were the amendments that Town Meeting voted last April at the April Town Meeting.

As you may remember, the Charter Review Committee

was appointed by the Selectmen in September of 2004 and the recommendations were presented in early 2006 and then voted at the April Town Meeting in '06. So now, a year later, who remembers? So, it's important for you to remember and certainly for all the voters in town to remember and read carefully what these amendments are.

None of these amendments change the form of government. Only an elected Charter Commission can change the form of government. Our Home Rule Charter provides that every seven years the Selectmen appoint a committee that reviews the Charter to review its consistency with the way -- with the current way of thinking, with the current way government is operating, and that was what we did in this second Review Committee.

So, not to read any of them, believe me, but the key elements of these proposals are that the -- to integrate the position of the Assistant Town Administrator into the management structure and create a defined chain of command. The current Charter makes no mention of an Assistant Town Administrator.

Secondly, it changes the title from Town Administrator to Town Manager. We had quite a discussion about this at the last Town Meeting. And this is consistent with our form of government. The responsibilities that the Charter outlines for the Town Administrator are very consistent with the form of government where the title of the position is usually a Town Manager. The responsibilities do

not change, the compensation doesn't change. In fact, there is no increase in salary proposed or in any form of compensation.

The amendments also set forth the importance of the Selectmen creating or establishing and managing a five-year plan for the Town, and that on an annual basis that plan is reviewed.

It further clarifies the Selectmen's powers to act as a collective body with no individual authority or power vested in any individual Selectman.

It also defines the Selectmen's power to appoint, and the need for defining the duties, the responsibilities, the terms of appointments of the ad hoc or multi-member bodies that the Selectmen appoint.

It also addresses and creates an enlarged scope for recommendations from the Planning Board as they relate to the physical, economic and environmental development of the Town and its responsibility for the periodic updating of the Town's Master Plan.

And lastly, it establishes that the Finance Committee's -- or establishes the Finance Committee's role in reviewing the salaries of all elected officials on an annual basis and making recommendations to Town Meeting as to whatever action the Finance Committee thinks Town Meeting needs to take up.

So, in conclusion, in Falmouth the orderly functions of government continue to evolve and where necessary to keep pace with

the complexities of growth, diversity and change common to many American communities and particularly communities in Massachusetts.

The Charter Review Committee will be holding some public meetings between now and May 15th and also I hope some television opportunities so that people at home can understand and have an opportunity to review what some of these proposed charter amendments are.

So, thank you for this opportunity to make the report.

THE MODERATOR: Community Preservation Committee, Doctor Clark.

CHAIRMAN CLARK: Thank you, Mr. Moderator. Peter Clark, Precinct 1. I would like to give a brief overview, and I'll make it even briefer since you were so kind in passing on the blanket so many of our articles. But there were questions at the last Town Meeting and we are kind of new kids on the block in terms of spending money, so I would like to take just a couple of minutes, please, to talk through some significant points that were in the brochure that you received.

I want to point out that we are a dedicated funding source set out in the legislation to protect four areas that tend to be squeezed out of budgets, even though they're important to the quality of life in communities. And so this is a set of funds, and I'll show you in the next slide, that the funds come from three areas.

There's a three percent surcharge on real estate

property taxes. You put that into effect when the Land Bank was created and you rolled it over by an amendment when the Community Preservation Act went into effect by vote of this body and the Town. And that money continues to be dedicated to servicing the debt of the Land Bank purchases. So, that's kind of dedicated money.

The second source is the State Preservation Trust Fund Matching, which now is at 100 percent, but is likely to go down in a couple of years anyway. And that comes from a flat fee on transactions at the Registry of Deeds and produces the amount of money that we tend to use in our recommendations to you.

We also add to that interest on a couple of sources of money that I'll explain to you, but I want to point out that those two sources of money are not in competition with the other needs of the Town. It is not part -- the revenues are not part of the operating budget. It's a completely separate stream. And so as you act on these, you don't need to worry about causing the Town to lose other opportunities in the budgeting process.

The interest results because there was a Land Bank balance that was turned over to the Community Preservation Committee of about two million dollars, and there are the state matching grant moneys that are sitting there waiting to be spent. All of that money is held by the Town, not by people who have been -- who have received it. It doesn't go out when you make a recommendation. It stays here until

we receive actual expenditures, and then they're approved and used. So, there's a balance sitting that's earning interest.

Next slide simply lays out what the law says are allowable and prohibited expenditures. We at some point will probably be talking to you about prohibitions against maintenance and rehabilitating Town assets that were not originally acquired, unless they're historic resources.

I think the important point here is that the law does give latitude to the local committees, but the DOR has provided additional detail for what the allowable uses are.

This slide simply shows you this year's appropriations. I want to point out to you the ten percent minimum that has to be spent by the law in three areas. One is community housing, and we're just barely over that. One is in historic resources. And one is a combination of land that includes this year's expenditures for Open Space and serving the Land Bank debt. They go together and we're certainly well above the ten percent there. Five percent is the limit allowed for administrative expenses, and we're well under that, at about two and a half percent.

We'll skip -- well, I just want you to know this is the orderly process laid out by the law. You have it in your books, so you don't need to read it here.

And the final slide, I just want to point out to you our process. We are not anticipating any proposals for November Town

Meeting. We have been doing these fast and furious. We're taking a break to really look at the four areas, and I want you please to notice that we're holding four separate hearings on these dates. We'll put those dates on the website and try to publicize them. But if you're interested in these areas: Open Space, Recreation, Community Housing, Historic Resources, these are the dates when we invite you to come to our meetings to talk about your sense of the importance of those needs for the Town of Falmouth. And also notice the deadlines for the next round of proposals.

Thank you very much for listening. Thank you for respecting the work that this fine committee has done. They've worked very hard and I appreciate their contributions.

THE MODERATOR: Okay. Any other committees that would like to make reports at this time?

[No response audible.]

THE MODERATOR: Could we have the slide of the precinct captains? We're going to put a slide up that lists all of the precinct captains. As we've been working to strengthen precinct organizations, we wanted to sort of emphasize that here tonight and let folks know that here are your precinct leaders. The contact information for all of your precinct leaders is up on the Town website. It's also available at Town Hall. If you're not on the computer, you can call over to the Clerk's office or stop by and get a list of your precinct captains and

deputy captains and clerks.

And the goal really is to have an organizational meeting before each Town Meeting that's focused on the warrant, to vent the warrant, get questions answered, look at procedural issues so that when we come to Town Meeting as Town Meeting members we're better prepared, and as Town officials we can identify some issues that we need to resolve before we get to Town Meeting.

So, I'd like to thank all of the individuals who have volunteered to serve as the precinct leaders, and also the Town Clerk and the Chairman of the Board of Selectmen, Mr. Murphy, Carey Murphy, and Mike Palmer, and Deb Siegel, representing the League of Women Voters for this effort, and we'll continue to assist in any way that we can. So, it's -- have a round of applause for our new precinct leaderships.

[Applause.]

THE MODERATOR: Any further discussion on Article 2?

Hearing none, the question will come to accept the reports.

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. Mr. Chairman for the main motion. Finance Committee for the main motion.

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

THE MODERATOR: Article 6 as recommended. This is to fix the salaries of elected officials. This was held by Mr. Murphy. Mr. Murphy.

CHAIRMAN MURPHY: Mr. Moderator, I held this article and the reason I held this article because I wanted to let everybody here know that the Board of Selectmen this evening voted unanimously to support the Finance Committee's recommendation on this article.

It is, however, important that we put on the table and bring it above board and hope that in the future that this article and the salaries of elected officials will be looked at and adjusted accordingly. It has been ten years, and so I would move -- I would hope that we would defeat this article and -- pardon me, vote for an indefinite postponement.

THE MODERATOR: Actually, you want the main motion as recommended?

CHAIRMAN MURPHY: That's correct.

THE MODERATOR: Okay. Any further discussion on Article 6?

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 7. Mr. Chairman for the main motion.

CHAIRMAN ANDERSON: I move that the Town vote
Article 7 as printed with the exception of Section D, which shall be
deleted.

THE MODERATOR: Okay. Section D, the
Falmouth Historical Commission Revolving Fund. We're going to be
removing that and renumbering "E" to "D". That's the main motion.

Mr. Chairman, do you want to explain why we're removing
that?

CHAIRMAN ANDERSON: By unanimous vote, a
quorum being present on Monday, April 3rd, 2006, the Town
voted indefinite postponement of Article 8 to establish a Falmouth
Historical Commission Revolving Fund. And therefore, the new motion
does not include the Falmouth Historical Commission Revolving Fund as
noted in Article 7, Section D.

THE MODERATOR: Okay. Any further
discussion on the article to re-authorize revolving funds?

Hearing none, the question will come on the

main motion as printed, removing the Historical Commission Revolving Fund. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 10. Madam Chairman. Into the mike, please.

CHAIRMAN KERFOOT: The Planning Board recommends that the Town vote Article 10 as printed in the Warrant.

THE MODERATOR: Okay. As printed. This is to amend Section 240-13 of the Zoning Bylaw by adding the words “or a form of construction, such as a swimming pool or tennis court” to the definition of accessory building. Ms. Siegel. Just get a microphone first, please.

MS. SIEGEL: Mr. Moderator, I held this article for a resident of Precinct 6 who called me today and asked me to do this. Her name is Mary Murphy and I'd like to yield the floor to her now, if I may.

THE MODERATOR: Okay. Ms. Murphy.

MS. MURPHY: Can you hear me?

THE MODERATOR: Yes.

MS. MURPHY: My name is Mary Murphy and I live at 4 Pilgrim Path. And I'll have to apologize. I've never been here -- represented here before, so I'm a little nervous.

THE MODERATOR: Well, welcome.

MS. MURPHY: I'm requesting that the word swimming pool and tennis court not be added as the definition of accessory building to the zoning laws. Six months ago I went into the Building Department to request a permit to put in a swimming pool. They told me to go to the Board of Appeals because it was required a special permit. When I went to the Board of Appeals, I was told that I couldn't get a permit, I would have to go for a variance because the place where I wanted to put it was less than 50 feet from the street. In my situation, I have a nice-sized lot, but I have a street in front, a street on the side and a street in the back. So, for me, I want to be able to utilize my backyard as much as possible and enjoy the property. I really like where I live and I don't really want to move out of the Town of Falmouth. And I'm sure there are some other property owners in the Town of Falmouth that might have the same situation.

So, what I understand, by putting this definition in there, I would now be required or not be able to put in a swimming pool that's less than 50 feet from the street, even though technically that is what I would use as my back yard for pleasure or proper use of my property. To do that, my current plan -- and I have an engineered plan that sets the pool at 25 feet, which is what I understand was the original setback for the pool, and that was my request to put that in there.

Any of the pool installation would have all the security parts of it that's required by law, and I'm just looking to stop this definition from going in there as an accessory building, therefore allowing me and other residents of Falmouth to be able to enjoy what is truly their backyard. So, that's my comment.

THE MODERATOR: Okay. Any further discussion? Further discussion on Article 10? Mr. Crocker. Microphone, please.

MR. CROCKER: Harold W. Crocker, Precinct 3. I'd like to have the Building Commissioner kind of explain this to us about the swimming pool and so forth. This lady said she had to go to the Planning Board. I'd like to have a little more information on this, because this is going to concern a lot of people in the town of Falmouth. Thank you.

THE MODERATOR: Is the Building Commissioner with us tonight? As required by Charter at an Annual Town Meeting when the budget is to be presented? Is there anyone from the Building Department? No.

Would the Town Planner like to take the question on the planning side?

MR. CURRY: Sure. Well, Bill, my understanding of this bylaw -- and I'm at a little bit of a disadvantage because I don't work with it day-to-day -- is that over the many years

there's been a requirement or there's been a practice to require a special permit for construction such as swimming pools and tennis courts in front yards, but not within 50 feet of the street.

My understanding is that very recently there was some sort of ruling or decision that was made that would require the Town to be more specific in its definition, such as you see here. Therefore, the request to the Board of Appeals, we brought this forward to a public hearing and inserted the language.

I don't know the specifics of this lady's application, whether a variance is required or not. My only understanding of this bylaw change is that it just codifies what has been existing practice over the many years.

THE MODERATOR: Okay. Further discussion on Article 10? Ms. McElroy.

MS. MCELROY: I'm concerned that this article may have been requested by the other department that isn't here to represent its request tonight for the purpose of preventing this one particular citizen from getting their permit. And I'm hoping that's incorrect and I wish they were here to explain it, but because of that I'm inclined to recommend indefinite postponement.

THE MODERATOR: Okay. The Article says on request of the Planning Board on behalf of the Zoning Board of Appeals. Ms. Murphy.

MS. MURPHY: I just want to make a comment. I haven't submitted -- what I was told by the Board of Appeals is to go get a -- I would have to get a variance. In doing that, I need to get a survey - - you know, had a plot plan and everything and I wanted to contact a lawyer to be able to see what -- because I've never been through this process, again, and it was through that process -- so, I haven't submitted to get the permit because I was told I couldn't, I would have to get a variance. And from what I understand, getting a variance is very difficult. So, I wanted to obtain a lawyer to do that, who told me about tonight. And that's why I'm here. So, I want to just make that clear from a permit standpoint.

THE MODERATOR: Okay. On the left there.

MR. MCNAMARA: Mr. Moderator, my name is Matthew McNamara. I'm a member of the Zoning Board of Appeals. I'm not familiar with this particular case, although this matter was brought to the Planning Board because of the past practice interpreting this zoning -- this zoning bylaw was modified through an opinion of Town Counsel where the swimming pool as an accessory building was not considered an accessory building because of the specifics of a very different case.

In order to preserve the practice that the Town has enjoyed for the past many years, we asked the Planning Board to be more specific with this article, and this is the product of that request.

THE MODERATOR: Thank you for the clarification on that.

Mr. Smolowitz, right down here in the center.

MR. SMOLOWITZ: Thank you, Mr. Chairman. Ron Smolowitz, Precinct 8. I could understand the need to be more specific, but what I'm concerned about is the wording is "or a form of construction such as a swimming pool or tennis court", so that means almost any form of construction that occurs, and I think that is not a very specific article. I would agree that it should be indefinitely postponed.

