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COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

ANNUAL TOWN MEETING

Lawrence School
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Falmouth, Massachusetts

MODERATOR: David T. Vieira

Wednesday, April 5, 2006

7:00 p.m.

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ANNUAL TOWN MEETING
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PROCEEDINGS

THE MODERATOR: Okay, would all Town Meeting Members please come forward and take your seats so that we can establish a quorum.

All Town Meeting Members please check in, come forward and take your seats. Will the Selectmen please come up on the stage.

Let's establish a quorum so we can reconvene the Annual Town Meeting. Our tellers this evening in the first division will be Ms. Tashiro, in the second division will be Mr. Dufresne and the third division will be Mr. Hampson.

Would all Town Meeting Members present please rise for the establishment of a quorum.

I thank FCTV-13 again for our live broadcast of Town Meeting.

One of our Members this evening, Russell Ferrieira, the President of the Falmouth Firefighter's Union, is having his birthday today.

[Applause.]

THE MODERATOR: Happy birthday, Russell.

Division one, Ms. Tashiro.

MRS. TASHIRO: 49.

THE MODERATOR: 49.

Division 3, Mr. Hampson.

MR. HAMPSON: 47.

THE MODERATOR: 47.

Division 2, Mr. Dufresne.

MR. DUFRESNE: 85.

THE MODERATOR: 85. By a

counted vote of 181 members we have a quorum and I call the Town Meeting to session.

Would all Town Meeting Members present please rise and follow me in the Pledge of Allegiance.

[Pledge of Allegiance taken.]

THE MODERATOR: Please remain standing for our invocation by Kevin Murphy.

CHAIRMAN MURPHY: Lord, when it

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

THE MODERATOR: Okay. We are on Article 23, which is a Finance Committee article. Madam Chairman for the main motion on Article 23.

CHAIRMAN LEMOINE: Mr. Moderator, I move Article 23 as recommended.

THE MODERATOR: Okay. As recommended, this is to transfer \$20,000 from the Reserve Waterways Appropriation Fund for the installation of tie off pilings for the town marina. This was held by Mr. Shearer. In the center section.

MR. SHEARER: I'd like to
release the hold on it.

THE MODERATOR: Okay.

Mr. Shearer would like to release his hold. Is there any further
discussion on Article 23?

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 25. This is a Community
Preservation article. Mr. Chairman for the main motion.

MR. BOYER: Mr. Moderator. Peter
Boyer, Precinct 5 and Chairman of the Community Preservation
Committee. I move Article 25 as recommended.

THE MODERATOR: Okay, Article 25 as
recommended. This is to transfer the sum of \$40,000 from the
Community Preservation Fund to be made available to the Falmouth
Affordable Housing Committee for the purpose of conducting a
professional engineering evaluation of 419 Woods Hole Road for
possible development of affordable housing.

Mr. Chairman.

MR. BOYER: Mr. Moderator, if I could
take a few minutes to try and give you an over- view of where we
stand with the Community Preservation Fund. This is somewhat
intimidating because this is very complicated and very, very
confusing. And so it will be very difficult, I believe, to have

us all understand. The committee has been working very hard for close to a year in trying to pull together the information and the deliberation of projects for presentation at this Town Meeting.

So, before we get into the specifics of the particular project under the motion, let me just remind you that the funding for the Community Preservation Fund really is from two sources. One, what used to be Land Bank Funds and now are re-labeled Community Preservation Funds, but they're still the same three percent on the property taxes, a surcharge on that property tax.

However, we did adopt the Community Preservation Act provisions as amended for Cape Cod in order to be able to receive state matching funds. And those funds are essentially the amount of money that is 100 percent of what we have raised locally, at least for several years. So for the coming year, we are looking at a source of revenue from the property tax of about \$1.8 million. And we will look to a matching amount from state funds identical to that, because that's in fact what we are looking at from this current fiscal year.

There are a number of legal restrictions to the use of these funds. Ten percent of all appropriations must be spent in three categories: open space, affordable housing, and historic preservation. In addition to that, there can be spent funds on recreation projects and on community expenses.

Could I have the next slide, please.

This is a little difficult to see, but it's important to understand what the dollars really are. This happens to be an extract of the forms that are filled out by the Board of Assessors for submission to the state as the tax rate is

set. It's a financial document. You will see Fiscal Year 2005 actual revenues. Surcharge, a million seven sixty-seven. That's the property tax surcharge. And, in '05, there was not any other source of funds. Now we go to '06, and the '06 column shows an increase in the local share, a million eight, and the additional state revenue that is received as a result of our having adopted the Community Preservation Act. And so you see there a million seven sixty-seven.

So, the total received for the year of fiscal 2006, was \$3,574,000. That is a way of describing the base amount available for expenditures.

Now, this is going to get a little more complicated, and please bear with me. In fact, the state match for next year, fiscal '07, which is the year that this warrant is dealing with, is calculated as 100 percent of the fiscal '06 local effort. So the fiscal '07 state match will be \$1,806,000. That's essentially the same number as the first number in the second column. So that \$1,800,000 and change is the number that we're working on in these articles.

I hesitate to tell you this, but I

will. In addition to that, in November of this coming year, we can now -- we will then be able to spend the money received in fiscal '06; that's the million seven sixty-seven. We can't spend it yet because the books haven't closed on this current fiscal year. But next November, we will be able to spend that. That really is an extra round of spending available to the community from Community Preservation state matching funds. And I tell you this because we are going to be facing in the coming fiscal year essentially three sets of activities. The first is an implementing whichever articles the Town meeting votes at this Town Meeting, a second round which will be voted on in November of

'06, and then a third round that will be the subject of the April '07 Town Meeting which will be the subsequent year's annual funding opportunity.

For the second round for November, we -

the committee has not decided when that will -- applications will be available but probably applications will be received until late June of this year to allow for review and consideration of those applications in time for the closing of the fall Town Meeting warrant in September.

So, fairly quickly on we will be receiving applications for another round of funding of a million seven.

For those of you who are interested, we have a great deal of base information on the Town's web page. Go to the Town of Falmouth, to committees, and then click on Community Preservation Committee and then that has the application forms and the -- our plan data and information in it.

Could I have the next slide, please.

Now this is a more specific, and these numbers are more rounded, really, for simplicity and clarity. That first column of the bar graph is the prior Land Bank commitment. We have in fact, if you recall, spent all of our land bank money for the next 15 years. That it's all encumbered for the existing land purchase. This services the debt and that really is what you voted on in the budget in lines 387 - or 367 and 368. So, those budget lines, plus a couple of others, make up that amount.

Now, why is it more than a million

eight? In fact, the debt service for this coming year is about 2.2 million. And the reason that is that way is because those are the debt service expenses. That's on plan, that's not a

surprise. There are funds left over, in fact several million dollars of funds left over that are prior year land bank collections. They will all be needed to pay off the future years of the debt. So it's not really available for spending in some other fashion.

The other categories are what's in the warrant, and we'll get into those specifics. And the reason I wanted to show you those as a bar graph are because there are those several stipulations.

You see, \$180,000 level is 5 percent. That line is there because, in fact, the committee expenses, the next to the last column, cannot exceed 5 percent of the total amount for the year. So 180,000 is all it could be appropriated for committee experiences. The committee is asking for \$100,000; significantly less than the statutory authorized maximum amount each year.

The ten percent line represents the threshold for each of the three categories that requires 10 percent funding. The land bank column really satisfies the need for any funding for open space, because we are spending way more than 10 percent, the 2.2 million. So, this open space 10 percent requirement is satisfied and will be satisfied for many years until the ending of the land bank debt. So that that 10 percent is already being taken care of.

In the case of affordable housing and historic preservation, you see that the aggregate amount requested in this warrant for affordable housing is \$600,000. The ten percent requirement is \$360,000. Similarly for historic preservation, the aggregate amount of articles that are designated as historic preservation articles is \$485,000. The statutory minimum, or 10 percent minimum is \$360,000. So, each of those

categories are satisfied if all the project votes are taken.

There are two other categories: open space reserve and budget reserve; I will talk about those when we get to those. I'd rather not take any more time in the general presentation before we get to the specific articles.

Mr. Moderator, I am prepared to answer several questions if you would like to entertain them now or simply move on to the motion at hand for the first article and if people have questions that come up in the course of the discussion, I will try to answer them.

THE MODERATOR: Since this is our first appropriation from the Community Preservation Fund, I'd like to get any Town Meeting Member's general questions about the fund and the process out and then we will go to Ms. Stetson who held this particular article. Are there any questions about the fund itself and the process for --

Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9. Mr. Moderator, through you to Mr. Boyer. If any of these articles are defeated by Town Meeting tonight or in the future, what happens to that appropriation, and if - one, what happens to that appropriation? And two, if that appropriation puts us below that minimum 10 percent, obviously there is provisions for that to be carried out. If you could please explain those two, thank you.

THE MODERATOR: Mr. Boyer.

MR BOYER: Mr. Moderator, one of the vagaries of municipal finance, if in fact Town Meeting does not vote specific appropriations this evening, the money isn't lost. But it's also not available in the prospective fiscal year. We are dealing with what is estimated to be received in the coming

fiscal year from the state as the matching money. If -- and if there is no appropriation, then there can be no authorized expenditure that gets reflected in the tax rate documents.

So what happens to it? It reverts to the fund when it comes in, and is available in the subsequent fiscal year. So it's not that it's not ever available and lost. It simply can't be appropriated during the fiscal year in which the state match money is received.

In the case of if there is a failure to vote the 10 percent required amount, we do have a plan in place that deals with that, and can satisfy that one of two ways. This is going to get us into these reserves, which I -- well, we'll get into them, fine; we'll have to sooner or later.

You see two columns. One is an open space reserve. What the statute allows is that reserves can be established by vote of Town Meeting in any of the three categories of historic preservation, affordable housing or open space. The reserve means that the appropriation is put into that fund, and such an appropriation does constitute contributing to the 10 percent for that specific purpose. To be extracted from that reserve fund requires a future Town Meeting vote. So parking it in the reserve is an eligible action that Town -- well, not Town Meeting can take, but that the committee can recommend. And Town Meeting could vote. But it can't be appropriated out, except by a future Town Meeting.

In the case of the column budgeted reserve, that's a little bit different. That is a general reserve that again Town Meeting must extract from. But this creates an additional reserve that could be used for any of the purposes under the law. Not specifically tied to the specific of historic

preservation, affordable housing, or open space.

THE MODERATOR: Okay. Mr. Murphy and then Dr. Antonucci.

MR. MURPHY: Carey Murphy, Precinct 7. Peter, can the amounts be amended on Town Meeting floor?

MR. BOYER: The amounts - there are three actions Town Meeting can take, and only three: approve, reduce, reject. Town Meeting can't -- under the law, Town Meeting cannot add to the appropriation or essentially change the purpose of the -- the project purpose. Those are governed exclusively and completely by recommendation from the Community Preservation Committee.

THE MODERATOR: Dr. Antonucci.

DR. ANTONUCCI: Robert Antonucci, Precinct 6. First a question and then a comment. Peter, I realize the three percent we pay on our real estate taxes happens each year. I saw on your financial sheet that the matching piece from the state, does that come from the county tax or that it's a given each year? Are we subject to appropriation by the legislature?

MR. BOYER: No, no. That's a good question. The answer is that those funds that come from the state are generated by transactions at all the Registry of Deeds throughout the Commonwealth. Twenty bucks for a deed transfer or something like that. That generates the statewide fund and I believe that fund now is at about \$100 million.

As more communities join the Community Preservation Act, there is an accelerated draw-down from that state pool of funds. It's added to every year and I think the additions are something like 40 or 50 million dollars statewide,

but the draw-down as more communities come in will get to the point inevitably, and we don't know the year, but within some years, three, five years, will get to the point where the state cannot match 100 percent of the Town money. That it will be 90 percent, 80 percent. It won't go to zero, but it could very well decline because there are more communities that are eligible to receive those funds.

DR. ANTONUCCI: That's good. That's really a good fiscal plan. Based on that, we should take advantage of the state funds while they are there. And beat these other communities. So, I give you -- I commend you for getting the hundred percent. Let's start our next year's project right away.

Secondly, the Community Preservation Act is fairly new. But I do want to commend the committee for the outstanding work they've done. This is one of the first times I've seen such an embryonic kind of idea come to fruition in such a short period of time. And I would commend you for the work that you've done. It really is going to improve the quality of life in the Town of Falmouth across the board.