THE MODERATOR: Mr. Latimer. Mr. Latimer's down here on my right. You'll get to know him well at Town Meeting.

[Laughter.]

MR. LATIMER: Richard Latimer, Precinct 2. I'm not speaking for the Planning Board, I'm speaking for myself, although very often the Planning Board does on its own initiative bring an article such as this before this Town Meeting. And you know, what we're talking about here is an article intended to benefit the entire Town, not any specific lot owners who might have particular interests at stake here, but the Town as a whole. As has been explained by the Town Planner and the gentleman from the Zoning Board of Appeals, this is just to solidify what has been the practice over many years in this town, and others than the people who come here tonight with special cases, others have had to comply with this and have complied with this.

We like to talk about Falmouth being a beautiful town. What this basically is dealing with is putting structures in front yards, which has been the policy of this town not to permit for many years. So, I would support passing this article.

I would say, however, that for people on corner lots, such as this woman may be, this may be somewhat of a hardship, but the way to address that would be for somebody to come before the Planning Board with an article that could be presented to this Town Meeting that would simply require defining one front yard for every lot so that then you don't have this problem with corner lots. I think that's something that if you wanted to help people with this issue, well then do it in a rational way, rather than on a simple ad hoc basis because somebody comes in here and complains that they're being somehow aggrieved by the change. Thank you.

THE MODERATOR: Mr. Crocker, the Building

Commissioner, has joined us in the back of the room if you'd like to pose your question again? No, you're all set? Okay.

Any further discussion on Article 10? Down front.

MS. LIECHTENSTEIN: Leslie Liechtenstein, Precinct 8. I just question voting on an article that may be changed at the next Town Meeting. Wouldn't it be better to bring an article one time instead of voting for this and then having it come back to alter it and clarify it later?

THE MODERATOR: Okay. Any further discussion on

Article 10? Over here. Ms. Hayward.

MS. HAYWARD: I have attended quite a few Planning Board meetings and Zoning Board of Appeals meetings and I feel that we need this article defining these structures and, as structures, they would be prohibited from front yards. I do not believe Mr. Latimer was suggesting coming back and changing this article. He was recommending an article stating what a front yard was as an additional article. I would ask that you vote this article as written. Thank you very much.

THE MODERATOR: Okay. Any further discussion on Article 10?

Hearing none, the question will come on Article 10, the main motion is 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 monitors will return a count.

[Pause.]

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

MRS. TASHIRO: 17.

THE MODERATOR: 17. In the third division, Mr.

Hampson?

MR. HAMPSON: 28.

THE MODERATOR: 28. And in the second division, Mr. Dufresne?

MR. DUFRESNE: 58.

THE MODERATOR: 58.

All those opposed to Article 10, signify by standing and the tellers will return a count.

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

MR. HAMPSON: 25.

THE MODERATOR: 25. In the second division, Mr. Dufresne?

MR. DUFRESNE: 42.

THE MODERATOR: 42.

And in the first division, Mrs. Tashiro?

MRS. TASHIRO: 42.

THE MODERATOR: 42, as well. By a counted vote of 103 in favor and 109 opposed, Article 10 fails.

Article 12. Planning Board for the main motion.

CHAIRMAN KERFOOT: Mr. Moderator, the Planning Board recommends that the Town vote indefinite postponement on this article, the reasons being that the public was not granted a full hearing since the petitioner was unable to present the article to the

Planning Board and the public in person. Therefore, any questions that might have been asked could not be answered. Such questions might be minimum lot size to be required for such building approval, the definition of barn and carriage shop, the intended or allowed uses of such buildings, and I'm sure there may be other questions which could not be brought up.

THE MODERATOR: Okay. So, we have a recommendation of indefinite postponement. Mr. Alves. Microphone for Mr. Alves.

MR. ALVES: Good evening, Mr. Moderator.

THE MODERATOR: Mr. Alves, just to start off, are you going to put a positive motion on the floor?

MR. ALVES: Yes.

THE MODERATOR: Okay. If you could just make that motion first so we can --

MR. ALVES: I make the motion.

THE MODERATOR: As printed?

MR. ALVES: Yes.

THE MODERATOR: Okay. The main motion on the floor is as printed. Mr. Alves.

MR. ALVES: My name is A. John Alves, Precinct 3. Firstly, I did not introduce this article on my own behalf, but for those residents who own homes built prior to 1920 and wish to

construct a barn or a carriage house which would be historically accurate in communication -- in conjunction with the main dwelling. If you had picked up a copy of the intent of this article in the lobby, it was basically out there for you, but I will quickly read the intent of the article.

The intent of the proposed bylaw below is to allow property owners that have existing older homes such as you find at the Village Green and certain historical areas and in general and residential areas to be allowed to construct an accessory structure that fits the need and meets the architectural integrity of the era in which the dwelling was constructed, old farmhouses, mansions, country homes, things of that type, or older mansion houses with a carriage house detached via a breeze way.

A garage as constructed today in accordance with the Town bylaw is only allowed to be 18 feet high to the ridge; therefore, cannot accommodate the architectural design of a building that was built prior to 1920, as in the case in many of the dwellings located in Falmouth and its villages.

As you are well aware that most Falmouth residents since its corporation had a barn or a carriage house and/or outbuildings befitting the main dwelling, this goes back hundreds of years. The source of these structures may be found in The Book of Falmouth, Falmouth by the Sea, The Book of Teaticket by Rollie Costa.

Initially, before preparing this article for

presentation at this Town Meeting, I approached the Town Planner, as I have on any other articles in the past. And I asked his comments, as I had in the past. His comment was, "I see no problem with it," and annotated two or three words on the existing article -- in the article as written. By voting this article, it will not affect business or agricultural zoning as to the height of barns or carriage houses located on the farm.

Thank you for supporting Article 12 and vote this article for concerned residents of Falmouth so they, too, have the right of appeal. Because otherwise, they do not have the right to appeal any decision from the Building Department because of the height of the building. Thank you.

THE MODERATOR: Further discussion on Article 12?

Hearing none, the question will come on the main motion, Article 12 as printed. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed.

[No.]

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

Article 14. The recommendation of the Finance Committee is indefinite postponement. Mr. Murphy held this.

CHAIRMAN MURPHY: I have a positive motion.

THE MODERATOR: Okay. If you could make the motion.

CHAIRMAN MURPHY: I move that the Town vote to authorize the Board of Selectmen to purchase or take by eminent domain land in Falmouth, Barnstable County, Massachusetts, for public recreation and municipal purpose, the purpose of said land to be under the jurisdiction of the Board of Selectmen and being described as follows:

The land is located at 81 Davisville Road, East Falmouth, Massachusetts, containing 3.94 acres of land, more or less, all as described in a deed with Mary Howard to John F. Raposa dated January 9th, 1901, recorded with the Barnstable County Registry of Deeds in Book 249, page 231 and by deed recorded in Book 266, page 389.

And further, to appropriate the sum of \$556,225 for the acquisition of the foregoing land, including costs incidental and related thereto, and to authorize the Board of Selectmen or its designee to accept any further gifts of property, real, personal or otherwise, in relation to the foregoing acquisition, to enter into any agreements and to execute all documents it deems advantageous on behalf of the Town for partial or full reimbursement of the cost of acquisition, and the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under the provisions of

General Laws Chapter 44, Section 7-3, or any other appropriate authority and to issue bonds and notes of the Town therefore; provided, however, that no sum shall be expended under this appropriation unless the Town shall have voted to exempt amounts required to pay the notes and bonds issued for the project for the provisions of Proposition 2 ½ so-called, said sum to be expended under the jurisdiction of the Board of Selectmen.

THE MODERATOR: Okay. So, the main motion is basically to purchase or take by eminent domain the Raposa property, allowing the public recreation and municipal purposes for the sum of \$556,225 to be paid for by bonding should it be authorized at a ballot. Mr. Chairman -- or Mr. Administrator.

MR. WHRITENOUR: Yes, thank you, Mr. Moderator. This land purchase comes under the heading of an investment in the future of the Town. As you can see, it's located directly adjacent to the property that houses the Emerald House and the East Falmouth School, and together with this 3.94 acres it comprises a sizeable municipal holding there. This property is threatened with development. There has been a preliminary subdivision plan that has been placed on it, and it is in an area of the community that there is precious little recreational resources and we have been working with the Recreation Committee to potentially look at this property in the future for some recreational areas.

It is under agreement with the property owners at a cost

that is below the appraised value, and we've just recently updated that appraisal, and it is under agreement with the Town. We don't think that it will harm the Town's finances to purchase this property because we're attempting, with the approval of the Board of Selectmen, to place this outside of Proposition 2 ½ if approved by the voters at the ballot. But if, you know, we let this property go, it's a significant opportunity lost. And one of the things that we're trying to do is -- I know the Selectmen have put together a new committee studying the various sites for recreation fields and other items, and there's precious little municipal property in town that is available for any of these types of uses. So, it's in front of the Town at this time.

THE MODERATOR: Okay. Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9. As someone who grew up close to this land, I would -- in East Falmouth, I would urge fellow Town Meeting Members to -- now that the amendment has been made, or excuse me, the land use has been changed and recreation has been added to the land use of the parcel -- if that wasn't, I was going to do that, and I'm glad that the Chairman of the Board of Selectmen officially did that. So, we think alike, Mr. Murphy. That could be scary.

But no, some of the parcels that the Town has purchased, such as open space, we own a piece of property just two or three lots down that we bought about 10, 15 years ago, the Cobb parcel.

That's open space and not allowed for recreation. We have the Pacheco parcel further down on the east side of Davisville that many of us use for access for shellfishing to get to Bournes Pond, and of course a couple more lots down off of the Pacheco parcel we have the Bacon Farm, one of the original -- I think original parcels that we bought in 1986. Thank you, Eric. Eric's nodding his head. And that was a great asset to the Town of Falmouth and to the people of East Falmouth.

Those of you that are familiar with Davisville, I think you can all say that the last thing we need is three or four more houses there. I remember when my father's house a half a mile down was the seventh house down. I think it's the 47th today. But progress goes on.

But again, because the land use has been changed for recreation, the potential as you can see on the map that's on the wall for bringing ball fields, the very top green square is the East Falmouth School. Then we have the Emerald House, which we spoke about at the fall Town Meeting. And now we have the candy striped square -- rectangle, excuse me -- which could add to the possibility of playing fields for the people of the Town of Falmouth and East Falmouth.

So, I hope you would support the article as Mr. Murphy just described it. Thank you.

THE MODERATOR: Ms. O'Connell.

MS. O'CONNELL: Yes, thank you. Maureen

O'Connell, Precinct 4. A point of clarification, first of all, Mr. Moderator. Is my recollection true that the Emerald property next to it, there is a prohibition against municipal purposes, and as is recognized here in the explanation on this article, it's set aside for recreational purposes. If I recall, there was a discussion about this at the last Town Meeting and municipal purposes are not allowed on the Emerald property; correct?

MR. WHRITENOUR: The Emerald property is for recreational purposes.

MS. O'CONNELL: Well then I'd like to make an amendment to this article and set aside this property as well, amending the article to strike municipal purposes from the first paragraph and add it as recreational opportunity to that place.

THE MODERATOR: Okay. It says public recreation and municipal purposes.

MS. O'CONNELL: Yes, I guess I'd like --

THE MODERATOR: You just want to strike municipal.

MS. O'CONNELL: -- to strike municipal as we did for the Emerald property when this Emerald was first taken -- bought by the Town.

THE MODERATOR: Okay. We have an amendment on the floor to strike municipal purposes from the main motion. Discussion on the amendment? Mr. Murphy.

CHAIRMAN MURPHY: I'm not sure the

motivation behind it other than, you know, this is a bankable piece of property and when we're woefully under-inventoried on both municipal and recreational land, I would ask the Town Meeting to defeat the amendment and allow the motion as printed and as read go forward.

THE MODERATOR: Further discussion on the amendment? Mr. Moreland and then Mr. Dufresne. Ben, if you could stand up, we're going to go down there first. And then, Andy, if you could use the mike up here.

MR. MORELAND: Benjamin Moreland, Precinct 4. At the Precinct 4 meeting last week, there was talk about using this as a pumping station for the future septic or sewer system for that area. I just want it to be known. And I believe as long as that word "municipal" is there, it could be used for that; am I correct?

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: First of all, the Town has not even started any engineering for any sewer systems in this area. It is true that the water quality and fixing up those coastal embayments is a Number 1 priority of the Town. As we move forward, we're going to be studying basically just how we're going to be able to clean up that water. It will take sewerage in some parts of town. And that is a decision that Town Meetings in the future need to make, need to have the opportunity to study this issue and make decisions based on it, based on the engineering and what needs to happen.

At this point, it's really not helpful to say that, you know, a hypothetical situation of what's going to happen with the sewers. That really has to be studied independently, but there's no plans for any type of structures anywhere.

THE MODERATOR: Mr. --

MR. MORELAND: There are no plans available now, but that doesn't mean what it's going to be in the future. And I think that when we're going to buy something, we should have all the facts and all the possibilities. And also at Precinct 4 I reminded them that this other fund that they dole out each year that won't be available for the next Town Meeting, that's still tax dollars. And let's don't do any backdoor purchasing or laying plans without knowing all of the possibilities. Thank you.

THE MODERATOR: Mr. Dufresne, then Mr. Murphy and then Mr. Latimer.

MR. DUFRESNE: Adrian Dufresne, speaking as a member of the Finance Committee. When this proposal came before the Finance Committee, the recommendation under the Board of Selectmen raised some questions because of something that was overheard. And I believe Mr. Moreland just alluded to that. And so we did meet with Mr. Curry to see if it could be amended to see if under the municipal part of it, if that would come back to Town Meeting to assure that the people that live in the immediate area would have a choice as to what would go

there under the municipal.

I would ask that question now on Town Meeting floor, just to get it on the record. Under municipal and recreation, does that bring it back before Town Meeting in the case of in the future they want to use it for a municipal purpose?

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: To answer that question, anything that would be done on that property would have to come back before Town Meeting to be approved and to be funded and, you know, there would also be a series of public meetings and hearings on that topic and opportunity for input.