The second point is I hope that we approve all of them tonight. I also want to commend the Finance Committee for the checks and balance approach. I guess by law they're not required to do that. The fact that they did look at that and made recommendations positively, except for the Highfield Theater --but if we're going to have events there, we need to keep cool, so maybe we can just bend a little and do them all. But I want to tell you that the amount of work that you have studied and put into it is commendable. And if it was me, I'd just vote them all in the blanket vote right now and move on to the next articles. Thanks. Have a good night.

[Applause.]

THE MODERATOR: Mr. Duffany.

MR. BOYER: Well-

THE MODERATOR: Mr. Boyer.

MR. BOYER: I should say my first hope was in fact we could just do it in one article. No, state Department of Revenue says you must have separate votes on each particular project.

THE MODERATOR: Mr. Duffany.

MR. DUFFANY: Thank you, Mr.

Moderator. Michael Duffany, Precinct 6. Two questions. One is the application process: do you solicit RFP's from people or organizations that are looking for funds or do you have your own list, so to speak, and the timing that it takes for people to go through the process, and then second, probably the obvious one that most of us are asking, is: when we funded \$300,000 for the Long Pond Pumping Station and knowing the monies would be available in November, is there a reason why that wasn't something that was included in this, where, like the rec roof or something like that, can we do that sort of thing with this money?

THE MODERATOR: Mr. Boyer.

MR. BOYER: A policy position of the Community Preservation Committee is that it will receive applications from interested parties. It will be the recipient, not the generator, not to craft projects on its own.

As far as the application process is concerned, I again refer you to the web page of the town that has the application forms right in there. Print them out or download them and do that. And that's what the applicants did when they filed applications that were due last November, whenever it was, that are the subject of this particular round.

We tried to publicize that, let all departments know that the funds were available. As I say, it's likely that the next round of funding deadline will be end of June because we need -- the committee needs the lead time to meet with applicants and deliberate and have a public hearing about the tentative recommendations, and then meet the warrant deadline whenever that will be in September. So there needs to be that review time for project applications. And that will happen with each round of funding.

I think that answers your questions.
Have I missed something?

MR. DUFFANY: The rec roof.

MR. BOYER: Oh, Long Pond, would that be eligible. As an historic structure, I believe that would be eligible for funding if the Town department were to submit an application.

THE MODERATOR: Okay, Mr. Apicella was next on my list. Joe, if you could stand up so the microphone carrier can see you. Right behind you, there.

MR. APICELLA: Thank you, Mr. Moderator. Joe Apicella, Precinct 7. I'm curious, what's the guarantee that the state's actually going to come through with this money and what happens if for some reason they don't?

MR. BOYER: I believe that the state guarantee is as solid here as it is with any other program.

[Laughter.]

MR. APICELLA: Then answer the second question. What are we going to do if they don't?

MR. BOYER: Well, I am not worried about that in the near term for the, say, two to three to five

years. And I think there will be an alert if -- because there is a statewide organization, an advocacy organization called the Community Preservation Coalition, that provides information to all the communities of the Commonwealth -- and they have a website, too, and it's been very helpful - will give an alert. And I think that alert will come down before there is a precipitous drop. And, as I say, I think it's more likely that it will be, "Sorry, you don't get 100 percent this year, only 90 percent" or 80 percent. It's not going to be 100 percent/zero. That sort of revenue flow won't be that precipitous a jolt. Unless, of course, as with Lottery money, they skim.

However, in this case, there really isn't a state legislative action that determines drawn-down from the fund. So it may be insulated from that kind of raiding.

THE MODERATOR: Okay, I saw a couple hands here. Mr. Shearer, then Ms. Grant.

MR. SHEARER: Dan Shearer, Precinct 6. Through the Moderator, I'd like to ask why, with all the projects that we have, like the water plant, the roof on the recreation building, and so forth, we don't see anything on this first go around from the Town itself. Were there no applications from the Town?

MR. BOYER: There were none and there may be more wake up calls. Luckily we have rounds that are coming up fairly quickly. But that does remind me of one other provision of the statute, and that is that projects cannot be used for maintenance, for ongoing maintenance of structures, or facilities of the town. There is bound to be a gray area, what is maintenance and what is capital, but to a large extent, those capital projects have to be -- meet the criteria, in the case of town buildings, historic preservation. You can't just say, "Well,

we want a new roof on Town Hall." No. It doesn't fit the particular criteria of historic preservation, affordable housing or open space. Some of the town buildings, such as the Long Pond Pumping Station, are historic structure and therefore would be eligible for funding if the committee were to so approve.

THE MODERATOR: Ms. Grant. Then Mr. Krajewski.

MS. GRANT: It looks to me, Peter, like for the next so many years, we are not going to be buying very much open space because we already did our [inaudible]. I want you to -- what if a great parcel comes up? That is the question.

MR. BOYER: Well, that is a real problem. And those who are advocates for open space will want to see as much money as possible set aside in that column open space reserve.

There is another feature of the law that really is, for me, a very disappointing limitation, and that is that the state Department of Revenue has offered its viewpoint -- and bond counsel and bonding agencies will follow it -- that communities may not -- cannot borrow against future anticipated state matching money. They can borrow against the local share, but cannot borrow -- and I don't know if that has any bearing whatsoever on the earlier question about what is the guarantee of the state money. But that -- so that really is a pay as you go project limitation. So the five, six, seven million dollar project can't really be undertaken with this funds.

MS. GRANT: I just have one more question. Why there isn't a reserve historical preservation category?

MR. BOYER: There is the category, but

because the projects meet the 10 percent minimum requirement, there is no -- well, if you add up all of those columns except the first one, it's a million eight. So the entire million eight is committed one way or another. And in the case of historic preservation, \$485,000 of projects are being recommended, passing the threshold of the 10 percent requirement of 360,000.

THE MODERATOR: Mr. Krajewski.

MR. KRAJEWSKI: Mr. Moderator, through you to Mr. Boyer, I have a couple questions that may be answered with one answer. It was stated that if an appropriation is either lowered or depleted, it goes into a reserve. And, how is that handled as well as how can it be reallocated, as stated, into another category?

MR. BOYER: Perhaps I wasn't clear.

In fact, if the -- let's take -- and I don't want to pick on it but it's going to be a target, I'm sure - Highfield. \$250,000. With the Moderator's indulgence I will use that example. If that were to fail, then the required 10 percent minimum would not be met because then it's whatever the difference is, 185 or whatever, to 485,000, minus 250 gets us less than the 360 minimum.

It's a little premature but I will

then, if that happens, ask for another motion under the main motion to say "Let's establish a \$250,000 historic preservation reserve". If that were not to happen, that the reserve isn't established, the Town still has the future obligation to meet the 10 percent requirement at a future Town Meeting from these funds. Now, the funds don't go away. They are not lost. They are simply returned to the general kitty of Community Preservation Funds, but must be reloaded at a subsequent Town Meeting, either to a project for historic preservation or to a historic preservation reserve.

MR. KRAJEWSKI: Thank you.

THE MODERATOR: Mr. Oppenheim.

MR. OPPENHEIM: Jeff Oppenheim, Precinct 6. Peter, it's not clear to me whether there is a strategy regarding reserves, what the committee has discussed. It seems like the reserves are I guess minimal in the scheme of things. Is that because there is a lot of very good projects presented in this first round or is that going to be sort of the long term philosophy, to have smaller reserves?

MR. BOYER: I don't think we can answer that question.

In fact, the -- there were a lot of projects. In fact, I can't remember the number, but it's three, three and a half million dollars' worth of project proposals for the million eight or million six that we ended up funding. I don't think there was any debate -- I know there was no debate within the committee that said, "Let's not fund any projects. Let's put them all in reserve." Because we, the committee judged that these were legitimate project applications that were legitimate to be considered by Town Meeting for a voting. And so, it has recommended those - the warrant articles that are the project-related ones. And essentially, although the open space reserve was a deliberate set aside of the \$200,000, the 105 budgeted reserve was the left over. After all the other decisions were made, the committee believed that it wanted to appropriate all of the million eight to something. So that it could be available in the coming fiscal year.

Remember, it could be any time available after the next fiscal year, but within the next fiscal year it can only be available if appropriated and in this case to

budgeted reserve.

MR. OPPENHEIM: Is there any limitations on the use of the budgeted reserve?

MR. BOYER: No. That can be used for any of the categories.

THE MODERATOR: Ms. Martin and then Mr. Anderson. Want to just pass the mike down.

MS. MARTIN: Mr. Moderator, through you, Mr. Boyer, is there any reporting requires as the funds are spent down by each of the grantees?

MR. BOYER: One of the actions that the committee has taken is to develop, with the assistance of town counsel, what we are terming a Memorandum of Agreement with each of the applicants that requires that among a number of provisions, some general and some specific for each project, that they report on their activities every quarter, and we reserve the right to stop the project if we are not satisfied with progress or if something goes awry.

The Town through the Town Accountant's office will have a nightmare over the years of tracking all of this and reporting it as part of the financial statement. She is aware, and God bless her, is trying to get a handle on it. Remember, it's all new to us as to how to get this done.

So, the committee has required that the applicants provide reports and the Town will have its own set of reports that will relate to each of the warrant articles on each of the projects. Does that reach your question?

MS. MARTIN: Actually, I was asking either during or at the end of the completion of the project, that the grant money was given to each of the - each of the associations --

MR. BOYER: It will be during. I am trying to recall if we specified every quarter. No, I think we said periodic. Which could mean depending on the project monthly reports or quarterly reports, and then certainly a project completion report to the Town -- to the committee.

MS. MARTIN: And so those reports are going to be kept in the files of the committee?

MR. BOYER: Probably. Either that or in the Town Accountant's files.

MS. MARTIN: They won't be published?

MR. BOYER: Well, probably in the annual report, because those would be transactions that are payment of town funds.

THE MODERATOR: When you get to the article on the Charter Review I'm going to have to report on it in the annual report, as an action taken by Town Meeting.

Mr. Anderson.

MR. ANDERSON: My question was on the budgeted reserve. On the budgeted reserve, does that also require an additional vote of Town Meeting in order to --

MR. BOYER: Yes, it does. Yes.

MR. ANDERSON: Thank you.

MR. BOYER: To be withdrawn from the budgeted reserve, it must be a fresh vote of Town Meeting appropriating. And incidentally, that also -- no, not also -- but that budgeted reserve disappears with the close of the fiscal year, because it is for that particular fiscal year. So, probably every year you will see some budgeted reserve for use during the upcoming fiscal year. Remember, the only way to use the money is to appropriate it. So every spring Town Meeting will need to vote

any set-aside in order to be available in the subsequent fiscal year. After that, it will be available regardless.

THE MODERATOR: Mr. Hampson.

MR. HAMPSON: George Hampson, Precinct

5. Mr. Moderator through you to Mr. Boyer. Can we use any of these funds, and I don't see it here, that's why I'm asking the question, for studies to map to protect our natural resources, whether it would be marine or terrestrial?

MR. BOYER: I believe that would be

an eligible activity under the category of open space. But that may be a fine point. There were no applications that requested such kind of funding, but there is -- I don't know that there is an inherent prohibition against that kind of study. Feasibility studies or those kinds -- or architectural development of plans are legitimate activities, depending on whether they meet the category.

MR. HAMPSON: Thank you.

THE MODERATOR: Okay, are we ready to actually get into this --

FROM THE FLOOR: Yes.

THE MODERATOR: Mr. Moreland.

Microphone up here to the left, and then we will get into this particular transfer of \$40,000.

MR. MORELAND: Thank you. One question. On these larger articles, once it's approved by Town Meeting, is the money just a big check written and given to the applicant? Or is it issued out as a project progresses?

MR. BOYER: Generally, it will be reimbursement. That will vary. There's one project that will come up in which the work is already done. Well, no secrets, it's the Chamber project. So that would really be a reimbursement for

that done. But the Committee's intent is to invite draw-downs based on project progress and not all the money up front.

MR. MORELAND: Because the reason I ask this though is, they don't get a big lump of money and then decide not to do the job and they just keep it. That's the part I'm getting at.

[Laughter.]

MR. BOYER: And go to it a foreign country. No, I don't think so.

MR. MORELAND: Okay. Thank you.

THE MODERATOR: We'll have that new Town Counsel office busy. Okay, Ms. Stetson, you held this article. Judy Stetson in the back.

MS. STETSON: Judy Stetson, Precinct 1. And I'd like to begin by adding my thanks and I think we should mention specifically our legislators, Eric Turkington and Senator O'Leary, who got this available, this money, for us.

[Applause.]