MR. DUFRESNE: Is this a ruling of Town Counsel that --

THE MODERATOR: Andy, it's just procedure. I mean, if you're going to pay for something to be built there, you have to come here first. That's what he's saying.

MR. DUFRESNE: I believe in fairness to the people that live in that area, because one of my oppositions -- I don't usually oppose land acquisition, but I was -- I could not support thinking that they would put some kind of a plant in the future in that area without the people living in and around that immediate residential area being notified.

THE MODERATOR: Okay. I had Mr. Murphy next.

CHAIRMAN MURPHY: To answer some of the

questions about it, one of the reasons that we changed this and put a positive motion on the floor is the Town -- you're going to hear this a couple of times. We need to sort of create a flexibility when we look at parcels, and I would think that the neighborhood would look kindly on this purchase, only because it does give us that kind of flexibility.

If we're going to vote on supposition and rumor that we're going to do this or we're going to do that 20 years from now, I think we'd be making a big mistake. The Town will need the creative flexibility to look at that land coming down the road for both municipal uses and recreation, and I think that we need to buy this piece of land while it's available and it will come back to Town Meeting for any uses that go onto it. Thank you.

THE MODERATOR: Mr. Latimer and then Mr. Freeman.

MR. LATIMER: Richard Latimer, Precinct 2. Looking around here, I wonder how many of us here who have ever purchased land have asked that restrictions be put on our purchase. If I asked for a show of hands, I don't think I'd see one. So, why are we doing this -- yeah, I'm sure you did, Mr. Shearer. We got one, Mr. Shearer said that he asked for restrictions to be put on land that he bought.

Well, we're buying this land for the Town and why do we want to tie our hands? Anything that happens to this land by way of any kind of development has got to come back before this Town Meeting. We have to vote the money, we have to authorize the project. So,

there's no reason to, as Carey Murphy just said, to deny ourselves the flexibility to do what needs to be done in the future, and to not tie the hands of future Town Meetings to do just that. Thank you.

THE MODERATOR: Mr. Freeman.

MR. FREEMAN: Firstly, Mr. Moderator, we have an amendment on the floor. You're not addressing it. Is there a reason for that?

THE MODERATOR: The amendment is to remove municipal purposes; and, as far as I've heard, the debate is whether or not we should have municipal purposes removed.

MR. FREEMAN: We're not going to address the amendment?

THE MODERATOR: We are addressing the amendment, if you're following the conversation, Mr. Freeman.

MR. FREEMAN: We're addressing the amendment, okay. Well, I agree with Mr. Moreland. Here is a 550 some odd thousand dollar purchase that you're being asked -- we're being asked to approve, and there is no definite reason for it. It looks like we're going to add it to the inventory of the Odd Fellows' house if we go ahead with this. Thank you.

THE MODERATOR: Any further discussion to removing municipal purposes from the main motion? Down front here, are you still -- on the amendment? Okay. Down front here.

MR. WOODS: Mark Woods, Precinct 4, Finance

Committee. With regard to the municipal use, that obviously does have to come before Town Meeting again, whether it's a lift station for the sewer in the future or not is one thing or the other, but I would recommend that you just really take at hand and look at what the Finance Committee has recommended here. We again received the appraisal of this property only in the 11th hour, maybe the 12th hour, and look at the Finance -- look at the first paragraph from the Chairman of the Finance Committee and I would recommend that you vote indefinite postponement on this article.

THE MODERATOR: Okay. Let's vote on the amendment. Is this on the amendment? Specifically about removing the term municipal purposes? I'll give you a crack at the main motion if it's not on the amendment. Okay.

All those in favor of removing municipal purposes from the main motion, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The opinion of the Chair is that the No's have it and municipal purposes stays in the main motion. Mr. Johnson has the floor, then Mr. Hampson.

MR. JOHNSON: Leonard Johnson, Precinct 5.

There have been several references to an appraisal. Could we please tell the Town Meeting what the appraisal said, what the valuation was in the appraisal, please?

THE MODERATOR: It's more than we're going to buy it for. Mr. Whritenour.

MR. WHRITENOUR: Yes, the updated appraisal is for \$575,000 as of today, and purchase price is 550,000.

THE MODERATOR: Mr. Hampson.

MR. HAMPSON: George Hampson, Precinct 5. One of the ways that we're trying to protect Green Pond and all our estuaries is to find alternate ways to prevent additional sewerage. In this case, any time you can buy land that is bordering a pond like that, you reduce the nitrogen loading. So, as a member of the Coastal Pond Committee, I would like to see you go ahead and protect East Falmouth, one of my favorite places. Thank you.

THE MODERATOR: Any further discussion on the main motion?

[Applause.]

THE MODERATOR: Do you want to use the one right there.

MR. JONES: Douglas Jones, Precinct 2. I just had a question, Mr. Moderator, for the Administrator about the financing. Since we didn't get the amendment actually in front of us, is it a Proposition 2 ½

override and this has to go to the Town?

THE MODERATOR: Debt exclusion.

MR. WHRITENOUR: Yes.

MR. JONES: And but I guess I misunderstood. Did you also say and if that didn't pass we'd pay for it some other way?

MR. WHRITENOUR: No.

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: This article is contingent upon the passage of the debt exclusion question, so it will not move forward without both.

THE MODERATOR: Mr. Moreland, something new before we vote on the main motion?

MR. MORELAND: Ben Moreland, Precinct 4. I just want to remind Town Meeting Members that the purchase of the property is only the first step. That also takes it off the tax rolls, so that's tax dollars year after year after year until the end of time that you're going to not have taxes to do other things you really need them for. Thank you.

THE MODERATOR: Okay. The question will come on -- something new? Okay. Microphone down here, please.

MS. FINNELL: Margo Finnell, Precinct 8. I'd like to know if somebody could tell us what the dollar amount on the tax rate would be with this debt exclusion.

MR. WHRITENOUR: I don't have the exact amount for

the debt exclusion, but it would be minimal based on the small amount of this purchase versus the very large number of property value in the Town.

MS. FINNELL: How minimal?

MR. WHRITENOUR: Not more than a couple of pennies on the tax rate, I'm sure. Less than a half a penny.

THE MODERATOR: Any further discussion? In the back here in the center section, and then over there.

MR. COLLINS: Bill Collins, Precinct 3. Question: Would the Community Preservation Act have any use in purchasing this kind of land?

THE MODERATOR: I'm sorry, sir. I was being distracted. Could you repeat the question?

MR. COLLINS: Yes. I was wondering, a question through you, Mr. Moderator, for the Community Preservation group. Could they be involved in purchasing this land and getting assistance from Community Preservation Act rather than our buying it entirely on our own funds?

THE MODERATOR: Mr. Chairman.

CHAIRMAN CLARK: The law requires that money spent by the Community Preservation Committee be for open space or recreation, not for municipal purposes. We could not use our money to support purchase for municipal purposes. We have to put a

conservation restriction on land that we buy for open space.

THE MODERATOR: Okay. Ms. Putnam, to the left here.

MS. PUTNAM: Rebecca Putnam, Precinct 9. I have a question as to what this land is currently zoned as.

THE MODERATOR: The current zoning of this parcel?

MR. CURRY: It's zoned Residential A, which is a 45,000 square foot lot.

MS. PUTNAM: I'm sorry. 45,000 square feet per --

MR. CURRY: Per lot.

MS. PUTNAM: -- single dwelling to be built upon?

MR. CURRY: Correct.

MS. PUTNAM: So that means that whoever was looking to develop it could only do how many houses?

MR. CURRY: Three.

MS. PUTNAM: Three. With an approved shared driveway through the Zoning Board of Appeals?

MR. CURRY: It would be a subdivision through the Planning Board.

MS. PUTNAM: Okay. And again, I do have that question about the Community Preservation, if we could put a conservation restriction upon it for recreational use, would that not suffice

what we're trying to do --

THE MODERATOR: Town Meeting just voted not to do that. You had the option to pull municipal purposes out and you chose not to do that.

MS. PUTNAM: Okay. I'm just asking if -- can the CPA, if they were involved upon the purchase put that restriction in?

THE MODERATOR: The CPA better not try to do anything that Town Meeting votes against. Right, Mr. Clark? All right, good.

Any further discussion on the main motion for Article 15? Excuse me, Article 14.

Okay. The question will come on the main motion to purchase the Raposa property for \$556,225 for public recreation and municipal purposes subject to a debt exclusion vote at the ballot.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

Article 15. We have a new main motion on Article 15. Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move

Article 15 as recommended with two changes. They're wording changes.

THE MODERATOR: Okay, folks. Here we go.

Article 15 as recommended with two changes. Let's listen to those changes. Mr. Chairman.

CHAIRMAN ANDERSON: In the recommendation following the reference to General Law Chapter 44B Section 12A add the phrase: "and such other terms and conditions as the Board of Selectmen deem appropriate". And then under Section A, after Community Preservation Fund revenues, add the words: "under the categories of open space and recreation".

THE MODERATOR: Okay. The main motion as recommended, including "and such other terms as the Board of Selectmen deem appropriate", and making the category reference in Section A for the Community Preservation Fund for open space and recreation.

Discussion on Article 15? Doctor Clark.

CHAIRMAN CLARK: I simply want to say that the Community Preservation Committee endorses this purchase and the use of our funding. Bob, that would be Slide 12 and 13. As I said earlier, when the Community Preservation Committee uses its money, it can do so for recreation and for open space. In this case, following an analysis by the Beach Committee and the 300 Committee, 40 percent of this

money is deemed for open space. That's \$116,000. And 60 percent for recreation, \$174,000.

When we approved the use of the money, while we don't have the power to set a conservation restriction, that's in the hands of the Board of Selectmen, we do feel that we have to have an understanding of the kind of minimum restrictions, and the list on the other slide that you saw is our understanding of the guidelines for this conservation restriction. It sets kind of the outside limits, if you will. It's the broadest use of the land. It is acceptable to us that the conservation restriction becomes more restrictive and eliminates some of this.

So, I wanted you to understand the conditions under which the Community Preservation Committee has voted to use its money for this purchase, and we do endorse that purchase.

THE MODERATOR: Any further discussion on the main motion for Article 15? In the back.

MR. MCLEOD: Richard McLeod, 3 Pasnecoy Lane. I live in the neighborhood and support the article. However, I have a question on the wording of the article. It says for the purpose of open space and public recreation. Then it goes on to say "or any other appropriate authority". Could somebody explain to me what any other appropriate authority is? It doesn't seem to go along with open space and public relation -- recreation.

MR. WHRITENOUR: Can you refer maybe to a line or a paragraph to zone us?

MR. MCLEOD: Yeah, it's the --

THE MODERATOR: Are you reading the article, sir, or are you reading the recommendation?

MR. MCLEOD: No, I'm looking at the article where it says --

THE MODERATOR: Okay. We're voting on the recommendation with the changes that the Finance Committee Chairman just mentioned.

MR. MCLEOD: Okay. I can bring this up later.

THE MODERATOR: You don't need to bring it up later because we're not voting on the article. At Town Meeting we vote on the main motion and the main motion is as recommended --

MR. WHRITENOUR: Those words have eliminated, sir, so you're covered. There's no other public authorities. It's very clear in what's being voted. It's for the public -- public recreation and open space.

MR. MCLEOD: What you're telling me is that that language is not in the article?

THE MODERATOR: It's not in the recommendation.

MR. MCLEOD: Thank you.

THE MODERATOR: If you keep looking down the page, you'll see what we're voting on is below the article and it's listed as recommendation. It's a little further down. And then it included the addition of the category reference in A and terms deemed by the Board of Selectmen. Any further discussion on Article 15?

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 19. The recommendation of the Finance Committee is indefinite postponement. Mr. Murphy held this article.

CHAIRMAN MURPHY: I have a positive motion. I move that the Town will vote to amend the Town's Position Classification Plan for the Collector's Office to be effective on July 1, 2007 as follows: To add one office aide, 19 hours, Grade 4, and you have the number.

THE MODERATOR: Okay. The main motion is as printed. Any discussion on that, Mr. Murphy, presentation or?

CHAIRMAN MURPHY: There's -- Patty O'Connell's in the back and she'd like to speak to this article.

THE MODERATOR: Okay. Can we get a

microphone up here on the left, please?

MS. O'CONNELL: Hi, Patricia O'Connell, Town

Collector, Precinct 3. I would like to make sure that Town Meeting Members have a clear understanding for the need of Article 19, so I want to start by giving a brief history into the staffing of the tax department.

Back in the early '90s we had six employees in the tax department, and basically all we collected was real estate and excise taxes. By the mid '90s the department cut one full-time employee due to operational changes. Then again in the late '90s we cut a second full-time employee, which left the department with what we have today, which is four full-time employees including myself.

So, what I need to stress at this point is from that last staff cut ten years ago to now the department -- the department's workload has increased considerably. The Collector's office took over the collection of the 42,000 water bills that go out each year; the 7500 mooring and boat accounts. We issue about 2,000 shellfish permits; we enter and collect an endless number of parking tickets throughout the year. The office collects transfer station fees; and all of this was added since that last staff cut. And of course we still do the 32,000 real estate and personal property accounts that are mailed -- printed, mailed and collected by my department. We don't outsource any part of that job.

Each year the number of cars that we have registered in town grows. We collect 41,000 motor vehicle excise taxes. And now

we issue the beach and dump stickers.

We have a wonderful IT department that writes us whatever programs we need, but we do need an extra hand in processing all these payments. There seems to be a misconception out there that all of a sudden we need this position because we're doing stickers, but that's not entirely true. We've been steadily increasing our workload throughout the years and it's just got to the point that we need an extra hand with every aspect of the job, not just the stickers.

And my final point is that for the last few years I have made some changes within the department. We've made some cutbacks. And due to those cutbacks, a good portion of this position is already funded within my existing budget. This is a 19-hour position and there's no benefits. Thank you.

THE MODERATOR: Ms. Harper.