MS. STETSON: And I remember from one of my meetings that Eric Turkington was asked how safe is this money from the state, grabbing it, golden stream going by, and Eric said "We've put it as low down as we can." So, as Peter Boyer said, it doesn't require legislative approval, which is the moment when the legislature might have taken it away. So we do owe our own legislators a great vote of thanks.

And I am sorry to have to begin with this very first article by questioning it but I am going to. Article 25. This land is wooded, really wooded. It is full of ancient trees, young wildlife and a rare absence of human activities. Do you take any of the tours?

Did you read the articles about it in the Enterprise?

It is lovely, beloved land. I can't possibly be as persuasive as the businessmen from North Falmouth were last night. But, as I talk to you tonight, I ask you to remember their passion --

THE MODERATOR: I have a point of order.

FROM THE FLOOR: Are we on Article 24, not 25?

THE MODERATOR: We are on Article 25. Okay. Ms. Stetson.

MS. STETSON: I can't possibly be as persuasive as the businessmen from North Falmouth were last night, but as I talk to you tonight I will ask you to remember their passion about being included in any plans for their village.

The Selectmen asked the CPA to consider this parcel, as I understand it, because it meets the goal of spreading the supply of affordable housing more evenly around the town and also because it is already owned by the Town, so there will be no land acquisition costs. These are two good reasons to consider this parcel. But I hope to persuade you to vote against the request for the \$40,000 engineering plan that is before us tonight. Because we already own it, we are not under any time deadline to develop this parcel. There is no P & S with an expiration date as there was for the Ruschky parcel. And, because we have this nice new dedicated revenue stream, we are not under any financial deadline to develop this parcel, either. Money will be there next year.

Let's find sites in Woods Hole that

meet more of our criteria for siting affordable housing. Whenever possible, we want it to be near amenities like sidewalks, public transportation, a market, a school, a wonderful library. If possible, we prefer development of existing buildings in or near village centers rather than building new projects on the undeveloped spaces between village centers. A local committee is actively exploring other options for affordable housing in Woods Hole. The CPA should get its input.

I also think Town Meeting needs to know more about this \$40,000 request before we vote for it. How is that amount arrived at? What will it buy us? What will it commit us to?

I had heard that there was no response to an earlier \$3,000 request for proposals. Was the \$40,000 figure arrived at just to get contractors interested?

And just what will the work -- what work will we get for our \$40,000?

There is no sewer down Woods Hole Road, so we will certainly be getting perc tests for the Title V leaching fields. Perc tests require excavators, excavators make big access tracks, how many perc tests are included in this \$40,000?

What mitigating measure will be required to minimize the impacts involved in making perc tests?

How much of the \$40,000 will be allocated for identification and protection of the natural resources? Can we require that those studies be completed and their information taken into account before the perc tests are authorized?

And one final, final point, do you know why we own this land? We got it from a generous summer resident,

Jane Webster. The same woman who created the famous Webster Rose Garden, which she opened to the public for years. She deeded this wooded parcel to the Town for a school, wanting to benefit the children of the village. Later, we persuaded Mrs. Webster's heirs to let us build a fire station there instead of a school.

Monday night, we heard that the Woods

Hole fire station has the room and the staffing for three emergency vehicles. That is great news. The Webster parcel is already providing a vital public service. Let the fire station be the most intensive use of this land for at least one more year. Please vote against the \$40,000 engineering request.

THE MODERATOR: [Inaudible.]

MS. THOMPSON: Good evening. Good evening, my name is Diane Thompson, Precinct 2, and I am chair of the Affordable Housing Committee in the Town of Falmouth and I am also chair of the subcommittee that is known as the 419 Woods Hole Road Subcommittee. And I'd first like to say this is an application that was submitted by the Town. We are a committee in the Town, and the request that is the subject of this warrant article is for a study. This property came to the Affordable Housing Committee as a result of the meeting that took place with the Board of Selectmen and Peter Clark when he was superintendent of schools and they were talking about the need for housing for our teachers. The Board of Selectmen asked the Affordable Housing Committee to take a look at this property. As soon as they did, we established what we call as I stated, the 419 Woods Hole Road Subcommittee.

The subcommittee was established so that we would have immediate involvement by the Woods Hole community as we took a look at this property to look at whether or

not we could create any housing. The makeup of the subcommittee is there are two members of the Affordable Housing Committee, there are two members on the committee that were appointed by the Woods Hole Association, Community Association. There are two members of the School Department, one member is Dr. Clark who also lives on Woods Hole Road and who has been very involved in this process. And we also have our assistant town planner, Marlene McCollum.

The charge of the subcommittee is very specific. We are to look at whether or not it's feasible to create affordable housing on this property. The Woods Hole subcommittee has met for a significant period of time. We walked the property and after consulting with many department heads who deal with land use, the subcommittee identified three areas on this property where there might be affordable housing. Two of the locations were determined to be more appropriate than others. One location is behind the fire station. The other is on the northerly side of the property, opposite F.R. Lilly Road.

The subcommittee, I will say, has met - I wish I can remember exactly how many times. At least two times we have had significant meetings with the Woods Hole community to keep them abreast of the status of the subcommittee's work. We have heard many times about the significant vegetation, the trees and the habitat that are found in - within Webster woods and also from walking the property we understand that there are significant topographical problems. That is why the subcommittee identified specific locations where there might be housing.

This money is to fund a study to let the Town go forward to look at these specific areas. Judy asked so many questions. I will try to just answer what I think might be pertinent to this article at this point in time because you

really are only looking at a study.

We did -- the subcommittee, the Affordable Housing Committee and the Subcommittee developed a request for proposals. Within that request for proposals, it's very specific that the engineer, when it's conducting its study, must minimize the impacts on the vegetation and the habitat as it conducts its study. This means if they go in and do a perc test, they're going to have to identify for the subcommittee where that perc test is going to take place and how the vegetation will be disturbed.

We have heard Woods Hole so far and we intend to keep listening to Woods Hole.

I would like to remind Town Meeting that the Town of Falmouth has eight planning districts; two of the planning districts have zero percent affordable housing. Woods Hole is one of those planning districts. And I believe another note, where the point is that Woods Hole is one of the very few areas in the Town of Falmouth that is not within a recharge area, and the Affordable Housing Committee ask that you fund this study. Thank you.

THE MODERATOR: Mr. Murphy. Did you still want the floor? Yes. Microphone in the middle here. And there's Mr. Netto on my right.

MR. MURPHY: Mr. Moderator, thank you. Bill Murphy, Precinct 3. Just a couple comments. To me it's an absolute shame that we have to spend \$40,000 to engineer town-owned property to look at the feasibility for affordable housing. East Falmouth is now the home -- I'm in East Falmouth. East Falmouth is the home of 40B's. And that's fine because we have some land that we can do

it and we need it. We have 16 acres behind the fire

station. These are prime town-owned properties that can afford additional affordable housing. We should do this. I am just amazed that we have to spend 40,000 bucks to get this thing to happen but I will support \$40,000, otherwise it's not going to be there. But I happen -- as one of the dissenting members of the Finance Committee who doesn't like to spend money for needless waste, this is one of those things you just have to do.

So I'm going to support Diane Thompson

and the group and go forward with the \$40,000 and get the job done. Thank you.

THE MODERATOR: Mr. Netto. Mr. Netto, if you can stand. And then Mr. Bumpus and Mr. Latimer.

MR. NETTO: Mike Netto, Precinct 9. I got to be honest with you it troubles me to speak in favor of this article because I hate to see open land developed. But I will say one thing. If we are going to play the game of affordable housing in this town, we gotta play it fairly.

I'm a resident of East Falmouth. And

it pains me every time I turn around and look down a different street where I grew up I see 40B's going in. Ten units here, 18 units there, 32 units there. And I'm going to call a spade a spade right now. If this were in East Falmouth, it probably wouldn't -- an eye wouldn't be blinked. We are talking about a parcel in Woods Hole, okay? We are talking about town-owned land. The town has given some thought to this. They want to spend \$40,000. A lot of people are questioning what's that going to do for us. Well, \$40,000, you know, you just can't go out and build a house. You have to put some design into it, you need a

survey of the land, you need to do a site plan, a layout, where the home is going to be situated, where the septic system is going to be, there's some design that goes into this. This is an intelligent design; I think it's the right approach for affordable housing.

There was mention made about ancient trees. I'll tell you what, my grandmother had a home on Davisville Road, right next to Cove Road. There were many trees down in that area. They went in and developed that and there is hardly a tree left standing. It's a big clear cut. I mean, I think this is a wise thing to do and it's an intelligent thing to do and I would urge all my Town Meeting Members here to vote for it because this town has a thought we got to provide more affordable housing for the community and this is an intelligent way to do it. And I ask everyone to support this article. Thank you.

THE MODERATOR: Ms. Bumpus.

MS. BUMPUS: Katherine Bumpus, Precinct

1. I have to disagree with Diane on a couple items. I was one of the Woods Hole representatives on this subcommittee before I was elected Selectman. There are two of us. We were representatives of the whole community, not of the community association. There was one meeting with the entire village of Woods Hole and that was the outrage. But Tim Lineweaver and I made every effort to get communication between our neighbors in the village and keep this process going. I'm very supportive of this.

In November of 2004, November 15, was the last meeting subcommittee had. There was no meeting until just this past January or February. The money that was applied for was never discussed with the subcommittee. The \$3,000 RFP was discussed. The first that the Woods Hole community knew that

\$40,000 of CPA money was going to be applied for was when they read it in the paper. This is a breakdown in communication.

I think that we will see this back and

we will see people supporting it, but at this point they have not discussed any number of items with the people in the village. Nobody likes that. Nobody would like it if it was happening in your neighborhood. I hope we will see affordable housing in Woods Hole. We are working hard on this parcel and other parcels that are not town property, to bring it to the village. I know that people believe it is an NIMBY issue, it is not. Thank you.

THE MODERATOR: Ms. Thompson and then Mr. Latimer, if you want to respond to that.

MS. THOMPSON: Good evening again. Since Selectman Bumpus was on our subcommittee we've had another meeting. So that --

MS. BUMPUS: In January. This year.

MS. THOMPSON: This year, yes.

MS. BUMPUS: Yes.

MS. THOMPSON: So we've had two

meetings. But anyway, that's -- um, I forgot what your -- oh, I am sorry. The reason that the committee did not meet after the date specified by Selectmen Bumpus is that we didn't have any money. We prepared an RFP; we didn't have money to fund it. We reduced the request for proposals or RFP to an amount that would fund work equal to \$3,000 because we received a grant from the Cape Cod Commission that would pay for it. So, without money, that project had nowhere to go.

The affordable housing committee, who is the parent committee to this particular subcommittee, looked for that entire period of time for grant money. We worked with

the county Resource Development Office. We talked to people in the state looking for money to fund this study. So when the funds became available through the Community Preservation Fund - and I will add that a study of this nature is anticipated by the use of CPA funds, the affordable housing committee made the application.

If we failed to notify people that we were going to continue to make funding, I will say we did apologize, but we believe that it was our charge to do that and that is why we continued, and we made application. Thank you.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct

2. Ms. Stetson says there is no urgency on this. And certainly not on this particular parcel, but there is an urgency and I believe the gentleman who spoke in here referred to it in that we are at the mercy of the developers when it comes to putting 40B projects whenever and wherever this town may feel like it because we don't have enough affordable housing. From my perspective on the Planning Board, this creates a sense of urgency and whenever we get an opportunity like this to create affordable housing that is 100 percent affordable housing and not the mere percentage that the developers give us, which is just treading water, I say we should jump at it.

If there is, as has been said, additional land at Woods Hole that can also be developed for affordable housing, that is wonderful. Let's get this one done and let's move on to the next one. But let's get this one done. Thank you.

THE MODERATOR: Please pass the microphone up here to my right. I've got you on my list, Mr. Shearer.

MR. YOUNG: Mr. Moderator, Bob Young, Precinct 5. Mrs. Stetson said the land was donated by the Webster family for a school in Woods Hole. The school didn't happen. They had to go to the heirs for permission to build a fire house. My question is are there covenants on this land? Does anybody have an answer to that here?

THE MODERATOR: Mr. Duffy.

MR. DUFFY: They were released.

THE MODERATOR: They were released. Okay, Mr. Garcia and then Mr. Shearer.

MR. GARCIA: Thank you, Mr. Moderator.

Ron Garcia, Precinct 7. I have a question and then a comment. Because we have heard that we should be looking maybe at alternate sites, possibly in the village, can someone answer if we currently own any land in the village in Woods Hole?

If the answer is no -- excuse me?

MR. BOYER: The playground.

THE MODERATOR: The playground.

MR. GARCIA: Okay.

[Laughter.]

MR. GARCIA: I think that's my point.

If we truly believe there is an issue and a problem with affordable housing, it certainly seems prudent as a town that we have to start with ourselves on town-owned property that we basically can control the development and can control the density.

Certainly, as far as concerns about trees, let's try to save as many of the trees as possible, but in all honesty, if we are serious about affordable housing, the Town needs to play a role in this. This is town-owned property. We don't have to go out and buy property. It seems like a slam dunk

to me and I would certainly hope that you support this article.
Thank you.

THE MODERATOR: Mr. Shearer.

MR. SHEARER: No, all set.

THE MODERATOR: Oh, you are all set
with the question. Okay. We are all set. Mr. Murphy and
Mr. Krajewski.

MR. MURPHY: Carey Murphy, Precinct 7.

It really comes down for Town Meeting if this is an appropriate use
of CPA money and I believe it is very appropriate. This is a
culmination -- and the people -- you've got a couple of other
articles coming down the way, with Cloverfield Way and Ward and
Chester, for this body to look at and to vote on. The process
that we have gone through with the affordable housing committee,
this is a culmination. This is one of the steps. We took it with
Ward and Chester, we took it with Cloverfield. And this is just
another step in identifying town parcels for affordable housing.

If there are other parcels in Woods
Hole, I haven't heard of any. There were some notification this
afternoon about some plans and some programs to bring some
affordable housing to Woods Hole, but, at this point, I think this
is very appropriate use of CPA funds and I urge Town Meeting
Members to vote yes on Article 25. Thank you.

THE MODERATOR: Mr. Krajewski.

MR. KRAJEWSKI: Thank you,

Mr. Moderator, Chet Krajewski, Precinct 3. I have not heard the
answer of the information that was brought forward by Judy Stetson
where this property is deeded for educational purposes, and this
came up a number of years ago in the first --

THE MODERATOR: The covenants were

released. Mr. Duffy just answered that question.

MR. Krajewski: Pardon me?

THE MODERATOR: Mr. Duffy just answered the question; the covenants were released.

MR. KRAJEWSKI: I did not hear that.

Because I know that it had to go through Town Meeting for the fire station to be built there and I believe the state legislature, if I'm not mistaken, this would not have to take place --

THE MODERATOR: The covenant was released, as Mr. Duffy said.

MR. KRAJEWSKI: Thank you.

THE MODERATOR: Ms. Zacks.

MS. ZACKS: Marilyn Zacks, Precinct 6.

At one of the precinct meetings, Virginia Valiela gave some interesting statistics about how far we have come towards affordable housing and how far we still need to go. I think that the Town Meeting really needs that information to make some intelligent decisions. Virginia, could you share that with us, please, through the Moderator?

THE MODERATOR: Ms. Valiela.

MS. VALIELA: I think we should stay focused on this article, and the key point was made earlier this evening. There is no affordable housing in the Woods Hole planning area. That is the first district. And the second area that has no affordable housing is the West Falmouth planning area. I think we should vote this article.

THE MODERATOR: Okay. There is one more speaker on my list, Ms. Tobey, and then I think we're ready to go. Microphone over here on my right.

MS. TOBEY: Mr. Moderator, thank you.

Linda Tobey, Precinct 4. I just want to commend the committee for

getting together with the village of Woods Hole to talk about the affordable housing piece.

I live in East Falmouth and I don't

think such a communication was available to people when affordable housing was being built in different area unless you were an abutter. And I think this is a wonderful precedent and I hope wherever else affordable housing goes, that the community gets together and is informed. I think it's an important step in the right direction. Thank you.

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

Article 26, Mr. Chairman.

MR. BOYER: Mr. Moderator, I move that the town vote Article 26 as recommended.

THE MODERATOR: As recommended. This is to transfer the sum of \$250,000 from the Community Preservation Fund to be made available to the Affordable Housing Committee for the purpose of constructing affordable housing units on Ward and Chester streets and Cloverfield Way. Any discussion?

This was held by Mr. Losordo, I think. Who is it? Oh.

FROM THE FLOOR: Since we are voting on these tonight, the funding before voting on them, I would like to make a motion that Article 26 be voted after Article 42 and Article 43.

THE MODERATOR: Article 42 and 43.

MR. BOYER: Mr. Moderator --

THE MODERATOR: Article 43 went through on the blanket last night, so that is not up for discussion. But Article 42 was held. Mr. Boyer.

MR. BOYER: I believe that the language in the article requires that the town approve the vote of the use of that land in order for this article to be triggered. If you look in the article language --

THE MODERATOR: Conditions to include the authorized land disposition.

MR. BOYER: Yes.

THE MODERATOR: Is in the main motion. So, do you want us to vote on that?

This article becomes contingent on an appropriate vote in Article 42. Do you want us to take your procedural vote or not?

FROM THE FLOOR: Yes, please.

THE MODERATOR: The question will come on whether or not to -- actually, it would be to table this article so that we could then go and take 42 out of order. All those in favor of tabling the article, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It is the opinion of the Chair that the No's have it by a majority and we'll continue with Article 26. Any further discussion on Article 26?

Mr. Dick.

MR. DICK: I've recently taken up with the patron saint of lost causes, but nonetheless I'm going to speak on this. I live out in Hatchville and we have lots of

affordable housing around us and I have never opposed it in Hatchville because I realize that's where the land is. But I oppose this particular article and this particular location for several reasons.

One of the great dangers in zoning is called veneer zoning. And that is where you put single houses out with large areas of land around them. And Cloverfield Way is an isolated - it's the most isolated area in town. It's across Route 151. It's down a long road. You couldn't find a more remote place that has less to do with the guidelines for affordable housing.

We have relatively few blocks of land that are large that could be taken, potentially, for the Town to preserve open space and wildlife, and this is one area where that is the case. We also have here the ability to vote this lot only because we are using a paper road. And a paper road is land that belongs to somebody else but somebody used it as a road once upon a time. And I don't think we should be doing that as a policy. I think that building a single spot house out in the middle of the woods, breaking up a large parcel of land, veneer zoning even with -- even for affordable housing, is a bad idea.

And so I urge you to vote against this. I feel that I am speaking tonight probably against the tidal wave, but I do feel that this is a small area with a very few people to speak on its behalf. It's a mile and a half from where I live. I never see this piece of property, so I have no vested interest in it. I just think this is the wrong thing to do. Thank you.

THE MODERATOR: The gentleman in the aisle in the back to my right. And then Mr. Dufresne.

FROM THE FLOOR: Hi, my name's [inaudible], live at the house on Ward and Chester Street, at two

houses that board the two Town properties. Both of my houses have separate lots. I have a driveway roughly 100 to 105 feet long that is supposedly on town property, but my driveway's been used since 1913, way before I was born. It used to be the Megansett Tea Room, and way back then there were three house there. And here's the problem I think -

THE MODERATOR: Can you speak a little bit louder? There are some folks up front who are saying they're having trouble.

FROM THE FLOOR: Here's the problem, I think, it's in Land Court in Boston. I have a Boston lawyer, I spoke to him yesterday and the Town's two lots, the titles are clouded, and I really believe that they shouldn't be switching hands from the Selectman to the Housing people yet until they clear it up with me. And if I happen to win in court or the Town makes a deal, my lawyer gives me my driveway, then they should maybe have this meeting later on after they do this, you know, take care of this problem here.

Maybe the Housing Committee will treat me better than the Selectmen, I don't know. But, I think right now this should be withdrawn, because it's in Land Court in Boston; the town lawyers -- lawyer, the Town Administrator and Selectmen, I'm sure, are well aware of this. It has a number in Boston, a case number, so I know the town lawyer knows about this. But the title is clouded for both lots.

They're claiming my driveway. It's 105 feet long, roughly, and my house goes 27 feet back from the driveway. And the town lots, they count the square footage of my driveway for the benefits of their two lots, which is in Land Court in Boston.

That's all have I to say.

THE MODERATOR: Mr. Duffy.

MR. DUFFY: The gentlemen is correct, there is a dispute. It's pending in Land Court in Boston regarding his driveway. It's a relatively narrow piece of -- it's essentially a boundary line dispute. The section of this property that would be used for affordable housing is not affected by this dispute in my opinion, and we could go ahead with this project even if that project were not -- even if that case were not resolved. The most that would be at risk would be a very small strip that's not necessary for the project.

THE MODERATOR: Ms. Harper.

MS. HARPER: We worked very closely with town counsel in considering this parcel for affordable housing. We went to the degree to obtain a letter of certification from a title insurer identifying the parcel as having superior and transferable title.

THE MODERATOR: Mr. Netto.

MR. NETTO: Mr. Moderator, is there a map that we can look at for this parcel? I see here it jumped from Article 25 to Article 30?

MS. VALIELA: 42.

MR. NETTO: Oh, I'm sorry.

THE MODERATOR: The gentlemen in the aisle, again, you wanted the mic again?

FROM THE FLOOR: There's one thing that I forgot say is, the two houses they're going to build on this land are going to be 16 feet apart from each other, I believe. I might be off a foot or two. I think two houses is way too much for there. And if I do win in Land Court in Boston, and they take away the 2,000 square feet, that will cut down the

property lots for both houses. And it may be illegal because the housing has to provide the septic systems per square footage because if it switches hands, they still have to provide the septic systems for two houses on those two very small lots. And if I win in Land Court, they could take enough property away that they could only really put one house in the back lot. And, a lot of people don't know, they want to make these two lots, then three lots. I just want people to know about that.

THE MODERATOR: Ms. Valiela.

MS. VALIELA: Thank you, Mr. Moderator. Virginia Valiela, Precinct 5. The gentlemen might be interested to know that, sir, there is only one house going to be built on these two lots. It's not two houses. There's no intent to split it into three. It will be only one house built on this lot, and the Selectmen made that decision based on the public discussion that we had when we were considering town owned property for affordable housing. The residents in the area pointed out the character of their area and the Selectmen agreed that these lots were relatively small as individual lots and that one house would be appropriate. It's a 20,000 square foot lot which is certainly more than many people have in this town.

THE MODERATOR: Ms. Lowell.

MS. LOWELL: [Inaudible - no mic.]

THE MODERATOR: With the microphone, that there's two different parcels, that's correct. So what --? I can't hear you without a mic. Could you pass the microphone to Ms. Lowell, please.

MS. LOWELL: This article has both the Cloverfield Road and the North Falmouth parcels, so I think we are getting a little mixed up. Are there two houses going in North Falmouth and one in Cloverfield is the proposal?

MS. VALIELA: Yes.

MS. LOWELL: Thank you.

THE MODERATOR: Ms. Thompson.

MS. THOMPSON: Good evening, again.

Diane Thompson, Precinct 2. Chair of the Affordable Housing Committee. I hesitated to get up because this is actually the funding article, but where there is a question about what is proposed. There are two houses proposed in the North Falmouth Ward and Chester area and there is a lot that is proposed to be created that will be dedicated open space. And, as Virginia stated, originally the Affordable Housing Committee asked the Board of Selectmen to consider two houses on two lots on Cloverfield Way, and the Board of Selectmen would only recommend one. And, if you recall in November of 2003, we came to Town Meeting and Town Meeting authorized us to go forward with the permitting process for two houses on the Ward and Chester Street properties and one house on Cloverfield way.

THE MODERATOR: Mr. Dufresne.

MR. DUFRESNE: Mr. Moderator, Town

Meeting Members, I speak tonight as a representative of Precinct 2. I would hope you would vote this particular parcel down. Cloverfield Way, in my younger days I was able to hunt up there, and believe me, it was the dumping grounds for anybody that had a load of cement or asphalt or trash. The last time I was down there, it's been developed by a lot of nice young families, and I don't know any of them, who have developed little mini farms. And I don't believe that we have to put a house on every vacant lot. When you have a vacant lot in an isolated neighborhood like that, it makes a great playground for the kids in that neighborhood. And I think I said the same thing when we built the house on Fresh

Pond Road. I thought that particular lot was good for the kids in that neighborhood. I feel just as strongly about this lot on Cloverfield Way, which is now I believe almost 100 percent developed by young couples with kids and their mini-farms and their animals. And I just have a hard time thinking with, we have bought so much open space and these people on Cloverfield Way have made their contributions for that open space. They're merely asking you now to let their neighborhood be 100 percent settled, except for these two small, undersized lots which could be a potential playground for the kids of that neighborhood.

I would ask you to give that some kind of consideration. We really don't have to put a house on every lot.

THE MODERATOR: Ms. Harper.