MS. HARPER: I'd just like to add for Town Meeting's information that the Board of Selectmen does do a strategic planning process every year and one of the number one goals of that process last year was to improve customer service and to improve beaches and harbors. And I'd just mention both of those because this particular task, while in addition to the beach stickers, we'll be handling those mail-in stickers that we encourage all of you to get. When you mail in your beach stickers this year, you can do those through the mail, and this position helps us process those.

In addition, we do have a five-year staffing plan. This position is in that five-year staffing plan. And if this position does not move forward this year, it will be presented to you next year and it will have the effect of holding back those future positions that we're planning for at some point in the future. So, I'd encourage you to vote this position now.

THE MODERATOR: Further discussion? Mr. Dufresne.

MR. DUFRESNE: The Finance Committee this year has taken kind of a hard line on creating new positions. I don't question that there's a need, because we have a growing community, but I think a lot of us sitting in this room have been asked to work just a little bit harder to accomplish and fulfill the jobs that we are given.

In the case of the Collector's office, I would ask the question: Have they not been able to achieve the responsibilities of their office? If they have not been able to do that, then perhaps this position should be funded this year. If they have been able to fulfill the position -- the responsibilities, then again I believe the Finance Committee's recommendation on establishing new positions in a very tight fiscal year financially, and I would hope that you would support the Finance Committee's recommendation.

THE MODERATOR: Anything else on Article 19?

Okay. The question will come on Article 19 as printed. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It's the opinion of the Chair is that the Ayes have it by a majority.

Article 22. The Finance Committee's recommendation is indefinite postponement. This was held by Mr. Murphy.

CHAIRMAN MURPHY: I have a positive motion to put on the floor, Mr. Moderator. I move that the Town will vote to amend the Town's Position Classification Plan for the Human Services Department to be effective on July 1, 2007 as follows: And it's to delete a clinical social worker Grade 6 and add a clinical social worker Grade 6, and that's to move to a -- add a half-time position.

THE MODERATOR: Okay. As printed is the main motion. Any discussion on Article 22? Mr. Kirwin.

MR. KIRWIN: Mr. Moderator, Town Meeting Members, Peter Kirwin, Precinct 5 and Director of the Human Services Department. We do have very brief slides. Bob, if you could pull those up for us, please.

Article 22 is asking for a half-time 19-hour a week position, as the Collector's Department did, with no benefits. We have not had a new position for clinical services in the department since 1989.

In that time, our youth population, as these statistics show, have increased significantly. The kinds of things that are happening as our town grows, the numbers of incidents of abuse towards children, adolescents, by parents sometimes, adolescent against adolescent, are the things that we're trying to prevent with additional expertise in adolescent clinical services for this population.

Could we have the next slide, please, Bob? This is why it's important. The earlier we can intervene in helping families to get to the clinical resources they need, either in our department or through insurance that they might have, and able to pay for out of pocket or through their employment, the quicker that we are able to get to those issues that youngsters are finding problematic, and we want to be able to do that.

We did a pilot project with Falmouth High School back in 2005. We've been asking for this position for five years now. In 2005, in a pilot study with Falmouth High School, we were able to significantly increase the amount of time in which we are able to get to someone, a child to a therapist as soon after the request was made.

If we could go to the next slide, please. All of the services that this position will provide are for children between the ages of approximately 12 and 17. Grades five through 12 is generally the population that we're serving. Right now we don't have anyone with specific clinical adolescent needs. We have continuously run a waiting

list ever since I've been in the department. We just never seem to be able to catch up. We're now running 21 to 25 days in terms of before we're able to reach youngsters in terms of providing them services.

In spite of the new universal health insurance that will provide mental health benefits, there are many parents who are not able to afford the co-payments in their own insurance, as well as some of the co-payments that will be required by the new Commonwealth Care Insurance Program.

This position will also be working with all of the other youth agencies in the Town, including communities of faith, and we've had support from -- you'll see in the next slide, from all of the agencies that are serving youth. They all agree that this is an absolutely essential service and increase in our service.

One of the school personnel said it was absolutely imperative. The social worker from the emergency room at Falmouth Hospital said it was desperately needed. And we have gotten support from Big Brothers Big Sisters, from Mass. Department of Social Services, which deals with abused and neglected kids but does not have people who have master's degrees. They only have people who have bachelor's degrees, and their caseloads are huge.

Finally, I just got a very brief quote from one of the students we've served in the past. Give you a second to read that.

And finally, there are two Town Meeting Members who are

willing to speak to this article, and I'd like you to recognize Brenda Swain, please. Thank you.

THE MODERATOR: Ms. Swain.

MS. SWAIN: Hi, Brenda Swain, Precinct 9. I speak asking you to place a positive motion and move that we hire a new part-time clinical social worker who specializes in the needs of youth and teens. I feel compelled to speak to you wearing four hats. First, as a member of the Falmouth Human Services Committee for close to five years, where we have discussed and debated issues related to teens and the Department's capacity to handle the rising numbers of clinical issues that face our youth at just about every monthly meeting.

As a teacher of religious education for a decade, coming into contact with youths who seek out help and may need support more than the wise words of their leaders in the faith community or their teachers.

As a parent who has raised four teenagers here in Falmouth, the youngest who just turned 18. Over the last two decades there have been many occasions when I lent an ear to youth in need of support, and on at least three of those occasions those kids needed clinical support. We're just one household out of 30,000.

Finally, as Director of Falmouth Service Center, where we have seen increasing numbers of households that have teenagers in crisis. In March, out of 845 households representing 2,005 individuals

that came for help, at least one teenager lived in 320 of those homes.

We also serve as a site for teens in the Juvenile Diversion Program, kids who are under 18 and may have made an unwise choice through this program are given an opportunity to provide community service and begin on a new path. We need to continue to support these children beyond the doors of the Service Center and into this community.

Please support a positive motion to add a half-time position so that the clinical needs of our youth that may not be readily available to those who can't afford the co-pays or have no insurance are provided just as they are for those who can pay. All our kids need your help. Thanks.

THE MODERATOR: Okay. Mr. Boyer.

MR. BOYER: Mr. Moderator, Peter Boyer, Precinct 5. I think there may be a flaw in this motion because I don't believe there is any funding recommended within that motion. I don't know if that can be handled by an amendment or if in fact there is another plan for funding the position. This would establish it, but it doesn't provide any money for it within the upcoming fiscal year. So, unless it also includes that, I don't understand how the position will be filled and funded.

THE MODERATOR: Mr. Boyer, if this position, as well as the last position that was approved, get approved, when we get to the operating budget we're going to include it in the operating budget as an amendment and raise and appropriate as the source. So,

you're correct, there is no funding here, but we will include it in the operational budget when we get there. Mr. Kirkman and then Mr. Nidositko.

MR. KIRKMAN: Tom Kirkman, Precinct 5. I'm also on the School Committee and the chief prosecutor of domestic violence crimes in the District Attorney's Office. I'm asking you to support this article, as well, because of the need that we see on the school side for this kind of clinical intervention, as well as on the criminal justice side. The Juvenile Diversion Program is run out of the District Attorney's Office and it's a way of getting kids on the straight and narrow path who have wandered off. And it's a way of keeping them out of the criminal justice system.

We do a lot of referrals to Falmouth Human Services and their support has been invaluable to the work that we're doing, but we also know that they're horribly backed up and could use this position. So, I ask for your support on this article.

THE MODERATOR: Mr. Nidositko, if you could use the mike right there.

MR. NIDOSITKO: I'm rather confused, because much of what Peter Kirwin placed up on the wall there is already being done by Gosnold, Incorporated. The last I knew, there were two very competent counselors, one serving the Lawrence School and one serving Falmouth High School, and these counselors have parents writing off to utilize their Mass. Health or their health insurance of any

type and they both had a caseload. So, this to me seems like a duplication of effort in a school system with a dwindling enrollment.

THE MODERATOR: Mr. Kirwin.

MR. KIRWIN: Mr. Moderator, Town Meeting Members, I talked to Ray Tamasi, the CEO of Gosnold today, who is one of the people who strongly urged that Town Meeting pass this article. Those positions, Mr. Nidositko, previously were in the schools but have been withdrawn because they could not continue to afford to staff those.

THE MODERATOR: Okay. Mr. Dufresne, you were next on my list, and then Doctor Clark.

MR. DUFRESNE: Adrian Dufresne, again representing the Finance Committee. Once again, we've taken the position on the establishment of new positions. The needs for juvenile guidance throughout the community is always a very important thing, and I think a lot of us in our own way try to guide young people to do things the right way.

In the schools, we have the guidance counselors. We have the teachers. We have the clergy. We've got parents, Falmouth Hospital, various organizations throughout the community that deal troubled children. I outlined ten starred items in the Human Services Department that deal with the human needs of children or people of older ages. Again, we're establishing a new position in a very tight fiscal year and the Finance Committee has taken a position

and a recommendation to Town Meeting that we should not be establishing these new positions, that we should be fulfilling the responsibilities and obligations within Town government that have not been funded. Again, I would ask that you support the Finance Committee's recommendation and not establish a new position.

THE MODERATOR: Doctor Clark.

DR. CLARK: Peter Clark, Precinct 1. I respect the work of the Finance Committee, but I also feel that we cannot overlook issues of depression in youth. I serve on the Behavioral Health Advisory Board to the Cape Cod Health Care, I serve on the board of the Samaritans, and we're always confronting the extensive need for specialized help to help youth in the context of the family. Counselors rarely have an opportunity to work in the context of the family network. This is one of the important points of this position. There's a desperate need out there. I urge you to vote for this position.

THE MODERATOR: Ms. Zacks. Microphone for Ms. Zacks, please.

MS. ZACKS: If we were talking about potholes or overflowing sewage, that would be a very visible thing and there wouldn't be a hesitation to fund some relief for it. Talking about something that tends to get shoved under the rug and shouldn't be. Sometime ago we at the library experienced a spate of vandalism, destruction, graffiti, that cried out and said we're kids that need help.

And you can either pay the piper now or pay the piper later. Intervention is terribly important.

One of the things as we do our library renovation, we are planning a young adult room with a specific emphasis on having those kids who might be alienated feel that they can become stakeholders in the community, and supporting Human Services is one way to see that the kids that may be straying can be pulled back hopefully into this nice fold. Thank you.

THE MODERATOR: Okay. Microphone over here to my right, the woman standing up by the wall. Oh, you're just standing? Okay. Ms. Whitehead.

MS. WHITEHEAD: Hi, Lynn Whitehead, Precinct 1. I work in the schools, as a lot of you do, and Andy mentioned that, you know, we have guidance counselors and teachers and all that. We are all overworked. Guidance counselors have so much to do that they don't have much time to do any guidance as far as what these young people need.

Teachers are busy doing MCAS as well as so much else. And we care about kids. In the last several years, it's incredible that all we talk about, all of the teachers, are how things have changed. There are so many young people that we can't help that need help, desperate -- desperate.

And you talk about families, many of these students

don't have families. It's amazing when you go into a school and you see all these young people and if you ask what the incidences are that happen in a school, I would hate to start and tell you about them now. But you can read in the paper.

And if we don't fund this now, you're just letting a lot of people down, especially our young people, and that's our greatest resource, as well as open space. But young people come first. Please, please, vote yes on this article.

THE MODERATOR: Mr. McManamon and then Mr. Freeman.

MR. MCMANAMON: Tom McManamon, Precinct 2. Mr. Dufresne, I'm surprised that you would think that guidance counselors and teachers have the time to take care of kids the way they should be. As an ex-teacher, I can say that my day started at 6 o'clock in the morning and ended at 7 o'clock at night, and I still didn't have time to reach every kid. Mr. Nidositko can verify that guidance counselors are bogged down with paperwork, with MCAS, with the Reach Every Child, with every initiative that is put before them. And, as a teacher, I would love to be able to say that I helped every kid I could. I can't say that. I wish I could.

I support this initiative 100 percent, because I believe that our kids are our most important resource. My son is now a teacher at the high school and I try and get a hold of him at 7

o'clock at night; he's not home. He's still at school. I have an ex-wife who's a probation officer, and she's working until 10 o'clock at night because of backlogs of cases. And if we can do something to stop that, we should do something to stop it right now.

I'm going to speak about the next two articles that are held because I believe in them. I think it's very important to this town that we realize that we need to help kids as much as we can. And I support this article 100 percent. Thank you.

THE MODERATOR: Mr. Freeman. And then I think we're going to be almost ready to vote here. We know what the issues are. Whether or not we're going to put the money on it.

MR. FREEMAN: This will be very brief. I'm in full support of this article. I have a granddaughter who was in a very serious automobile accident, had to be Medflighted up to Children's Hospital. She is suffering depression right now and she is getting a lot of support from the school. I think we -- we're looking at increasing I think one part-time employee to a full-time employee by going two and a half to three. That's how I read the article. I think that's just as important as the \$550,000 open space that we're looking to buy. We need to support them. Our children need our support.

THE MODERATOR: Ms. Poole. If you could just pass that mike back, Mr. Freeman, to Ms. Poole.

MS. POOLE: Thank you. I'm speaking

strictly non-professional, but from experience. I'm raising a 15-year-old grandson who's a good student and he plays sports and I am absolutely horrified as to what goes on with his friends. And in fear of suffocating him, I have him on a very short leash, and if he was hearing me speak now he would probably be horrified, as well as his friends. But --

THE MODERATOR: He probably doesn't watch Channel 13, if he's 15 years old.

MS. POOLE: I am telling you it is utterly shocking what is going on out there today. And if this position saves two kids, it is well worth doing, because the cost at the other end could be huge.

THE MODERATOR: Okay.

[Applause.]

THE MODERATOR: Here we go. Anything new or are we ready to vote? Ms. Asendorf, real quick. You hear the folks. They're getting ready to vote on this. Something new and then we're going to vote.

MS. ASENDORF: I'm going to embarrass my daughter right now, probably. I don't know. Being a mother of four children, two daughters, two stepsons, between the ages of 14 and 19, dealing with their experiences and dealing with their friends' experiences, I'm going to tell you right now if you go to the clergy they'll see you once and then they tell you to find a psychologist. You try to find a psychologist, you're lucky if there are three psychologists for the youth in our community.

I have one daughter who has spoken with friends who wanted to commit suicide, friends who cut themselves. I'm telling you we have got to support our youth, so please vote yes.