MS. HARPER: I just have a couple of points of information first on the Cloverfield lot. That lot has been determined by the building commissioner to be buildable for purposes of zoning, so that is a buildable lot. The Ward and Chester Street parcel will have to survive a Zoning Board of Appeals permit under the Comprehensive Permit Act. Both of these parcels have been submitted to the Department of Housing and Community Development under a LIPP [sp?] application and have received a positive finding to move forward. So both of these parcels have already survived a level of review. The Affordable Housing Task Force and now the Affordable Housing Committee have put hundreds of hours into both of these parcels, held community meetings over a two year period and developed projects that are extremely consistent with the character and quality of both of those neighborhoods. And I thank them for their work.

THE MODERATOR: Mr. Putnam. Ms.

Abbott, you're on my list.

MR. PUTNAM: Brent Putnam, Precinct 9.

I'm going to join Mr. Dufresne and Mr. Dick in suggesting that the Cloverfield Way parcel be left alone, and I would like to make an amendment that we strike from Article 26 the language referring to Cloverfield Way.

THE MODERATOR: Would you adjust the money on that or just the -

MR. PUTNAM: I would adjust the money accordingly.

THE MODERATOR: I am asking Mr. Boyer. How - I mean, if we just remove that, but appropriate 250,000?

MR. BOYER: Mr. Moderator, I am not aware of the proposal details to know if in fact the -- that contains a split in the description of allocating the money either to Ward and Chester verses to Cloverfield. It's within the right of Town Meeting to reduce the appropriation. There's no question about that. So that could be done.

THE MODERATOR: We don't know --

MR. BOYER: If in fact this amendment does not do that, it simply deletes the location. So, if there is no deletion of a dollar amount, the dollar amount would stay at 250.

THE MODERATOR: Okay. So that the motion is to just strike the clause referring to Cloverfield Way in the proposal. Ms. Thompson.

MS. THOMPSON: Good evening. I would like to stress to Town Meeting that the lot that you are looking at on Cloverfield Way, as Heather spoke to, is a buildable lot, and we are proposing to put one house on that lot and have it be

for affordable housing.

Could I please have slide 2. This is an example of the house that is proposed to be built on that lot. It's a very nice cape. The design will be a cape but it will include, from what I am told, a farmer's porch on the front. It's one bedroom on the first floor, handicapped accessible for visitability, three bedrooms. It's a very nice house that would be welcome in any neighborhood.

The request - or the article that you are looking at right now is to fund a portion of the construction for that house that could be located in that neighborhood. We are talking about one house, for one family on Cloverfield Way. And I really ask that you not listen to the amendment and that you vote for the funding for all three houses. Thank you.

THE MODERATOR: Okay, who wants to speak on the amendment? Ms. Abbott?

MS. ABBOTT: I have a question, Mr. Moderator. The map about Article 42 shows a house rather near these two parcels that are to be one house. Is that not a house lot, 170, it says?

THE MODERATOR: They're saying yeah, that's a house.

MS. ABBOTT: So it's not completely open space. I think a house nearby would be very appropriate. I don't think we should remove it from the article.

THE MODERATOR: Okay. Ms. Lichtenstein. Mr. Dewitt, why don't you grab that mic and then we'll pass it down? Can I get the mic carrier to stay with the row where the mic is? Could the mic carrier please stay in the row where the mic is so we can move it more quickly, thank you. Mr. Dewitt.

MR. DEWITT: Mr. Moderator, Ed Dewitt,

Precinct 1. I have a question on the legality of the amendment. The Community Preservation Act has a lot of protections in it for the protecting the recommendations of the Community Preservation Committee and that essentially I think Mr. Boyer explained the limitations of Town Meeting and its ability to basically to approve, deny or reduce the amount. This particular amendment begins to, I think, cross that line and tinker with the recommendations of the Community Preservation Act and I would ask you if it is in order. Thank you.

THE MODERATOR: I'm going to ask our lawyer if it's in order, because Mr. Boyer told me it was. So, Mr. Duffy, what is your opinion on this? Mr. Duffy will concur with Mr. Boyer that this would be appropriate as a reduction.

Ms. Harper, then Ms. Lichtenstein.

MS. HARPER: I do have a concern that it could be fatal to the project. As you know, this project's been in the works for about five years. It has languished primarily because it's not economic to construct a single family home that is affordable. If it were, we'd have affordable housing. This program, the CPC, makes this project feasible. I have in my hand a project proposal that's acceptable and has been voted and authorize by the Board of Selectmen to proceed pending the authorization of this Town Meeting. That was a combined proposal to construct the Ward and Chester project and the Cloverfield project, not to construct them singularly. To split the award I think could cause a fatal flaw in both projects.

THE MODERATOR: Okay, Ms. Lichtenstein. And then Ms. Sears, did you want to speak on the amendment? Okay.

MS. LICHTENSTEIN: At the Precinct 8 meeting we discussed this in quite a bit of detail. Yes, there is a house that is numbered 170 there. You'll notice there is a large amount of what appears to be open land around this; that is a farm that is owned by the people that have that particular house that was mentioned. Our feeling at least at Precinct 8 meeting was that we have very little agricultural land left in Falmouth; very few people actually doing farming in Falmouth, and when you take a house and put it in the middle of a farm, I think what you are asking that farmer to do is what?

Put more houses on that land. Anybody who goes down by Tony Andrews farm who used to love to look at those corn fields only has to look at the houses that are there. And they're beautiful houses, but it's just I hate to see farm land go. So I know we have been dealing with this for five years but it's still agricultural land and I hate to see Falmouth lose agricultural land. Thank you.

THE MODERATOR: Ms. Sears. I'm going to go right across that row. I'm going to go Ms. Sears, Ms. Jewett, and then the gentleman behind Ms. Jewett.

MS. SEARS: Ann Sears, Precinct 1. I have been also to look at Cloverfield road and it is not a suburban street. It is a sort of country street. Houses, sort of dotted amid lots of land. And we should preserve that kind of street in town and not plunk a suburban house there. It's not near sewer, it's not near transportation. It doesn't meet any of the guidelines of the Affordable Housing Committee other than it's town-owned land. And I do support the North Falmouth housing for affordable construction, but this is just not appropriate for the Town to be doing this there.

THE MODERATOR: Could you pass the mic just forward, there.

MS. JEWETT: Katherine Jewett, Precinct 5. I seem to have a little bit of confusion. Maybe you could help me. Mr. Boyer said earlier that each project has to come before Town Meeting as a separate article. These two projects are more than two miles away from each other. They can't possibly be the same project, and Heather recently said two projects. This one and that one. And I thought they had to come as two separate articles.

THE MODERATOR: Mr. Boyer.

MR. BOYER: Mr. Moderator, we define a project simply as a funding. And, in this case, it's one funding of the \$250,000. Understand separate sites. That doesn't in and of itself, I believe, make them separate projects. And in fact, you have heard the description of the RFP, or the bid proposal. They are lumped together. So "project" doesn't necessarily mean separate sites.

MS. JEWETT: I did wait until somebody else called them two different projects before I asked.

THE MODERATOR: Okay, if you could pass the mic behind you, there.

MR. BROCK: Sean Brock, Precinct 8. It was my understanding, Mr. Boyer said that if those -- if any funds that aren't spent will then go back into the General Fund.

THE MODERATOR: They will stay in the Community Preservation Fund unless we appropriate them elsewhere.

MR. BROCK: Right.

THE MODERATOR: Not the General Fund.

MR. BROCK: Okay, sorry. They are a general fund. They won't be --

THE MODERATOR: The Community Preservation Fund.

MR. BROCK: Exactly, and that they won't be lost.

THE MODERATOR: They won't be lost, they'll be tied up for one fiscal year unless otherwise appropriated.

MR. BROCK: Well, they could be otherwise appropriated, so.

THE MODERATOR: Yeah. They are not lost. They'll stay in that fund.

MR. BROCK: Thank you, that's my point.

THE MODERATOR: Okay, the woman in the center here near Ms. Siegel. Microphone down here in the center. You need to stand when I recognize you so they can see where to go.

MS. LAMONO: Camille Lamono, Precinct

8. I was also at the Precinct 8 meeting. Just a couple of points I wanted to bring up that were also mentioned during the discussion. The open space or whatever the land is around these lots could easily be developed whether or not this is turned into affordable housing. It's two acre zoning above north of Cloverfield but not south of Cloverfield, and it was brought up at that meeting that the person that owns that open space hasn't decided what they want to do with it. It was suggested maybe they might considering putting an agricultural preservation restriction on it or a conservation restriction, something that would show an intent that they wanted to keep this area preserved the way it is.

And another point I just wanted to make is that we all know what the price of housing is in the Town of Falmouth. Affordable housing is for people who have jobs. It's for teachers. They have ways to get to work. They are not looking for public transportation. And I think we're forgetting that. Thank you.

THE MODERATOR: Mr. Ayres. Anything new on the amendment to remove Cloverfield. Mr. Rowitz, if you've got something new. And, Mr. Latimer, you're on my list if it's new. But, Mr. Ayres, you are first.

MR. AYRES: Dean Ayres, Precinct 7. I must admit I have a personal stake in this. My daughter is an equestrian. She has a horse and she rides her at Highlander Farm. She works there part-time every day. She goes there, mucks stalls. And there is very few places in this town anymore where kids can go and enjoy open space in the outdoors. I lived in New Jersey, I was actually -- all my relatives were farmers there and I was in 4H for ten years and I just see -

THE MODERATOR: Do you want us to vote for or against the amendment, Mr. Ayres?

MR. AYRES: I want to vote against the amendment because the rural space for kids to go and enjoy the outdoors and nature is becoming more limited every day.

FROM THE FLOOR: Question, question.

THE MODERATOR: You actually want them to vote for the amendment to remove the parcel.

Go ahead, Mr. Rowitz. Something new on this amendment.

MR. ROWITZ: Ray Rowitz, Precinct 5. As I understand it, the combination of these two lots, the total frontage on Cloverfield Way without taking the paper roads is less

than nine feet. Is that true?

THE MODERATOR: I'm not going to answer it.

[Laughter.]

MS. THOMPSON: I can't tell you the exact, if it's nine feet or what it was, but the lots including the paper roads, which are real, which do create real frontage, were put before the Planning Board to determine whether or not this particular piece of property has adequate access, and that is something that the Planning Board looks at. So there was a need to determine whether or not those paper roads are actually still in effect, and the determination and correct me if I am wrong, Mr. Duffy, but I believe the determination was made that those paper roads are, yes, still in effect, which do create frontage for this particular piece of property.

THE MODERATOR: Mr. Duffy says that's correct. Mr. Netto.

MR. NETTO: Mike Netto, Precinct 9. Through you, Mr. Moderator, could someone tell me what the acreage on these lots are? Just give me a ballpark.

Maybe someone from the Planning Board. Are we talking three acres, two and a half acres? Roughly.

Anybody know?

THE MODERATOR: Affordable Housing Committee should know. How big is the land?

MR. NETTO: These parcels, here, I'm assuming north of Cloverfield Way -

FROM THE FLOOR: They are all two acre lots.

MR. NETTO: Okay, so -

THE MODERATOR: They're all two acres lots.

MR. NETTO: - I want to make two points real quick. And I might sound like a broken record, but, first off, I'm going to say support this article, defeat the amendment for this reason. I think people that qualify for affordable housing need the opportunity to have a home with a little bit of yard around them. I don't think that is -- I think if you qualify for affordable housing, you don't need to look ten feet and see your neighbor, you don't need to look to the other direction 20 feet and see your neighbor like most of these 40B developments in this town. Point number 1.

My second point is: vote this amendment down, pass this article. It's one more step until this Town reaches ten percent affordable housing and we can stop the 40Bs in this town. It's a state regulation if we get 10 percent we stop the 40Bs. Thank you.

[Applause.]

THE MODERATOR: Ms. Houle. Let's go. Let's go. Anything new, Ms. Houle.

MS. HOULE: Louise Houle, Precinct 8. And I just wanted to add --

THE MODERATOR: With the microphone.

MS. HOULE: Oh, I thought I was loud enough.

[Laughter.]

THE MODERATOR: They can't hear you at home on television.

MS. HOULE: Louise Houle, Precinct 8.

The only relationship I have with this lot is buying eggs over

there from the children from that farmer, but it bothers those of us in Precinct 8 in this area that this lot is in the middle of someone's farm and that there's a family there that farms it. Right across the highway, we have a huge amount of affordable housing that was just put in. Hatchville has been out there supporting affordable housing. This is just one house and many people have called and they feel that this family should be able to purchase that lot. They have tried to before. Thank you.