THE MODERATOR: Okay. The question will come on the main motion of Article 22. This is to go from two and a half full-time employee clinical social workers to three full-time employee clinical social workers. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It's the opinion of the Chair is that the Ayes have it by a majority and the article passes.

Article 23. Mr. Chairman for the main motion. I'm going to see if I can get 23 and 24 in before the break so that we can do all of the math to figure out what we have to do to change the budget to include these positions. So, if we can see if we can get these done. If this one doesn't go too well, then we'll break and Jill will be busy doing the math in the middle of the article. Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 23 as printed.

THE MODERATOR: Article 23 as printed. This was held by Mr. Lowell. Microphone for Mr. Lowell, please.

MR. LOWELL: Nick Lowell, Precinct 5. I'm just looking

for a brief explanation as to why we're creating the positions but not funding them. And as a follow-up, I'd also like to understand the current state of the staffing in the department. So, we currently have 50 positions and we're raising that to 52. I'd like to know how many of the 50 are currently filled with acting firefighters or paramedics, how many are in training, how many are on disability. Thank you.

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: I can answer the first part of that question and then I'll require the Fire Chief to give you the specifics on the training status.

I do want to recall the document that Mrs. Harper had alluded to, our five-year staffing plan. And it is increasingly evident that we need to base these decisions on the public safety and all of the other staffing on the five-year program, and this Town Meeting has supported that five-year program steadfastly to the extent that we've included in the Fire Department over the past three years six new firefighter/paramedics. We put on two new patrol officer positions last year, and we're going to continue to move forward and have commitment to that funding program, as well as there's a two-step process. The first step is to create the positions under the Town system, and the second one is to fund those.

We have a little bit of a luxury now in that we're still, because of the long time it's taken to fill some of the Civil Service positions, we're still trying to bring on some of the staff that we've

approved in the past in order to get the staffing up to full complement. We hope at this Town Meeting to show that commitment to the continuing five-year staffing plan, create these positions. We're also working at this time to finalize all the requirements moving forward with the Collective Bargaining Agreements and that we have every intention to demonstrate that commitment to the funding by coming back in the next budget and then putting the money for these positions. But right now we're trying to take things one step at a time and not trying to achieve everything all in one year.

THE MODERATOR: Chief. Chief Brodeur for the number of folks doing various things.

CHIEF BRODEUR: Thank you. Paul Brodeur, Precinct 4, Fire Chief. And if I can remember the questions in the proper order, there is one long-term disabled, another individual on disability soon to return to work, and presently three people have been offered a condition of employment and another one will be retiring tomorrow. Robert Thompson, our Fire Inspector, retires tomorrow. So, we'll be filling a retirement vacancy.

So, two on disability, one to return shortly off disability, and four firefighters to go through training. Any other questions?

THE MODERATOR: Mr. Lowell.

MR. LOWELL: My question just was exactly how many

do we have on staff right now? It sounds like we have 50 minus three that are in training, two that are on disability, and one that's about to retire. So, we have 44 right now. Thank you.

THE MODERATOR: Yeah, 44, okay. Any further discussion on Article 23?

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.

[No.]

THE MODERATOR: The Ayes have it by a majority.

Article 24. Mr. Chairman of the Finance Committee for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 24 as printed.

THE MODERATOR: Article 24. This is to delete 54 patrol officers and add 56. Mr. Lowell held this one.

MR. LOWELL: I have the same question, which I can repeat. I would like to understand exactly why we're creating these positions and not funding them. I'd like to know the current state of the department. We currently have on the books 54 patrol officers. I'd like to know how many we actually have serving, how many are in training, how

many are on disability. Thank you.

THE MODERATOR: Okay. Rundown of the status of the Police Department. Is the Chief here? Mr. Whritenour.

MR. WHRITENOUR: Captain Stephen O'Neil and he can give you some of that information. The first part of the question, again, I think I answered that the first time around. It's part and parcel with the five-year staffing program that we have increases planned over the coming years in both the Fire Rescue Department as well as the Police Department.

CAPTAIN O'NEIL: Steve O'Neil, Captain with the Police Department. We're complemented at 68 sworn personnel. We currently have 57 available. Four officers are on line of duty injury. Four are involved in a hiring process for an academy this summer or in the early fall. We have two in the police academy now, scheduled to graduate in June. And we have had a recent notice of retirement to take effect a week from Saturday.

THE MODERATOR: Okay. Further discussion on Article 24?

All those in favor of the main motion as printed, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it by a majority, and the meeting will stand adjourned for 15 minutes. Refreshments downstairs and celebrations. Together We Can is selling tickets for the raffle. We'll get this thing going again at 9:30.

[Recess, 9:12-9:40 p.m.]

THE MODERATOR: Okay. Here we go. The Annual Operating Budget, Article 25. Here we go. Would all Town Meeting Members present please stand for the establishment of the quorum, the tellers return a count.

[Pause.]

THE MODERATOR: As usual, I forgot to make one announcement at the beginning of the meeting. I always forget someone's announcement. Margo, would you present the announcement that I forgot to make at the beginning of the meeting, please?

MS. MCELROY: Thank you, David. Once again, on behalf of Falmouth Service Center, we'd like to ask you to bring some food tomorrow night. We're particularly in need of hearty soups and cereals. So, if we could prevail upon you to share with your neighbors and for the Spring Town Meeting bring hearty soups and cereals for Falmouth Service Center. Thank you.

THE MODERATOR: Okay. Let's go, folks. Division 1, Mrs. Tashiro?

MRS. TASHIRO: 56.

THE MODERATOR: 56.

Division 2, Mr. Dufresne?

MR. DUFRESNE: 101.

THE MODERATOR: 101.

Division 3, Mr. Hampson?

MR. HAMPSON: 51.

THE MODERATOR: 51.

By a counted vote of 208, we have more than we started with and the Town Meeting is back in session.

Mr. Chairman for the main motion on Article 25.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 25 as printed in the green pages in the center of the Warrant book with the following changes.

If you'll follow along, I'll call out the line item numbers.

FROM THE FLOOR: Can't hear (inaudible.)

THE MODERATOR: He'll lean in with the numbers. This is going to be the main motion. It's going to include these changes that the Chairman's going to read.

CHAIRMAN ANDERSON: Line Item 42, salary and wages under the Town Collector budget, the new number is 214,241.

Line Item 44, the total, the new number is 265,041.

Line Item 176, the School Department salary and wages,
Line Item 176 is 32,818,919.

Line Item 177, Otherwise Classified, the new number is
7,367,601. The total did not change. It's just a shifting between the two
line items.

Next Line Item 180 under the Upper Cape Vocational
School operating expenses. The new number 2,497,889.

Line Item 181, Capital Program, the new number is
137,938.

Line Item 182, the total, the new number is 2,635,827.

Line Item 287 under Human Services, salary and wages,
the new number is 315,915.

Line Item 288, Other Expenses, the new
number is 32,893.

Line Item 311, Capital Equipment-Software, the new line
item -- excuse me, the new number is 185.

Line 313, the new total for Human Services is 463,696.

And the last line item is 433, Line 433, which is the total
of the budget. The new total is 104,424,854.

The next page is the funding sources, and I'll go
through the changes there. It says fiscal year -- Article 25, Fiscal Year
2008 Operating Budget, Item B. The second line, it says "to Budget",
and the prefix of that budget should be 01210 dash 51110.

The next change, there is going to be a new H, and this is: "Appropriate from SBA reimbursement to be applied to budget 01755 dash 59910", and the dollar amount attached to that is 4,222,030. We will then re-letter the next two items. The old H will become I, "Transfer from Certified Cash" remains the same. The old I becomes J, "Raise and appropriate". The new number on that line item is 95,817,970, for a total operating budget of 104,424,854.

THE MODERATOR: Okay. We've heard the changes to the main motion. The main motion is what's printed with the additions of everything we voted on. Some transfers within items, like in the School Department. Some clarifications of line items that were incorrect as they were published in the Warrant.

At this time the Chair would recognize the Town Administrator for an overview of the Operating Budget.

MR. WHRITENOUR: Thank you, Mr. Moderator. I'd just like to provide a very brief overview of where the Town's finances stand and some of the highlights in the Operating Budget. Perhaps we could go to the next slide.

Right now I do want to report to Town Meeting that our financial condition is cautiously optimistic. We're in a much better position today than we were a year ago today when we stood in front of Town Meeting and there was approximately a shortfall in the neighborhood of one million. And this year we're very proud to be

able to present a balanced budget to Town Meeting. I want to recognize the work of the Finance Committee, the Board of Selectmen, the School Committee and all of our Town Departments that worked hard to get us there.

While we are in a little bit better shape than we were over the previous year, we still maintain one of the issues that we're looking very closely at. The reserves of the community are still lower than we'd like to see them and we have a multi-year effort that we're putting into place to slowly build those reserves up to what we consider the optimal amounts.

A couple of key items that we've put into place since last year to help the Town better cope with some of the financial issues that we faced is we've initiated multi-year financial planning. We've put into place some new financial policies that govern some of the financial procedures of the Town. We've created a Bond Rating Task Force comprised of all of the financial department heads in the community; and, as a result of that task force, we've been able to preserve the Town's very high bond rating, that we are just one tick short of a triple A bond rating. If we're able to continue to balance these budgets, keep those reserves at levels that meet our policies, we're going to have a program that's moving ahead that's going to be very positive for the Town.

And I just want to go through quickly a couple of charts

that show some of the reason that we've picked up a little steam with the recurring revenues. And one of the key points that I need to make is that, you know, we picked up approximately 1.1 million dollars from 2006 to 2007 in the state aid. And that really, you know, needs to recognize our legislative delegation. Representative Turkington, Representative Patrick and Senator Murray did a great job working on behalf of the towns on Cape Cod to try to build that state aid number back up to close to where we were in the 2002 range. In FY 2008 we hope to have continued growth, not quite as steep as we saw in the last year, but also our legislative delegation has been successful in working on a joint resolution, hopefully later this week, for the local aid. I think for the earliest that we've seen in many years, we'll have some numbers on the state aid. And it looks pretty good. Our budget is going to be balanced and the state aid is going to help us again in '08.

I'd like to take a look at the next chart quickly. Some of the local receipts over the past six years, you see the steady growth in that down period for the state aid. We had the more rapid growth in the local receipts to kind of fill that, but things are leveling off. But I want you to notice that the growth continues slow and steady, like every part of the budget. And that's a good sign.

Maybe we can look at the next one quickly. Again, to cover the next major area of revenues, the property taxes are by far the largest area and I'll show you how that works out on a little chart in a

second. But you can see the property taxes are growing at a rate a little bit higher than it has in the previous year. And that's because some of the debt projects that are coming on, which I'll explain what the new debt is. But perhaps we can take a look at the next chart, and that's what shows us the composition of the Town's budget using those three main sources that, you know, we still are a little over-reliant on the property taxes. It's a full 65 percent of the Town's budget. But that is down. It was as high as, you know, 73, 74 percent at one point. But we've been able to beef up the Town's fees and the state aid has grown a little bit, too, so that, you know, it's not at dangerously high levels. But that gives you the sense, the key item is the property tax.

Now, what I want to talk a little bit about is to just link this directly to the relevance of the article in front of you and the budget that you're going to be voting on. It does look like a fairly substantial increase. You know, almost 95 million to 104. It's almost ten million dollars in the budget increase. But I want to take you through a little bit, just so everyone understands exactly what's happening with the budget increases.

And the first key item is what I call the budget overhead items: The Town's health insurance, you know, this is before any services are provided, is increasing by 544,000. It would have been much higher than that, but our Cape Cod Municipal Health Group had a very substantial turn-back to the towns that are members of it this year in

terms of lower rates. And we picked up I think a lot of help with having this -- it seems like that's over half a million, that's a lot of growth there, but it could have been much worse.

Our retirement system, we are struggling to maintain the schedule that we have for fully funding that retirement system by 2026. We're required -- and we'll see this over the next several years, over 300,000 each year goes into new money for that retirement system to try to bring those levels up. On behalf of the Retirement Board, I'm very happy to let you folks know that their investments, they gained over ten million dollars in investment income in the past year alone. So, our retirement system is performing very well and, but it, you know, it is costly to bring these amounts up.

The Town's insurances are up about 100,000, and the Medicare amounts we have to put in are 44,000. And that gives you a sense of a million dollars of increases just in these overhead items before we even fill one single pothole.

And I want to take a look at where the other, you know, real power of the budget growth is, on these debt service line items. And I want to -- hopefully this will help explain some of the changes that were just made to the main motion on the budget.

We've got the long-term excluded debt has an increase this year of 521,573, and that's primarily owing to the addition of the DPW project and the wastewater treatment facility, that some new debt

that's come on in little higher amounts this year. So, that's excluded from Prop 2 ½, going up with the long-term debt about 500,000.

Now, this is really the big number that you need to know about in this budget. The short-term debt excluded from the provisions of Prop 2 ½ is going up five million dollars, and that's as a result of the high school project being in full swing. It's under temporary financing, and the interest alone on that financing for the next fiscal year is going to be five million dollars. And it's up from 500,000 in the previous year when we didn't have that project.

But keep in mind, the new line item that was added to the budget, we had it factored into our thinking in the budget all along, but it has to be specified in the motion, is over four million dollars in the state reimbursement for that short-term interest. So, of this five million, only a million of it is the Town's share. Four million is the state's share. And so it's not going to have a major impact on the tax rate for the Town.

And the long-term unexcluded debt is increasing approximately \$277,000, and that's primarily as a result of the new water main projects we've completed, and also the golf course purchase, which is funded through the golf revenues.

If we could take a look at the next slide, I think what that shows with that big ten million dollar budget growth, those overhead items and the debt service accounts for 72.2 percent of the total increase. So, what that means, it's actually a very lean, conservative

budget that you're being asked to appropriate this evening. The remaining budget increases average 2.78 percent, and those are spread throughout the entire different budgets.