THE MODERATOR: Okay, right behind you, Ms. Poole .

MS. POOLE: Diane Poole, Precinct 9. Regardless of which way this vote goes, I just want to state that I resent being told that I can't make a conscientious decision on an amendment because it's going to affect another project. If that's the case, then somebody should have organized better how they set this up.

[Applause.]

THE MODERATOR: Oh, you can vote this amendment, we already told you that. We are allowing the amendment to withdraw Cloverfield Way.

Mr. Latimer, is it new? Don't push the envelope.

MR. LATIMER: Mr. Moderator, [inaudible] has said basically what I was going to say and I endorse his comments, thank you.

THE MODERATOR: So there is nothing new? Okay. Mr. Losordo, last one and then we are voting.

MR. LOSORDO: I do have a problem with the paper road. They think it's accurate. Land court can't find anybody or anything on these paper roads. Nobody knows who owns them, except for the person on that farm that's been paying the taxes on that for 12 years. And now you are going to take that

land from them.

THE MODERATOR: Okay, the question will come on the amendment which is to remove the Cloverfield Way clause in Article 26. All those in favor of the amendment signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It is the opinion of the Chair that the Nos have it by a majority. The question will come on the main motion of Article 26 as recommended by the Community Preservation Committee. All those in favor signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

Article 27, Mr. Chairman.

MR. BOYER: Mr. Moderator, I move that the Town vote Article 27 as recommended.

THE MODERATOR: As recommended. This is to transfer --

MR. BOYER: I believe the Finance Committee also has a --

THE MODERATOR: Yes. This is to transfer the sum of \$250,000 from the Community Preservation Fund to be made available to the Falmouth Housing Authority for the purpose of an Affordable Housing Retention Program.

Madame Chairman for the opinion of the Finance Committee.

CHAIRMAN LEMOINE: Town Meeting

Members, two nights ago, or I guess Monday night between 6:00 and 7:00, the Finance Committee re-considered this article and we would like to let you know that we do now support it. We had a couple of extra questions answered that clarified that if we didn't do this at this time and affordable houses become available between now and November, there would be no pool of funds from which the Housing Authority could get the money to purchase them. So the Finance Committee does now support the article. Thank you.

THE MODERATOR: Okay. Mr. Krajewski held this article.

MR. KRAJEWSKI: Thank you, Mr. Moderator. Chet Krajewski, Precinct 3. Falmouth Housing Authority to my knowledge and understanding is a federal agency. Is it or is it not?

Now, the example that I'm making is Tatakett Apartments is run and controlled locally by the Falmouth Housing Authority. It's on HUD property which was originally bought from the Town of Falmouth. HUD, to my knowledge, is a federal agency, is it not?

THE MODERATOR: Mr. Duffy.

MR. DUFFY: Mr. Krajewski, the Falmouth Housing Authority is an agency of the Town of Falmouth; it is not a federal agency. Sometimes it receives federal funds and uses those funds to build housing, for example the Tatakett Apartments I think were built with federal funds, but the property is owned by the Falmouth Housing Authority and it's an agency of the Town of Falmouth.

MR. KRAJEWSKI: Thank you.

THE MODERATOR: Any further questions

on Article 27?

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

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

THE MODERATOR: The Ayes have it by a majority.

[Pause.]

THE MODERATOR: I declare it was a two-thirds vote because it's the interest in buying land, so.

Mr. Chairman, Article 28.

MR. BOYER: Mr. Moderator, I move that the town vote Article 28 as recommended.

THE MODERATOR: Article 28 as recommended. This is to transfer the sum of \$250,000 from the Community Preservation Fund to be made available to Historic Highfield for the purpose of contributing to the cost of installation of a new HVAC system at Highfield Hall. This was held by Mr. Freeman.

MR. FREEMAN: I withdraw my hold because I feel that the Finance Committee's comments on the article suffice [inaudible.]

THE MODERATOR: Okay, Mr. Freeman is going to withdraw the hold. Further discussion on Article 28? Madame Chairman from the Finance Committee.

CHAIRMAN LEMOINE: Town Meeting Members, when the Finance Committee voted on this - and

incidentally, we have not voted to change our recommendation on this article -- many of our members felt very strongly because of good memories that they have that when the Town decided at Town Meeting several years ago to purchase Highfield, we were told that the renovations and repairs would be made separately, not out of the town coffers. And we would rather as a finance committee see the money put into a reserve account for town historic buildings so that as future applications come in from the Town departments, we know we have plenty of town-owned buildings that need repairs desperately. And we thought that was a better use of the funds.

Perhaps someone from Highfield could give us some idea of how much money to date has been spent privately and that might quell some of the feelings of that promise that came about a few years ago.

THE MODERATOR: Ms. Flynn.

MS. FLYNN: Thank you, Mr. Moderator.
Town Meeting Members. I am Mary Pat Flynn, Precinct 6, and president of Historic Highfield. There is nothing I would like better tonight than to tell you the story of Highfield, but I'm not going to do that. And I want you to know, I have one page. One side. And half of it is blank, so it's not going to take me very long I hope to convince you that you should vote for this article as recommended.

About three years ago, about this time three years ago, Susan Shepard called me and said, "We're looking for someone who we would like to nominate for president of Historic Highfield, and would you consider putting your name in nomination?" I thought, "Well, that's probably not too bad. You know, you do a few agendas, you run a few meeting, make a few public speeches. I could probably handle that." And Susan said,

"No, I think it's going to be a lot more than that." She said, "I think you're going to have a lot of fund-raising to do, there's a lot of work to do. This is the restoration of a very large building in the community and there's all kinds of community issues about it, and you really ought to think -- we want you to do it, but give it a little thought." Which I did. And I agreed to do it. And I want to say at this time because I feel a need to publicly acknowledge the fact that Susan not only has the skills in the art of persuasion -- for me, I would call it arm twisting -- but her skills that she has demonstrated over the last many years in not only saving Highfield but bringing the restoration to where it is today. Her passion, her persistence, her perseverance, her leadership, her ability to bring people together to form a coalition, actually is being recognized next month by the Falmouth Historical Society. And I wanted to recognize her tonight because it has been an extraordinary working relationship for me to be able to work with Susan and actually to continue to develop what I consider to be a warm and lasting friendship. So thank you, Susan Shepard.

[Applause.]

MS. FLYNN: Now to the matter at hand.

I also want to thank the community, because some of you may remember back in the late '80s, when I first became involved in Highfield, Cathy Twombly went around town with a tin can, with a slot at the top for coins with a picture of Highfield wrapped around the can, saying, "Please help us save this building." And that's how I got involved because I had that can and I went around with it asking people to put, to make contributions to save Historic Highfield. And through the years, I was on the Advisory Committee and I shared a passion for Highfield. And the community has actually given enormous support to this project in so many

ways.

For instance, in the early '90s, when we were trying to save the building, there was a petition drive and over five hundred and - fifty-five hundred people signed this petition to save Highfield, and that was the largest number of signatures ever achieved on a petition in the Town at that time. And I might also say that the population of Falmouth was a lot less in 1994 than it is today.

So, about a year ago, the Board of Directors looked at where we were with Highfield. You know: How far have we come? How much money have we raised? What have we accomplished? How much do we need to do?

And when we looked at the cost of construction as was reported nationally in the construction industry, we learned that it had increased by 14 percent in 2004. And we thought surely, if it increased that much in 2004, what would 2005 bring? Nothing but double-digit increases. So we decided that if we were ever going to finish this building we had to do something very bold and very aggressive and very positive.

So we developed a phased construction plan. We got the estimates on what it would cost, and we began the development of a strategic plan that would take us to the completion of the restoration. At that time, about the time we were involved in doing that, the Community Preservation Committee was appointed by the Board of Selectmen. And we thought, what a wonderful opportunity.

We looked at the application and we said ten percent of the state matching funds must be used for historic preservation. We now have a truly credible plan in front of us. Why not go for it and why not apply for these funds, and that is what we did. And fortunately the Community Preservation Committee in their wisdom agreed to continue to fund -- not

continue but continued to -- agreed to fund the request that we made.

The HVAC system is estimated to cost \$330,000. We asked for \$300,000 and the Committee is recommending 250.

Now, the business plan we have also is one that will take us to where we want to be. It will get us to the completion of the restoration. One thing I think it's important to mention is that the other nonprofits in this community struggle very hard to raise money. Anyone knows that it's hard to do in this time, is to raise the funds. People have asked us, "Well, what are you going to do? Are you going to have art exhibits and take it away from the Artist's Guild?" The answer is No. We want to partner with the other non-profits in the town in the same way that we have partnered with the other organizations on the hill, the Conservatory, the theater, Falmouth Academy, the sports center and so forth.

One thing that I think is important for town meeting to know is that Highfield has gone out for grant funds. And in order to receive grant funds, one the questions they ask you is "How would you leverage this money if we gave it to you?" And we think that by being able to say that Town Meeting voted \$250,000 to support this project, that this will help us leverage additional grant funds.

Joanne asked the question, "Where are we today?" Highfield has actually raised \$5 million to date. And this year alone, we have received \$420,000 in grant funds. I think that's pretty good but we can do better and we will do much better if we are able to say when they ask us, "You're a town-owned building; what has the town done?", and we tell them

the community has supported this project through the years, and now if we can say to them that we actually have \$250,000 through this funding, this can only help us in the future.

So, I am not telling you the whole story of Highfield, but I want you to mark your calendars for September 21 -- September 15th through September 21st. That will be the grand reopening of the restored Highfield. And we want you to come and we want you to not only to hear the story of Highfield but we want you to see the story of Highfield, because it will be a beautiful cultural center for the benefit of this community. So I ask that you come and come to the event and I also ask that you please vote for this article as recommended. Thank you.

THE MODERATOR: Mr. Dufresne.

MR. DUFRESNE: Adriane Dufresne, member of the Finance Committee. First I want to thank Mary Pat Flynn and Susan Shepard for the wonderful work that they have done in the restoration of Highfield Hall. We were never for the project; they talked us into it. In Article 5 of 2000, they said they would never need money for the restoration. As I read the article- and I think they have done a wonderful job. I took a ride up there the other day and I think they've done a commendable job in historic restoration preservation.

But this article calls for heating and air conditioning. And I question heating and air conditioning as part of historical preservation. If they want the Town to appropriate the monies, and I think we probably will vote that sum of money tonight since Mr. Boyer opened up the window of opportunity a little while ago-

[Laughter.]

MR. DUFRESNE: So, you know, we do

have money and it fits the category of preservation and restoration and land acquisition and it's a great opportunity and I thank Mr. Boyer. But heating and air conditioning -- I am 75 years old and I don't ever remember heating and air conditioning in that building. And I knew the owners back when I was a kid.

So, if they want to appropriate the money, this building is now under the jurisdiction of Historical Highfield, Incorporated. So they have a corporate set-up and they have, I think, a paid corporate head who oversees the disbursements of funds. And if this fund was going to restore the back of the building -- which I understand hasn't been touched too much lately; they've concentrated on the front -- because the heating and air conditioning will help turn it into a commercial building. And, you know, I believe that's their interest, they want to get as much commercial moneys to help complete the restoration of the building.

When I decided that I would speak against it, I fault my town leaders up here for not qualifying the Town for the three historic buildings that we have that are on the National Register for which we have not been able to appropriate the monies necessary for the historical restoration of the Pump House -- we're Mickey-Mousing that with 300,000; it needs about a half a million more. I believe the Administration Building in Teaticket needs a new roof and some front steps. And, of course, the [inaudible] Tavern, Eddy's Poor House on Main Street, which we don't know what that's costing us because we can't get in and get a firm figure. And all of these buildings would qualify because they are on the National Register of Historic Buildings and the people up on the stand didn't see fit to ask Mr. Boyer or Mr. Boyer didn't see fit to inform them that these buildings

really should be cared for.

FROM THE FLOOR: [General talking.
Inaudible]

THE MODERATOR: Okay.

MR. DUFRESNE: I really believe we're
going to vote this tonight. But heating and air conditioning is
not historical preservation. So, I would hope that they put the
money in the preservation and pay for the heating and air
conditioning out of their own pocket.

THE MODERATOR: Mr. Herbst.

MR. HERBST: Thank you, Mr. Moderator.
Ralph Herbst, Precinct 8. Chairman of the Planning Board and the
Planning Board's appointed representative to the Community
Preservation Committee. I would like to ask the Chairman of the
Finance Committee if the promise that was made to the Finance
Committee in the past was documented, in other words, was it part
of a motion or was it recorded in the minutes of that meeting that
your committee members seem to have remembered? And I must
commend them for their memories because mine is lousy. But I
would like to know if that was documented.

CHAIRMAN LEMOINE: I believe it was
documented at Town Meeting in 2000.

MR. HERBST: I guess, if it was
documented, did you request the documentation?
Before you made your recommendation to oppose this article? You
said you believe that it was a Town Meeting. I want to know --

THE MODERATOR: I've got a lot of
hands up. But there's a specific question. Did the Finance
Committee get any documentation before the recommendation. So,
unless you are on the Finance Committee, have a seat.

MR. HERBST: That's my question.

THE MODERATOR: Anybody on the Finance Committee have an answer to that? Did you all go get the transcript or no?

MR. HERBST: All right, the reason I bring that up is because when this proposal was brought before the Community Preservation Committee, to my recollection - and I've already admitted that my memory is poor -- there was never any mention about any promise made by the Highfield Hall folks to this effect. So, if I were to vote in favor of this as a Community Preservation member, I would have liked to have known that.

Now, the Finance Committee had a representative that attended almost all of our meetings, and the presentation that was made by the Highfield people was open to the public, and this issue was never brought up as far as I recall. So, I just want you as the Town Meeting Members to know that unless this has been documented that I don't think the promise has any validity. Thank you.

THE MODERATOR: Mr. Calfee.

MR. CALFEE: Art Calfee, Precinct 1.

I think any promise that was made to the Finance Committee was meant that the Highfield people would not make a request of the Town budget and we wouldn't come here to this Town Meeting to say "We need some of your taxpayer money, here." This is different. This is asking for a grant. And that's much of how we have been able to make any funds up there, is to go through different grants available. I can't think of a better project for a Preservation Act funding than this one. So I would strongly support this body show the spirit behind the project on the hill and please vote this article. Thank you.

FROM THE FLOOR: Question.

THE MODERATOR: Okay, Mr. Fassett, you're next on my list. No, you're all set? Ms. Siegel, do you still want the floor? Microphone for Ms. Siegel.

MS. SIEGEL: Debra Siegel, Precinct 6.

I would like to expand on what Mr. Calfee said and respond to the Finance Committee's criticism of this. There was no CPA when we purchased Historic Highfield, and we have now already voted for a CPA tax, and when we did that, we knew that 10 percent would go to historic preservation, and all that Highfield is doing is coming and asking for a share of that 10 percent that we've already voted for.

They're not -- I agree with Mr. Calfee, they are not asking the Town for additional taxes, and I urge you to support this article. Thank you.

THE MODERATOR: Okay, Mr. Johnson is next on my list. He doesn't want it. Mr. Netto, you were next.

MR. NETTO: Mike Netto, precinct 9. Through you, Mr. Moderator, may I ask Ms. Flynn or Ms. Shepard a quick question.

THE MODERATOR: Yes.

MR. NETTO: Can you just summarize quickly what the current condition of the HVAC equipment in the hallway is, number one. And, number two, how would retrofitting this HVAC equipment benefit the community?

THE MODERATOR: Ms. Flynn.

MS. FLYNN: I would like to ask Barbara Milligan, who's the executive director of Highfield, to respond to that.

THE MODERATOR: Okay.

MS. FLYNN: She is also a resident of

Falmouth.

MS. MILLIGAN: Barbara Milligan, Precinct 8. The HVAC system is a very important part of the preservation of the building because -- and I think the historical society is also looking at installing an HVAC system. Go to any historic site or museum and climate control is one of the biggest issues. Without an appropriate climate the fabric of the building will deteriorate. And that's one the biggest problems that Highfield had was mold growing everywhere because of the conditions.

So, HVAC is very, very important to preserving the building in the long run and it's also absolutely necessary in order for us to use this as a public building.

THE MODERATOR: Mr. Netto.

MR. NETTO: I guess the point I'm trying to make is that this upgrade to the HVAC system would benefit the community. We got to take a look at the three things that Mr. Boyer spoke of and that is historic preservation, affordable housing and open space. And, just like I spoke, you know, minutes ago about affordable housing, that benefits the town in the fact that perhaps young families that may be teachers or firefighters or policemen and serve the Town, in this case an HVAC system would - I'm guessing here - would serve the Town in the sense that it would provide a building that the townspeople can go and use. In the winter, heat is helpful. In the summer, cooling is helpful. So, it's not quite the answer I was looking for, perhaps, but if we feel as a town that spending this money will benefit historic preservation, I think that's the whole point of the Community Preservation Act, and I would strongly urge you to support it. Thank you.

FROM THE FLOOR: Question, question.

THE MODERATOR: Okay, Ms. Taylor.

FROM THE FLOOR: Question.

THE MODERATOR: Ms. Taylor, did you still want the floor?

MS. TAYLOR: No.

THE MODERATOR: No, okay. Have you got something?

MR. BOWERS: Hi, I'm Jamie Bowers. I'm the chair of the Historical Commission and also on the Community Preservation Committee. I would like to help out Ralph's faulty memory. There was discussion of this -- the history of Highfield funding vis-a-vis the Town during our Community Preservation committee meetings before we voted to recommend this article.

The other issue I wanted to talk about was whether HVAC is part of historic preservation. It very much is. There are widely recognized parameters as to what you can include in historic preservation funding. They include handicap access, they include mechanical systems, they include structural issues. It also includes improvements that allow the building to have a future use. Because buildings are not going to stay preserved if they are not used for something and have some economic values.

So, in all -- and there's no question, from a preservation point of view, that this is a legitimate historic preservation expense. Thank you.

THE MODERATOR: Okay. Anything new?

FROM THE FLOOR: Come on. Question.

THE MODERATOR: Hold on. It had better be new.

FROM THE FLOOR: I need a clarification.

THE MODERATOR: Okay, come on.

FROM THE FLOOR: For Mr. Dufresne, there was going to be a proposal for the administration building at the -- in Teaticket, and my question is, I contacted Dr. Clark, who is on the CPA committee and asked him if the building qualified and what we needed to do, and he indicated in an email that you have to be very specific that it's historic preservation. And I got the impression that -- we also have mold in our building, and I got the impression that we couldn't put it in for like a new heating system or a new HVAC system.

So, I was under the impression that it would be for repairs to the actual structure and not for that type of -- and I just wanted clarification, is that the case, because then -

THE MODERATOR: Well, obviously we're doing HVAC here, you can do HVAC in any building if you can do it for this one.

Go ahead Mr. Boyer, real quick.

MR. BOYER: Mr. Moderator, I think that is premature to ask that question. If the administration building wants to submit a proposal, then the committee would consider it.

THE MODERATOR: HVAC is HVAC, no matter what building you put it in.

Do you have something, Ms. Shepard?
I'll be driving to Boston if you tell me you can put HVAC in Historic Highfield and not in the Teaticket School.

MS. SHEPARD: Susan Shepard, Precinct

1. I want to point out that HVAC in Highfield is not an upgrade. It's not maintenance. It didn't have any, folks. It didn't have anything. This is a town-owned building. If we want to use it, we have to have it. In this case, I think you can say that it's a completely legitimate thing. We are starting from scratch. We are not upgrading anything. This is the right thing to do. We did the right thing six years ago; do the right thing tonight.

THE MODERATOR: Okay, Madam Chairman.

And then we're going to vote here.

CHAIRMAN LEMOINE: I am not trying at all to belabor the point; in fact, I'll probably make the case in favor of actually voting in favor of this article, but I have a quick question. Mrs. Flynn when she spoke said that the system is going to cost \$330,000. This article's for 250. Where is the other 80 going to come from?

And the second question is: you've raised \$5 million since the purchase of the building; has that all been spent on building maintenance and repairs and renovations over time?

MS. FLYNN: To answer your first question, if you would ask the question again.

[Laughter.]

THE MODERATOR: The \$80,000 differential is coming from?

MS. FLYNN: That is coming from funds that are have already been raised.

THE MODERATOR: And did you spend the five million. Those are the two questions.

MS. FLYNN: Yes, the part of the five million that has already been raised.

THE MODERATOR: No, the question was

did you spend the 5 million.

MS. FLYNN: No. Not -- we will have by June, though.

THE MODERATOR: Okay. Okay.

MS. FLYNN: The money that has been raised so far will complete the construction plan that is already under way.

THE MODERATOR: Okay.

MS. FLYNN: And that is part of that.

THE MODERATOR: You have a question, Mr. Shearer? Let's get him this mic because he has a question, we have to answer it. And then, that's it, then we are voting on this one.

MR. SHEARER: Dan Shearer, Precinct 6.

In that seat over there, when this came before Town Meeting, I asked is any taxpayer money going to be used for this project. And I was told, no. No taxpayer money. This is taxpayer money; it should not be used.

THE MODERATOR: Okay. The question will come on the main motion of Article 28 as recommended. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It is the opinion of the Chair that the Ayes have it by a majority and the meeting will stand in recess. There are refreshments downstairs.

Let's come back in 15 minutes.

[Whereupon, town meeting recessed.]

[Whereupon, town meeting resumed.]

THE MODERATOR: Will all Town Meeting

Members come forward so that we can establish a quorum.

Please come forward and take your seats.

Here we go, folks. We will wrap this up. We've already used up all of our budget for Town Meeting this year, so let's see if we can finish it so we don't have to get a Reserve Fund transfer.

Okay, folks, let's go. Here we go.

Okay. Let's reestablish our quorum. Would all Town Meeting Members present please rise and the tellers will return a count.

We'll be coming back on Article 29.

Division 1. Mrs. Tashiro.

MRS. TASHIRO: 47.

THE MODERATOR: 47.

Division 2, Mr. Dufresne.

MR. DUFRESNE: 81.

THE MODERATOR: 81.

Division 3, Mr. Hampson.

MR. HAMPSON: 43.

THE MODERATOR: 43. By a counted vote of 171, we have a quorum and we are back in session.

Article 29. Mr. Chairman for the main motion.

MR. BOYER: Mr. Moderator, I move that the town vote Article 29 as recommended.

THE MODERATOR: Okay. Article 29 as recommended. This is to transfer the sum of \$150,000 from the Community Preservation Fund to be made available to the Falmouth Chamber of Commerce.

MR. BOYER: I do have a comment to make. This represented for the Committee a more difficult deliberation. Because, in fact, and if you don't know it, the work has been done. And this ends up being a reimbursement. And the Community Preservation Committee has felt very strongly that it does not want to be in the position of reimbursing for projects or costs that have already occurred.

In this case, however, we believed that there were certain expectations made and that this was an important project and that the exception would be made in this case.

This is in part a warning to all of those of you who wish that you could bring in something that happened last year; I suspect that that will not be fondly treated. Thank you.

THE MODERATOR: Okay. Mr. Krajewski held this article. Microphone for - did we lose the mic carriers? Oh, no. Here we go.

MR. KRAJEWSKI: Thank you, Mr. Moderator. Through you, Mr. Moderator, to Mr. Boyer. He stated there were exceptions and expectations. I would like to hear them and that was my question because the project is finished.

THE MODERATOR: Mr. Boyer.

MR. BOYER: Well, the exception is that the committee decided that it would fund this as a reimbursement. That's an exception to what it believes ought to be the general policy of projects, that they be prospectively funded before they are done. Expectations, I believe, that the budget for this project was lower than what the actual cost was.

MR. KRAJEWSKI: Now, with that answer,

it leads me to believe that the committee is rather flexible in their deliberations.

[Laughter.]

MR. BOYER: To a point. Yeah, and of course. The committee itself is learning what the limitations and implications of what should occur or should not occur, and there was no question that the idea of funding something that had already been done was, in some measure, risky business. But, recognizing that that was a policy exception, the committee voted to do that.

MR. KRAJEWSKI: If it was in the guidelines I would certainly go for it, but if it's not in the guidelines as stated in the Community Preservation Act, I would give it second thoughts, and so should the Town Meeting Members. Thank you.

THE MODERATOR: Any further discussion on Article 29?

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

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The ayes have it by a majority.

Article 30. Mr. Freeman had held this; he wanted to release his hold before he left. Mr. Boyer for the main motion.

MR. BOYER: Mr. Moderator, I move the Town vote Article 30 as recommended.

THE MODERATOR: As recommended. Okay. Any further discussion on Article 30? This is transferring \$27,650 from the Community Preservation Fund for the gravestones in East Falmouth burial ground.

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 --

MR. BOYER: 31, was that held?

THE MODERATOR: 32.

MR. BOYER: 31 was not held?

THE MODERATOR: No, Article 32.

Mr. Chairman.

MR. BOYER: Mr. Moderator, I move that the Town vote Article 32 as recommended.