If we could go to the next slide, it's a little dark, but I think it starts to show why we're here is to try to provide the amounts that are required for the public services of these departments. And if you can go to the next slide, it shows that was a shot of the public safety personnel in the town working hard to put out a fire. The public safety departments have very modest increases from the previous year. You'll notice in the Police Department, you know, they're up a small percentage, 59,000. And the same thing, very similar sized budgets in the Fire and Rescue Department. A much, much smaller department, the DNR is only up 16,000. And eventually when we put the union contracts into place, there will be some additional growth here, but we made major efforts to get those services out there and to work with the departments, but to try to do it in a way that it doesn't have major impacts on the budget.

And the next few slides, if we can go through these maybe quickly, a few pictures of our Town services. And here's the DNR with an arrest out there, and the Fire Department with a very serious rollover accident. I mean these are the things that we've got to do is to get the funds in place so we can have those services out there in the community. And that's really the big struggle between the towns.

Now moving over to the Department of Public Works, you're going to see a very similar situation. If we can get into the next slide here, it shows some of the various Public Works divisions, and I want to break this down just a little bit for you so you understand where the increases are and how this relates to the Town services.

Again, with the Highway Department, working very closely with our new director, Ray Jack, and all the division heads, we see very small growth in terms of percentage, but there's various reorganization type things that are going on in the Department, that they're getting the work done in the Water Department. We've had a lot of capital over the past several years. It doesn't reflect in this number, but their operating budget is just about even with the way it was last year, and the services will continue at the very high level.

I need to talk about -- I guess somebody wanted to talk about the sewage overflowing. Finally we get there. The major increase in the Department of Public Works you'll find in the Wastewater Department budget, and these funds are required in order to fully fund the new wastewater treatment facility -- and I've got a picture of it in here somewhere, that I just want to mention that we are absolutely delighted with the extremely high performance of this facility in removing nitrogen from that watershed that that sits in.

It's been an unqualified success, with the amount of the power, the amount of the chemicals, the sludge disposal, is much

higher than the very much smaller plant that did not do the nitrogen. And the budget needs to reflect these new costs. There was also additional personnel that we added to operate the new plant.

I want to call to your attention, perhaps tomorrow evening, there are additional increases to the current year's budget to make up for some of the shortfalls there, but do note that that's the reason for the -- the Wastewater has a higher increase than probably, percentage-wise, any other department. It's necessary to operate that plant.

And under the Trash Collection budget is also, per our contracts, it's an increasing budget, but with 43,000 extra funds we're going to provide the same high level of service for the next year.

And if we could take a look. There's -- I don't know if everyone's seen the new wastewater treatment facility, but that, you know, is the sign of clean water right there. And if we can keep moving along, just an example of some of the aging infrastructure that this town, you know, is working with, trying to maintain, it's a constant battle and I think some of these department heads in putting together their programs to maintain this infrastructure, to keep us moving forward, to keep all the roads in place without having the types of increases that would put us out of balance I think is great.

And lest we forget the children of the community, I do want to show one more slide and focus just for a moment on the educational budget in our community. And I really do

need to recognize the Superintendent of Schools, Dennis Richards, Marc Dupuis, the business manager, and the entire School Committee, for working with the Town on a collaborative basis from the beginning of this budget process, which started at the last Town Meeting that we were at.

The School Department budget is recommended at an increase of 1,170,482. That's a three percent increase. In order to make this possible and to balance this budget, the School Committee has voted to reduce the request that they made for the budget. We had been working for a long time on this, but their reduction of an additional \$200,000 brought the Town's budget into balance, and I do want to recognize those efforts, that it's a long-term type of issue that we're confronting with all the services and we're partnering with all of them.

The Upper Cape Tech you can see is a much smaller budget. We're a little bit concerned that the level of growth for this budget is -- it's a regional -- again, and we don't have as much control. It's 8.5 percent as opposed to, you know, three percent for our own School Department, and we just want to make sure that it doesn't grow so fast that funds are taken away from our own school system, and that's important to us. But we'll continue to work on that challenge and work collaboratively with the School Department.

Moving ahead, what we're going to do is focus first of all on very careful spending under the Proposition 2 ½ cap to try to keep to our multi-year planning. We're planning for the capital improvements.

We're planning for the staffing. And we're planning for the reserves all over five to ten year periods.

The years of one-year budgets and just thinking from year to year is totally out the window. We're focusing on strategically rebuilding the Town's reserves. If we can meet our financial goals, which is to have in the Stabilization Fund an additional few million dollars to build up the free cash, we're going to be in excellent financial condition. We've already started the turnaround and we're all working toward some very specific goals. To keep service levels strong, again, multi-year planning for all service improvements, you're going to see that ongoing every time. no department will over one year get everything they need to make service improvements, but every department, working through a multi-year process, will strategically get the improvements that they need to try to keep us underneath Proposition 2 ½, but move the services forward.

Now, I don't want to take any more time, but I do want to give the Town Meeting an opportunity to get into the line items. And the department heads are here this evening. If there's any questions on any of the line items, they'd be glad to go through any of the details, so, thank you.

THE MODERATOR: Okay. Before we get into the line items, any general questions for the Administrator? Mr. Nidositko.

MR. NIDOSITKO: I just had one question of the Town

Manager. I read recently where if we save water it costs us more. And I can't get that concept in my mind. You know, you try and conserve water and we're told to conserve water, but it was either Ray Jack or somebody in the Water Department said as a consequence of trying to save water it's going to cost the individual more. Can someone explain that?

MR. WHRITENOUR: Just very briefly, I mean it's a simple per unit cost measurement, that we need to conserve water. As water is conserved or if the Town limits pumping, that, you know, if you're not able to reduce the budgets, and again with our aging infrastructure and the need for more improvements, that if there's less water pumped, then the individual per unit cost will be higher. But the good news is if everyone saves across the board evenly, your water bill won't go up proportionally.

THE MODERATOR: Okay. Any more general questions about the budget? Mr. Freeman.

MR. FREEMAN: Thank you, Mr. Moderator. Michael Freeman, Precinct 8. I want to bring up an issue with regard to the budget, item -- Line Item 274, Veterans Services.

THE MODERATOR: Well, we're going to go through it line item by line item. I'm taking general questions for the Town Administrator.

MR. FREEMAN: Oh, okay.

THE MODERATOR: Ms. McElroy.

MS. MCELROY: There's several line items that where the recommendation exceeds the request, and rather than dealing with them one by one, perhaps there's a general reason why that would be the case?

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: There are a multitude of reasons why certain line items changed. In some instances, for example with the Town Clerk, there was a movement of some dollars from the Town Clerk's budget to the elections. In some instances, I can think of one in the Building Department, there was an increase for archiving. There are a multitude of reasons that any particular line item - there is not a general reason, I would say, that I could say would be -- would be rational.

THE MODERATOR: So, when we get to the line items, if there's a more specific question with each one, we can get that answered. Anything else in general terms on the budget?

Okay. This isn't a blanket. I'm not going to hold them. If you want to talk about it or make a change or ask a question, just stand right up when we get to it.

The first section, Town Meeting. The second section, Town Moderator. Selectmen/Administrator. Finance Committee. Finance Committee Reserve Fund. Town Accountant. Assessing Department. Town Treasurer.

MS. AGUIAR: Mr. Moderator, question.

THE MODERATOR: Microphone, please, Ms. Aguiar.

MS. AGUIAR: Deborah Aguiar, Precinct 9. I have a question on Line Item 37. Why are we being so generous? They only asked for -- requested 102, we're giving them 154. Can someone tell me what that goes -- that's going for?

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: You will note in the meeting tomorrow night, Article 1 is an article that is indefinitely postponed. There was a request for \$60,000 worth of bonding costs. It was determined that in the Special that the bonding costs were actually going to be incurred in the next fiscal year. So, we moved it from the Special and put it into the budget, the Fiscal Year '08 budget.

THE MODERATOR: Okay. Any further discussion on Town Treasurer?

Town Collector. Legal Department. The Personnel Office. Information Technology. Geographical Information Systems. Affirmative Action. Town Clerk. Elections. Conservation Commission. Planning Department. Zoning Board of Appeals. Town Insurance. Facilities Maintenance. Police Department. Fire Department. Building Department. Emergency Preparedness. Natural Resources. Harbormaster/Waterways. School Department. Upper Cape Vocational School.

Mr. Rhodes, would you like to introduce a guest that's with us this evening?

MR. RHODES: Scoba Rhodes, Precinct 8. Many of you may or may not know that the Upper Cape Regional Tech School has a new superintendent this year. He is here with us tonight, Mr. Kevin Farr, who would at least like to let you know that the largest superintendent on Cape Cod. Would you come forward, Mr. Farr?

[Applause.]

THE MODERATOR: Welcome, Mr. Farr.

MR. RHODES: Mr. Moderator, he needs permission to speak because he's not a resident of the Town.

THE MODERATOR: Okay. The Superintendent would like to say a few words and he's not a resident or taxpayer. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

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

MR. FARR: Thank you very much. My name is Kevin Farr and I have been a member of the faculty at Upper Cape Tech since September of 1979 as a science teacher, department chair, assistant principal, principal and now your superintendent of your

technical high school. We have truly had a metamorphosis over the last seven years, and I can ensure, Mr. Moderator, the Board, the Finance Committee, the Town Manager, that we will work directly with you to make transparent our budget process in the future.

I look forward to working with my committee, the Falmouth members, Mr. Don Haynes, who's here with me tonight, and also with Mr. Ed Zmuda, who's been elected by you to represent you at the Upper Cape Tech School. It has without question been an honor and a privilege to serve the children of the Town of Falmouth over these almost 28 years. I look forward to the opportunity to answer any and all questions about the budget as presented this evening, and I thank you very much.

THE MODERATOR: Thank you, Mr. Farr.

[Applause.]

THE MODERATOR: Any questions on the Upper Cape Vocational School budget? In the center section.

MS. BORDEN: Meg Borden, Precinct 7. I just wanted to know why the -- why the money went down from the recommendation that we heard at the precinct meeting.

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: The Upper Cape School is on a different time -- time line than the Finance Committee and the Town of Falmouth. The Upper Cape has to deal with several

different towns, we have different town meetings at different times, and also the working with the state when they get the revenue -- the initial revenue numbers.

The first go-around was admittedly a bit of a guesstimate and it was estimated high. And I think that once we had to go to print with our Warrant, we continued to work with the Upper Cape people, and they refined their number and thus the reason it was -- it came down.

THE MODERATOR: Any further questions on the Upper Cape Vocational School Budget?

DPW Administration and Engineering. Microphone over here, Mr. Herbst.

MR. HERBST: Ralph Herbst, Precinct 8. I wondered if either Mr. Jack or Mr. Whritenour could give us a general statement about the impact of the recent study that was done on the DPW. Years ago, positions were eliminated. They have been requested to be refunded ever since I've been a Town Meeting Member, and they were never done.

I was wondering if either Mr. Whritenour or Mr. Jack could comment on the general -- there's several categories obviously here under the DPW as to whether or not this study that was done independently, what impact it has on the budget this year. Thank you.

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: Just to address that question generally, we do have a study that's ongoing. We're at the position right now that the draft type recommendations have just come in and you can check on the Town's website, some of those recommendations are posted and they are not a part of the Fiscal Year '08 budget.

What we'll be doing is moving forward from this point and implementing the recommendations of the study and it was a very positive piece of work and I think you'll find fascinating some of the things that they come up with to improve the levels of service. And it's not simply just adding personnel to every division. There's a lot of organizational issues that they've come up with to help us modernize the department. So, it was money well spent and we'll be rolling that forward from this point.

THE MODERATOR: Anything else on DPW Administration and Engineering?

DPW Highway Division. DPW Snow and Ice Control. Street Lighting. Waste Management Facility. Solid Waste Collection. DPW Wastewater Utilities. DPW Water Utilities.

I believe in the room with us tonight is our new Wastewater -- excuse me, Water Superintendent, Bill Chapman. Mr. Chapman, are you still with us tonight? Welcome.

[Applause.]

THE MODERATOR: DPW Tree Warden. Health
Inspection. Clinics and Nurses. Council on Aging. Veterans
Services. Mr. Freeman.

MR. FREEMAN: Thank you, Mr. Moderator. Michael Freeman,
Precinct 8. We're all aware in reading the papers as to the increasing
fallout over inadequate federal VA health care and the federal slow
response in processing VA benefits for returning veterans. And if things
happen the way I foresee or understand, we're going to have a lot of
returning veterans very shortly.

I am questioning the budget for salary and wages for
Veterans Services. We here in Falmouth have a very good Veterans
Agent, not only a good Veterans Agent, but compared to Sandwich,
Bourne and Mashpee, who have less than half of the veterans each than
we have here that we're taking care of currently, we have one full-time
Veterans Agent and a part-time agent. And I think the reason for the
request for an increase in salary and wages is to have an additional
person, not a half person, working in that department.

We have currently over 2700 veterans that are on
record with our department. We've all read what is happening to these
returned veterans. Let's not let it happen like what we had when the
veterans returned from Viet Nam. There were an awful lot of homeless
people. There was a lot of jobs went begging. And we need to support
them. Just like we needed to support Human Services, we need to

support the Veterans Office here in this Town. Thank you.

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: You'll be happy to note that again in the Veterans Department last year we created that half-time position. It was before that just one person in that department. So, we did create that half-time position. And again, I call to your attention the five-year staffing program, and it does provide for the additional half position to be added next fiscal year. So, by next year we'll be up to two full-time people in that department. And again -- I thought you'd be happy to know that.

THE MODERATOR: Okay. Any further discussion on Veterans Services?

Commission on Disabilities. Human Services. Falmouth Public Library. Cape Cod Regional Library. The West Falmouth Library. The Woods Hole Library. The Recreation Department. The Beach Department. The Bikeways Committee. The Public Access Committee. Historical Commission. Historic District Commission. The Long-Term Excluded Debt. The Long-Term Unexcluded Debt. The Short-Term Excluded Debt. And the Short-Term Unexcluded Debt. Stabilization. Retirement. Unemployment. Health Insurance. Life Insurance. Medicare Benefits. Other Employees Benefits. And Court Judgments. Any further discussion or questions on the budget?

Hearing none, the question will come on the main motion

as presented by the Chair of the Finance Committee. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: It is the opinion of the Chair is that the Ayes have it unanimously and the budget is passed.

All right. Article 25 is complete. Next one is Article 33. Mr. Chairman.

CHAIRMAN ANDERSON: I move that the Town vote indefinite postponement on Article 33. This article is to be deferred to a later Town Meeting.

THE MODERATOR: Okay. This was dealing with moving some money for the workers' compensation fund. The Finance Committee is putting indefinite postponement as the main motion for this to be taken up at a future time. 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 34. Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move

Article 34 as recommended.

THE MODERATOR: As recommended. This is a vote to appropriate the sum of \$450,000 and to authorize borrowing for the sludge removal from the original treatment ponds at the Town's wastewater treatment facility, subject to override of 2 ½.

Who held this article? Can we get a microphone in the center aisle, please?

MR. GOULART: Richard Goulart, Precinct 9. I have a question that I asked at the precinct meeting that I really couldn't get an answer to, so I'm going to try and ask again. In reading this article, we appropriated \$575,000 for this in November of 2004. We didn't get the facility on-line by January 1st. We got it on 11 months later. So, 11 months later, the funding for this went up another \$450,000? Do we have a contract price on that or is that -- are we speculating on that price? Can somebody explain that to me, please?

THE MODERATOR: Mr. Jack.

MR. JACK: Thank you, Mr. Moderator.

Raymond Jack, Director of Public Works. The original appropriation was based on an estimate for when the facility was going to come on-line. Costs have gone up dramatically over the last couple of years. A lot of the costs for dealing with sludge from a wastewater system has to do with the hauling costs. So, any of the energy or fuel costs are going to dramatically increase the

cost overall.

The new facility is going to be costing a lot more money for that sludge to stay there because we have to be able to aerate it. It takes about \$3,000 a month in electricity in order to do that. So, the cost overall for the increase has to do with the cost for the vendor. Just to give you an example, in this particular case one of the vendors is going to be taking the sludge to Maine. So, if you can imagine the cost for transporting 800 dry tons of municipal sludge all the way up to Maine is going to be rather expensive. Sometimes it goes out of state further west, so the costs are relatively dramatic.

But unfortunately, even with \$900,000 to remove this volume of sludge, the existing plant now is going to have a continual annual operating cost for sludge removal, as well, and wastewater system and water system costs are going up dramatically to run the plants.

THE MODERATOR: Okay. Further discussion on Article 34?

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 the necessary

two-thirds.

Article 35. Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move

Article 35 as recommended.

THE MODERATOR: As recommended. This is to raise and appropriate the sum of \$68,623 for renovating the third floor of Town Hall. Mr. Freeman.

MR. FREEMAN: I withdraw my hold.

THE MODERATOR: Withdraws his hold. Is there any further discussion on Article 35?

THE MODERATOR: 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 46. Mr. Chairman of the Community

Preservation Committee for the main motion. Article 46.

CHAIRMAN CLARK: Mr. Moderator, I move that this article be approved as printed.

THE MODERATOR: As recommended.

CHAIRMAN CLARK: As recommended.

THE MODERATOR: That's okay. The main motion is as recommended, Article 46. This is vote to appropriate the sum of 90,000 for the Community Preservation Fund reserves for the administrative expenses. Who held this?

MR. NIDOSITKO: I did.

THE MODERATOR: Okay. Mr. Nidositko, you have the floor.

MR. NIDOSITKO: Jim Nidositko, Precinct 6. The article makes reference to \$90,000 and Peter's slide made reference to 96,000. I'm just wondering if we could have an itemization of the big ticket items as to where this money's going. I don't particularly care about paper clips and rubber bands, but, you know, reference is made to professional staff and the Community Preservation Committee administrative expenses and staff development and fees. Can we just have an explanation of the expenditures of this money?

THE MODERATOR: Mr. Chairman.

CHAIRMAN CLARK: Mr. Moderator, I thought I was going to get away with everybody thinking I was volunteering for this position. The main uses of the funds essentially are that we are funding a full-time position, benefits and salary, and that's approximately \$59,000 of the 90,000. That's why it's appropriated in the recommendation to those particular line items. That comes out of our funding, not out of Town funding.

The next largest amount is about \$18,000 for contracted services. This is for legal expenses, if we need that legal advice. It is for doing feasibility studies. It isn't to do those studies for projects that are being proposed. It is to do the work of the committee.

Staff development includes in-town travel. It includes memberships. That's about \$9,000. And office expenses is 4,000.

I would want to point out that when you look at the total for three years, it says \$200,000 for these administrative expenses. I'm not sure all of that will be spent. We have 110,000 that is currently in the budget for this year, and what isn't spent goes back into the undesignated balance to be used for other projects in the future.

THE MODERATOR: Okay. Any further discussion on Article 46?

The main motion is 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 47. This is laying out some roads. Mr. Chairman.

CHAIRMAN MURPHY: I have a positive motion, and I would move that Town Meeting vote to accept the doings of the Board of

Selectmen in the laying out by easement or taking as a public way the following listed roads, according to plans on file with the Town Clerk, and to make necessary improvements thereon with costs to be recovered by betterment assessments under the provisions of Chapter 80 of Massachusetts Law as determined by the Board of Selectmen. Want me to read the roads?

THE MODERATOR: Read the changes to the list, that -- I think is quicker.

CHAIRMAN MURPHY: There are changes other than what's listed in the article.

THE MODERATOR: Okay.

CHAIRMAN MURPHY: I mean in the Warrant book, yes.

THE MODERATOR: Instead of reading every road, if you'd just read the changes, the ones that you've taken out.

CHAIRMAN MURPHY: I'm sorry?

THE MODERATOR: You're taking out five roads, right?

CHAIRMAN MURPHY: Right, the ones that we are --

THE MODERATOR: Just read the ones that you're taking out.

CHAIRMAN MURPHY: -- taking out are Marla Lane, Valerie Circle, Victoria Lane, Winthrop Drive East and Willow Field Drive. And there's an explanation I have. And that's the motion, but I do have

an explanation.

THE MODERATOR: Okay. Could you clearly just repeat the roads? These are the roads that we're going to be removing from the list that's in the article. We're going to remove these from the main motion.

CHAIRMAN MURPHY: You want me to read them again?

THE MODERATOR: Yeah, just slowly so that the folks can check them off on their list.

CHAIRMAN MURPHY: Under Seacoast Shores, it's Winthrop Drive East. Under Winwood Area it's Marla Lane, Valerie Circle and Victoria Lane. And at the very bottom on the right-hand column is Willow Field Drive.

THE MODERATOR: Okay. So, the main motion is as printed and removing those five roads from the list. Mr. Chairman, you had an explanation, as well.

CHAIRMAN MURPHY: The explanation is the Board of Selectmen held its required public hearing on March 19th, 2007 and March 26th, 2007, at which time they heard a presentation and received public testimony regarding the roads proposed for taking. The Winwood Area residents of Marla Lane, Victoria Lane and Victoria Circle withdrew its petition for taking as a public road. The petitioners for Winthrop Drive East and Willow Field Drive have not submitted the road-taking plans

required by the Town of Falmouth's Private Road Improvement Program.

THE MODERATOR: Okay. Any discussion on
Article 47, the main motion?

Hearing none, the question will come on the main motion
as printed, with the removal of those five roads. All those in favor, signify
by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous and
we have the two-thirds.

Article 48. Mr. Chairman of the Board of Selectmen
for the main motion.

CHAIRMAN MURPHY: That the Town vote Article 48
as printed.

THE MODERATOR: Okay. Article 48 is as printed.
Who held this one, the Waterways?

MS. BUMPUS: I did. David, I did.

THE MODERATOR: Oh, Ms. Bumpus.

MS. BUMPUS: I've read through this and I have
serious concerns about the breadth of this article. The change that I
would like to see is I would like to see "docks and bulkheads" removed
from the first sentence, so that it would read: "Vessels fueling from tanker

trucks may be allowed at the town marina subject to the rules and regulations promulgated by the Waterways Committee.”

I think that there are docks and bulkheads in this town where it would not be appropriate for tanker trucks to be fueling vessels.

I think that there are ones in West Falmouth, Megansett, there are a lot of harbors where we shouldn't be fueling.

I understand that the Waterways Committee expects to hold public hearings on this, but Waterways does not have as wide a scope as Town Meeting, and I would ask that they would come back to Town Meeting if they wanted to extend it to other docks and bulkheads in town.

THE MODERATOR: Okay. You're making that as an amendment?

MS. BUMPUS: That would be my amendment, would be to strike --

THE MODERATOR: Docks and bulkheads.

MS. BUMPUS: -- docks and bulkheads.

THE MODERATOR: Okay. We have an amendment on the floor to remove docks and bulkheads from the main motion. Any discussion on the amendment? Microphone down here in the front and then, Chief, if you can use the one in the aisle there. Mr. Dick.

MR. DICK: Question through the Moderator. I'm not sure this was addressed, but if we remove docks and bulkheads and only

leave the town marina, how does that affect the Oceanographic Institution, MBL and the Department of Fisheries, all of whom often fuel from the docks?

THE MODERATOR: Ms. Bumpus, can you answer that?

MS. BUMPUS: The Town bylaw currently set that we are replacing just specifically says the town marina. I believe that private docks are exempt from this. The line that we are striking, if you go back to the current bylaw, just says the fueling with fuel trucks is not allowed at the town marina. It does not address any of the other areas where I know fueling does take place in town.

THE MODERATOR: Okay. Chief, do you have something on the amendment of removing docks and bulkheads?

CHIEF BRODEUR: Paul Brodeur, Chief of the Fire Department, and Precinct 4. When it comes to fueling, you're regulated by the Commonwealth of Massachusetts State Fire Marshal's Office and we're authorized to inspect any and all mobile fueling facility permits that have to be issued. We have to know who's delivering, who the drivers are, and they have to have the proper signage of their vehicle and be authorized to fuel. No gasoline in the water. No gasoline on the ponds and the docks. That's by state law.

So, I think by the gentleman that brought up the point of the Steamship Authority, the Oceanographic, is correct. We do have mobile fueling facilities for fire prevention people are here, but we have it

for the Tides, bulkhead, we have it for the Pied Piper and the boat over there at the end of Scranton Avenue. And Green Pond launching ramp has a mobile fuel facility permitted by certain providers of fuel.

So, I think the regulation should keep the docks in there. And then they'd be governed by the Commonwealth of Massachusetts and the local fire department with the Waterways. Help the amendment?

THE MODERATOR: Okay. Any other discussion on the amendment itself? Yeah, go ahead. And then we'll call the question.

MR. KETCHUM: Yes, Paul Ketchum, Precinct 1. I'm a licensed captain and have run licensed boats out of Falmouth as well as out of Woods Hole, and there is fueling that takes place at private facilities, private docks, and there is a lot of fueling that goes on down at the bulkhead to fishing boats and other boats that come into Falmouth Harbor.

So, I would think that we should vote down the amendment and go with the article as presented.

THE MODERATOR: Mr. Frazier. Could you use the microphone in the aisle, Mr. Fraser?

MR. FRASER: Gregg Fraser, Harbormaster. I, too, would oppose the amendment, and the reason for that is because, as Chief Brodeur mentioned, we currently allow fueling at bulkheads, and that is because that determination has come through discussions with

the Town Counsel that those are not considered part of the marina.

The current bylaw does specifically address the marina; and therefore, if the amendment passed, we would no longer be able to allow people to fuel at the Simpson's Landing, which has history been used for commercial fueling. It would also prohibit fueling of commercial fishing vessels down in Woods Hole, which obviously would severely impact their business.

THE MODERATOR: Okay. The gentleman, if you could use that one right there, that would be great.

MR. KINNEY: Mike Kinney, Precinct 4, also Waterways Committee. And I would like to encourage you to also defeat this amendment, because I think what the Waterways Committee is attempting to do here is to clarify exactly what should be done in the Town in terms of fueling, where it should be done. We've been operating actually -- I hate to say this, sort of illegally in some of the areas, and we realized because this was brought to our attention through Town Counsel that we should open this up, have hearings. We don't want to dictate anything, but we do want to make sure that we meet the needs of the people who have been fueled at those areas, and we'd like to keep the options open as much as possible until we have these hearings and then come back to Town Meeting with this recommendation. Thank you.

THE MODERATOR: Okay. Anything else on the amendment to remove docks and bulkheads?

Hearing none, the question will come on the amendment to remove docks and bulkheads from the main motion. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The opinion of the Chair is that the No's have it by a majority. Any further discussion on the main motion as printed?

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 unanimously.

Mr. Chairman. Mr. Chairman.

CHAIRMAN MURPHY: I move Article --

THE MODERATOR: Folks?

CHAIRMAN MURPHY: I'd like to have a reconsideration of Article 47 for clarification.

THE MODERATOR: We have a motion to reconsider Article 47. Substantially new information? What do you need

to do? Correct a roadway length?

CHAIRMAN MURPHY: Correct.

THE MODERATOR: Okay. We have the motion to reconsider the main motion on Article 47 so that we can fix one of the roadway lengths. All those in favor of reconsideration, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimously.

Mr. Chairman, for the main motion.

CHAIRMAN MURPHY: The motion remains the same. Under Seacoast Shores, the Ellsworth Drive West length goes from 410 feet, which is listed, to 802. And under the second line on the right-hand column under River Haven Lane, which is currently -- 802 -- under -- it's River Haven Lane, it's currently 600, it would go to 927.

THE MODERATOR: So, River Haven Lane is 927, and what was the first one again?

CHAIRMAN MURPHY: Ellsworth Drive West goes from 410 to 802.

THE MODERATOR: To 802 Ellsworth Drive West under Seacoast Shores. Okay. Any discussion? Ms. Szuplet.

Microphone, please; it's coming up.

MS. SZUPLET: Peggy Szuplet, Precinct 7. That is my neighborhood down there and I'm just wondering how that one street got to be twice the length of everything else. Are they doing both sides?

CHAIRMAN MURPHY: We're doing it twice. That's what we're going to do. Hold on a second.

We'll get an answer for you.

THE MODERATOR: Ms. Harper.

MS. HARPER: I was hoping George Kaliz was here, but he's left. I think what happened was the measurement was taken off of the petition and not off of the taking plan. When we had the public hearing, it was identified that the road length on the taking plan for the road was the length that Selectman Murphy just listed. So, it was really an error.

THE MODERATOR: Okay. Anything else? Up there, Ms. Zylinski in the back left.

MS. ZYLINSKI: Veronica Zylinski, Precinct 9. It was my understanding at precinct meetings that it was only four roads that were being considered. And I know Chairman Carey Murphy called one Victoria Circle and the other one Victoria Lane. And a clarification would be Valerie Circle.

THE MODERATOR: Valerie Circle and Victoria Lane.

MS. ZYLINSKI: And is there four or is there five, as you suggested?

THE MODERATOR: Five. It's Marla Lane, Valerie Circle, Victoria Lane, Willow Field Drive at the bottom of that category, and then under Seacoast Shores the Winthrop Drive East. Those were all removed.

MS. ZYLINSKI: Those weren't mentioned at the precinct meetings. Thank you.

THE MODERATOR: Any further discussion on the new main motion, which changes those two roadway lengths?

Hearing none, the question will come on the new 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 unanimously.

What do you think, one more? Want to start with the dogs? This will let us know whether or not we're going to be here Monday night, right, if we get this one out of there?

All right. Let's try Article 49 and see if we can do this one. Mr. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MURPHY: I move that the Town vote

Article 49 as printed.

THE MODERATOR: Article 49 as printed. This is multiple dog license. Who held this article? Ms. Liechtenstein.

MS. LIECHTENSTEIN: Leslie Liechtenstein, Precinct 8. I support the intent of this article; however, I do wish to insert a few words because what it does is it takes the serious hobby breeder who is showing their dog in breed and it stops them from doing that. It would force them to get a commercial dog license.

You cannot show an altered dog in breed in UKC, Canadian Kennel Club or American Kennel Club. So, there are in town some people who show in breed and actually do very well and have gone to Westminster. Now, these people are not commercial kennels. They should not be forced to get a commercial license, which might incur going before the Zoning Board of Appeals.

So, what I'm asking you to do is to accept this article, but after the sentence: "all of which have been spayed or neutered except those animals registered with the AKC, the CKC or the UKC, being shown in breed." Otherwise, you are putting an onerous problem onto people who have four dogs and are showing in breed. And it's not fair to these people, because they're not commercial breeders, and I have heard from several people who asked me to speak to this. Thank you.

THE MODERATOR: What was it again? It's "except

those" -- what was the verbiage?

MS. LIECHTENSTEIN: Excepting those animals
registered with --

THE MODERATOR: Registered with, okay.

MS. LIECHTENSTEIN: Registered. So, these have to be
registered animals that are being shown in breed.

THE MODERATOR: Excepting those animals registered
with.

MS. LIECHTENSTEIN: Right, the AKC, CKC and UKC,
which are the three main --

THE MODERATOR: I got that. I just got to get the
verbs right here so the record's correct. Okay. Do you actually have it in
writing, as well, for the clerk, or can you get it to the clerk in writing if it
passes?

MS. LIECHTENSTEIN: Yes.

THE MODERATOR: Okay. So we're going to add in
there at the end of the second paragraph, "excepting those animals
registered with AKC, CKC, UKC, being shown in breed." Except -- she
used the I-N-G at the end.

All right. Any discussion on the amendment to add that
language to this? Mr. Latimer.

MR. LATIMER: Rich Latimer, Precinct 2. I support
the amendment, but I think just the way it would be -- could be read

would then mean that these animals don't have to be inoculated against rabies. The way the exception reads, I would suggest that a little bit of a refinement would be in order here, just to say that except that the requirement of neutering shall be eliminated if they are registered and so forth. That would make it a little bit clearer and protect the public health interests. Thank you.

THE MODERATOR: This is why we don't write bylaws on the floor at Town Meeting. I need something in writing, but this sounds good, to get an amendment that removes the neutering requirement there. But I need something in writing. This is a law. I'm not going to sit here and try to figure out what Mr. Latimer wants and what Mrs. Liechtenstein wants. I'm going to require this in writing. So, if somebody can put it in writing, I'll take a second amendment. Otherwise, the existing amendment is on the floor. Ms. McConnell.

MS. MCCONNELL: Can I move then we table this article until tomorrow night?

THE MODERATOR: Okay. And that will give you some time to put it in writing. How does that sound? We have a motion to place this article on the table so that we can get the amendments cleaned up. We can include the language with the intent that Mr. Latimer had, maybe working together with Mrs. Liechtenstein, and get one amendment on the floor tomorrow night. How does that sound?

Okay. All those in favor of putting it on the table, signify

by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous and it's on the table.

Okay. Article 50. Mr. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MURPHY: I move Article 50 as printed.

THE MODERATOR: As printed. Ms. Cuny held this one.

MS. CUNY: Sandra Cuny, Precinct 2. I just held this article for a question. This is a new section that's being added and my concern was down in Section C, where you receive a first offense, a written notice; second offense or more is a \$50 fine. And as I was going through the dog articles, I couldn't help but notice that if your dog is caught off a leash, you could be a loving owner, and you're going to pay \$100 on the third offense. But you can abuse your animal in this article and on the third offense you still only have to pay 50. And it really just didn't make sense to me.

So, I did talk with the Animal Control Officer and he did explain to me that there's nothing on the books right

now that actually allow him to even give a fine, whether it's written or a \$50 one, so this was going to help him get started. But truly I think I'd like to see more of -- than a slap on the hand and \$50 if it's two and three and four times. I think they should maybe take them away. Thank you.

THE MODERATOR: Mr. Smolowitz.

MR. SMOLOWITZ: Thank you. Ron Smolowitz,

Precinct 8. I have a question and then a comment. My question is where did the wording regarding the housing and the structures come from? Was that developed in the town or does that come from state statutes?

THE MODERATOR: Grab that mike that's right on the stand there.

MR. DUFFY: I guess Tom Garland's going to answer that.

MR. GARLAND: Hi. My name is Tom Garland. I'm the Falmouth Animal Control Officer. This wording was taken from state statutes and is used in other towns.

THE MODERATOR: Mr. Smolowitz.

MR. SMOLOWITZ: There are no regulations, to my knowledge, on structures for farm animals; they're exempt. And I believe that if there is a problem with animals, the MSPCA is the enforcement authority. They could come in at any time and seize the animals. There's plenty of protections for the animals. This is not a clear bylaw

whatsoever. Many of our animals are housed in lean-to's; that would not comply with this. Many of the animals don't go into the structures. They prefer being outside. Trying to define an animal's structure or to define fencing, because this requires protection from predators, is going to be a very onerous and unclear task, subjecting farms to a regulatory environment that the state does not require, and I don't believe the Town has the authority to put in stricter regulations than the state imposes.

So, I just do not think that this is an appropriate regulation, and I would urge Town Meeting to vote it down. It would basically be prohibitive for a farmer to have livestock under a regime where people could come in and accuse you of not properly housing your animals because the structure is not defined here whatsoever. It's totally subjective. It's not clear.

And predator control, again, what is effective predator control? What size fence? Does it have to be electric? Do you have to put wire over it? Our animals free-range at times. We allow our ducks and chickens out. That would be illegal, according to this. We'd be subject to fine. I just do not think this is appropriate whatsoever and it would create great harm to my farm, I know for sure.

THE MODERATOR: Mr. Garland, did you have anything else to say?

MR. HAMPSON: Mr. Moderator.

THE MODERATOR: Mr. Hampson.

MR. HAMPSON: Mr. Moderator, I don't know how long you want to go tonight, but I'd like to make a motion we extend beyond 11 o'clock to at least finish the article we're dealing with.

THE MODERATOR: Okay. Just to finish this article. The motion to extend after 11:00 so we can just finish this one article, signify by saying Aye.

[Aye.]

THE MODERATOR: Opposed, No.

[No.]

THE MODERATOR: Ayes have it by two-thirds.

Mr. Garland, did you want to make any comments in regard to the questions posed by Mr. Smolowitz?

MR. GARLAND: I just want to comment that all animals require a different mode of sheltering from elements and farm animals are naturally different from your domestic dog that lives in your house most of the time.

THE MODERATOR: Can you speak in a little closer to the mike? Some folks are having trouble --

MR. GARLAND: I just wanted to say that all animals are different in the needs for adequate shelter. I'm sure we understand that and we understand -- we do all the farm inspections every year and we comply to state standards on what is necessary for shelter. The MSPCA and the Animal Rescue League provide information to us about what

they have as state standards for sheltering domestic dogs or cats or farm animals. So, I think it applies to all animals and we use state standards and our own common sense to discuss these issues with people.

THE MODERATOR: Okay. Ms. Putnam and then--

MS. PUTNAM: Rebecca Putnam, Precinct 9. Based on what the Animal Control Officer just stated, the wording in B has been totally stricken out according to him as in this has large animals, dogs, livestock, and according to what the Animal Control Officer just stated, this article should be stricken down.

THE MODERATOR: Okay. Ms. Bothner, did you still want the floor? No? Mr. Smolowitz, did you want to speak again?

MR. SMOLOWITZ: Just the roof and walls of the structure shall be waterproof and windproof. Does that make my lean-to's -- I mean everybody who has been to a farm has looked out in your paddocks and pastures; they're not completely insulated, surrounded buildings. They're just shelters for the animals. That's why the state does not have regulations on structures, and they're exempt from state inspections, from building department codes or what have you.

You're allowed to look out for the health and safety of the animals. That's by regulation. That's enforced by the MSPCA and the annual inspections by the Animal Officer. That's one thing. But there are no structure requirements. It's the health of the animal that's examined, and you look at the health of the animal and that tells the

inspector that the animal is properly housed. It becomes a nightmare to start putting regulations on the structures when you have hundreds of different types of animals under hundreds of different types of conditions.

I mean just think about what's a proper fence on Cape Cod to keep out a predator? What's the proper -- is everybody going to have to put wire mesh over their small dog pens because owls and hawks are predators? I know I have summer doghouses and winter doghouses. Do they all have to now conform to some sort of regulatory regime?

It just becomes -- there's reasons why there are no regulations for structures and why the emphasis is on the health of the animal. I'm just telling you this is a very bad bylaw change. Please do not vote it up.

THE MODERATOR: Ms. Poole. Could you just pass that mike right behind you there, please?

MS. POOLE: Diane Poole, Precinct 9. If inspections are being done annually, what has prompted this article to be written? And do we have a lot of animal abuse in Falmouth? I'm just curious as to -- it seems like it's quite confusing and I wonder if maybe it should be rewritten and simplified, if they want to pass something else. And if the Animal Control Officer could tell me why they are trying to enforce this at this point in time. Thank you.

THE MODERATOR: Mr. Garland.

MR. GARLAND: Tom Garland, Animal Control.

Currently there are no laws for us to enforce the protection of animals, the sheltering of animals. This gives us -- the only way I have of enforcing this law now is to take out a charge of cruelty to animals, which holds a felony sentence now. I have to go through the courts.

For someone not giving their dog water and tying it to the tree out in the front yard, I have to go to the court, apply -- put in a criminal complaint. Two weeks later they'll be notified of the criminal complaint. Probably there's a court date a month and a half from then. In the meantime, the dog sits there with no water, tied to the tree.

It doesn't have to be a dog. It can be a cat. It can be a goat. It can be anything. It gives me a way to go and react to those things immediately: to issue a fine, to identify the problem, to discuss it with the animal owner and to implement something immediately to relieve that suffering animal's disposition.

THE MODERATOR: Okay. Anything new? Mr.

Putnam, is it new?

MR. PUTNAM: Brent Putnam, Precinct 9. One of the issues here that Mr. Smolowitz is referring to is that of agriculture, and I think we need to remember that agriculture has different rules than your average homeowner and such. And this bylaw, while well-meaning, and obviously intended in some respects to address the issue of how someone might care for a pet, it unfortunately is a blanket regulation

that's also going to step into the realm of agriculture.

Within the wetlands bylaws, there are very wide-ranging exemptions for agriculture. Because otherwise you could not farm if you did not have those exemptions. This body at one point many years ago tried to regulate pesticides on a local level. That was struck down by the state because the state has sole authority over that.

We need to be careful about what we're doing in terms of trying to regulate agriculture on a local level. And if, as Mr. Smolowitz says, there are no state regulations with regards to livestock and the shelter of livestock and the protection of livestock, I think we should be very careful about voting this -- voting in favor of this because we may be stepping into a realm where the state may come back to us and say, "Look, you folks overstepped your bounds." Thank you.

THE MODERATOR: Okay. Ms. Valiela.

MS. VALIELA: Virginia Valiela, Precinct 5. I think Ron Smolowitz has made some good points. Mr. Garland's objective is really companion animals, --

THE MODERATOR: That's what it sounds like.

MS. VALIELA: -- dogs and cats. And so I think if we simply amend this article by in A, deleting the words "or farm animal", and just leave it as responsible for a companion animal, da-da-da-da-da, that --

THE MODERATOR: Do you want to remove

livestock from B?

MS. VALIELA: Yes, correct, sorry, both of those. That the objective that he needs for dogs and cats and does not interfere with the farming objectives of the farmers in town.

THE MODERATOR: Okay. We have an amendment to remove the words "farm animal" from A and "livestock" from B. Doctor Clark?

FROM THE FLOOR: (Inaudible).

THE MODERATOR: Yeah. No, if we remove those, "or farm animal" from A, and "livestock or" -- the words "livestock or" from B, that will make this just on companion animals. Any discussion on the amendment to make this just on companion animals? Okay. And add the word "a", "be a pet". We're going to be grammatical.

MS. VALIELA: Oh, I was just going to say --

THE MODERATOR: It would be "be a pet".

MS. VALIELA: -- remove the clause. Large enough for the animal to stand naturally. Just remove the clause.

THE MODERATOR: Yes. At this point the Chair is going to take a motion to table this. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: Opposed, No.

[None opposed.]

THE MODERATOR: It's tabled. We're
adjourned. See you at 7 o'clock tomorrow.

[Whereupon, hearing adjourned at 11:05 P.M.]

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 Town Meeting, April 4, 2007 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.