THE MODERATOR: As recommended, this

is to transfer the sum of \$28,000 from the Community Preservation Fund to be made available to the Falmouth Historical Society for designing climate control facilities at 55 and 65 Palmer Avenue.

Mr. Shearer held this. Mr. Shearer would like to release his hold.

Any further discussion on Article 32?

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 33, Mr. Chairman.

MR. BOYER: Mr. Moderator, I move that
the town vote Article 33 as recommended.

THE MODERATOR: As recommended. This
is to transfer the sum of \$300,000 from the Community Preservation
Fund to be made available to the Recreation Committee for the
purpose of constructing recreation field facilities on Sandwich
Road. This was held by Mr. Freeman; he releases his hold.

Is there any further discussion? Hearing none, the question
will come on
the main motion as recommended. All those in
favor, signify by saying, Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it,
unanimous.

Article 34, Mr. Chairman.

MR. BOYER: Mr. Moderator, I move that
the Town vote Article 34 as recommended.

THE MODERATOR: As recommended. This
is to transfer the sum of \$20,000 from the Community Preservation
Fund to be made available to the Town Building Committee for the
purpose of completing final designs for the Town Band Shell, new
construction under the CPA category of Recreation.

Ms. Whitehead would like to release her
hold on this. Any further discussion?

Madam Chairman.

CHAIRMAN LEMOINE: Town Meeting

Members, the Finance Committee did not support this article, as you can see in our explanation, strictly because there is a \$300,000 article that had already been approved for construction of the Band Shell. When the project design was developed, the project came in at over \$600,000 and that is why no money has been spent to this point. And, we thought since the 300,000 was there, that that should be enough. And that was the bottom line of our conversations.

THE MODERATOR: Further discussion on Article 34?

Mr. Dufresne.

MR. DUFRESNE: Here we go. Adriane Dufresne, Member of the Finance Committee. When we voted against this article, you know, my first comment to my fellow FinCom people, "Give me 20,000 and I'll give the place a paint job," because I think what we're facing in the band shell is what they call planned obsolescence: make it look bad enough and eventually they'll want to get rid of it.

This Town Meeting approved a substantial amount of money for the construction of a new band shell a few years ago, and I made a site visit with one of my Finance Committee cohorts, Mr. Murphy, and the thing just looks terrible, and my opinion is it's been totally neglected. It is a vital asset as far as seasonal recreation. I was not for the design. I believe Mr. Hampson and I both spoke against the design; we didn't think it was practical in that particular area, but that's neither here nor there; you people voted it.

But to vote this additional \$20,000, put \$20,000 in one of the budgets so that somebody can go over there and give it a

paint job and make the thing at least presentable for the summer tourists and the elderly people that like to go there and enjoy the music in the summertime. And hopefully the \$300,000 can add another platform and give it a little bit of modernization. But certainly a \$650,000 band shell, sticking 100 feet with no supports, it was something that I couldn't support. Thank you.

THE MODERATOR: Ms. Whitehead.

MS. WHITEHEAD: Is this on? Good.

Everywhere I go, no matter where I go, in fact Monday night, Bob Antonucci came over and the first thing he said was not, "Hi, Lynn"; "What about the band shell?" No matter where it is. And I agree with you, Andy, it is in terrible, terrible shape.

I went before the Selectmen in 1998 and asked for some help to repair the band shell. In 2002, we came up with the plan; 2003, November, at five after 11:00, we extended the Town meeting, luckily: you approved \$300,000. That was what it was going to cost in 2003.

Now, tonight, we heard over and over and over again, that prices doubled. I keep hearing all of these beautiful prices. \$350,000, 200 -- we only had 300,000 in 2003. With plans from 2002. It is now 2006.

When the bids went out, when they went out the first time, it came in 600,000. And there were very good reasons for that. The cantilever -- I am only a music person. I am not a whatever. But listening to everybody else, the cantilever roof needed some very good steel. The steel doubled in price in that time span. This band shell that you talked about with the design that the architect did, could have been very nice. It would have cedar shingles to match the Harbormaster's house. It was going to be very nice.

It was going to have to have, because of the state code -- that was another problem with the price. Everything has to meet standard state codes. That is all I keep hearing. It had to have the handicap ramp. It had to have this, it had to have that. All I care about is the safety, number one. We've had people fall off. It should look nice. It's down on a beautiful park.

I did submit a -- to the CP -

Conservation Preservation everything committee -- I've actually submitted 40 grants, 40 grants to get that band shell done, across this nation. They've all come in with different speculations that it can't work. But I did submit a grant for 350,000, and I was hoping that in the last few minutes that the association was meeting, this committee, when they said, "Well, we'll give Town Band \$20,000." I thought, "There's hope, there might be hope."

That 20,000 would be used to look at that design, look at it, try to whittle it down, not make it smaller. We have over 121 people in the Town band. That is a lot of people. If we could just take that little design and tweak it somehow. Forget the cantilever; just put poles up, anything, fix the lights but make it safe, I would be delighted. So that everybody - and it's not just the Town Band that uses the shell. People are going in front of the Selectmen all the time with requests. People, associations, committees, it's used by a lot of people.

Mr. Netto said to me today, "Maybe we could get the Sheriff's Department come down and help paint it. I actually wrote to the Selectmen two weeks ago; didn't get a response. I asked -

THE MODERATOR: You get the paint; I'll make sure the guys are there.

FROM THE FLOOR: [Inaudible].

MS. WHITEHEAD: I asked for - I asked

for -- I know it's a point of order, probably. I asked for a cherry picker so I could get in the cherry picker, go up and paint the ceiling so the peel wouldn't come down on the music and the heads of people. To wash the light -- the light fixtures so that we could see. But we just need some cement on either side, and if we could just get the \$20,000 to take a look at what design, what has to be done to use the 300,000, that would be enormously helpful.

And, if there is \$110,000 in that

Reserve Fund --

[Laughter.]

THE MODERATOR: Okay, we'll go there at the next Town Meeting.

MS. WHITEHEAD: I am not asking for air conditioning.

[Laughter.]

THE MODERATOR: Mr. Crocker.

MS. WHITEHEAD: Thank you.

THE MODERATOR: Mr. Crocker.

MR. CROCKER: Mr. Moderator, ladies and

gentlemen, I have gone down to this band shell and I looked at it. We have to make it safe, even if we just put some cement down, put a rail or whatever. In the Town the Falmouth, out by the marina, everybody goes by there. I've used it myself for putting on shows and the Fire Department uses it for their programs and everybody else does. Let's give a little bit of money towards it tonight and at least don't have it like a town dump down there. Thank you.

THE MODERATOR: Mr. Herbst. Mr.

Herbst.

MR. HERBST: I had a problem with the
switch.

[Laughter.]

MR. HERBST: Like a lot of other people

here tonight. Anyway, Ralph Herbst, Precinct 8, Community Preservation Committee member. The Community Preservation Committee has made a concerted effort to educate themselves about the Community Preservation Act and we have attended workshops that are held on the Cape, and they are very informative and we share best practices. And I'd just like to tell you that some of the towns that have recently adopted the Community Preservation Act, were very reluctant to move forward. And there have been some comments here tonight about the fact that we have moved forward quickly; sure we are going to make mistakes. Every new organization, every new committee will make a mistake now and then. We are not perfect. We don't bat 1000. But I can recall comments from Community Preservation Committee members from other towns saying, "We're afraid to go ahead so quickly because we are afraid we're going to make a mistake. Well, the only flaw in that is what Ms. Whitehead has pointed out and which was shown dramatically by the proposals they got for the structure that they needed, and that is that the longer you wait, the more it costs.

So this committee has been very

aggressive in moving forward, entertaining proposals from people who came to us. We didn't approve them all, but we were ready to go ahead and recommend to you, the people here in town, to spend money on projects that are for the community. That is why -- that is the thing that I love about this act, it's call a Community

Preservation Act. It's not called a Town Preservation Act. So this is a perfect example of frustration by the band -- by the Recreation Committee and the band shell folks, that costs have gone up faster than they can put their plan together and get something approved.

So, the Community Preservation Committee felt that this \$20,000 would be well spent in giving them a chance to take another look and put a safe band shell up there so that the people in this town and the people who visit this town will enjoy their music. Thank you.

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

MR. DUFRESNE: Maybe I am wrong, but, you know, we appropriated I believe \$330,000 originally, and some of it was for engineering and some of it was for construction. There should be some money left within that account so that the architect, who made a mistake in his design, could redo the design to fit the original figure that was appropriated by this Town Meeting. The \$20,000, I really think it's like flushing it down the toilet. And I am a tight guy with a buck, I'm going to tell you right now. I don't like to throw money away. Give me \$20,000, let's paint the thing and make it look right for this year. I'd be more than glad to vote for that one.

FROM THE FLOOR: Question, question.

THE MODERATOR: Okay, the question will come on the main motion as recommended. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it by

a majority.

Article 35, Mr. Chairman.

MR. BOYER: Mr. Moderator, I move that the town vote Article 35 as recommended.

THE MODERATOR: As recommended. This is to transfer the sum of \$1,400 from the Community Preservation Fund to be made available to the East Falmouth Village Association for the purpose of purchasing two park benches for the East Falmouth Fire Station.

This was held by Mr. Shearer. A microphone for Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6.

I know this is only \$1,400. But I also know what benches cost. I asked the fire chief what this was about; he didn't even know about it. I'm in the business. Fire Departments come to us, the Beach Committee has come to us many times and we have given them things.

I think this is something that can be raised individually. There are people that might want a plaque on it for some past firefighter or something. I don't think we need to spend this \$1,400.

Number two, I don't see how benches are recreation --

[Laughter.]

MR. SHEARER: -- at my age, and I object to this.

THE MODERATOR: Mr. Netto, then Mr. Putnam. I've got Mr. Netto first; you're on my list. You can keep the mic, though, because you're coming up. Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9, which, the last time I looked was located in East Falmouth.

Mr. Shearer, what we are trying to do

is get a little bit of community involvement, and I have to say that Mr. Herbst took the words that I'd like to use, and if you listened to what he just said, this is what the money goes for. It is ironic that this has to be the smallest financial request in Town Meeting.

[Laughter.]

MR. NETTO: Even Mr. Dufresne isn't this tight.

[Laughter.]

MR. NETTO: All right, it's getting late, let's move on.

No, this is separate from the fire station, it's not for the fire station but the fire station happens to be - guess where? On public land in East Falmouth. So where best to put it? And has tried to make a little park, as Mrs. Botelho is the person who has organized this and has done a good job. And there's two benches, you know, that will be put there, and the cost, for the previous speaker, is complete, with the landscaping and all, you know, that will be done.

But the idea is to try to develop the sense of community, and I think that that's what we are trying to do. Thank you.

THE MODERATOR: Mr. Putnam and then Mr. Calfee.

MR. PUTNAM: Brent Putnam, Precinct 9. And I'm also vice president of the East Falmouth Village Association. Teaticket has a village green, downtown has a village green. This is the closest that we can get to a village green in East Falmouth.

[Laughter.]

MR. PUTNAM: I ask that you support
this article.

[Laughter.]

THE MODERATOR: Mr. Calfee.

MR. CALFEE: Hi, Art Calfee, Precinct

1 and member of the Falmouth Beautification Counsel. I can tell
you that \$700 per bench is damn reasonable. We spent \$5,000 worth
of benches for our Main Street out here and you'll see that those
are pretty --pretty nice benches. But we put 31 benches around
town and we'd like to go back and able to pay \$700 apiece. By the
way, the Beautification Counsel would love to see a plant and
material list from the East Falmouth people and we might be able
to help you out. Thank you.

[Applause.]

THE MODERATOR: Okay, the question will
come on the main motion as recommended. All those in favor,
signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it by
a majority.

Article 36. Mr. Chairman.

MR. BOYER: Mr. Moderator, I move that
the town vote Article 36 as recommended.

THE MODERATOR: As recommended. This
is to vote to transfer the sum of \$200,000 from the Community
Preservation Fund as an open space reserve.

Ms. Aguiar held this article.

FROM THE FLOOR: I'll release.

THE MODERATOR: Release the hold.

Any further discussion on Article 36? 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.

The Ayes have it unanimous.

Mr. Chairman, Article 37.

MR. BOYER: Mr. Moderator, I move that the Town vote Article 37 as recommended, and I will have a couple of comments about this.

THE MODERATOR: Okay. As recommended.

This is to vote to transfer the sum of \$100,000 from the Community Preservation Fund to be made available to the Community Preservation Committee for the purpose of administrative expense of the Committee, including one professional staff member.

Mr. Chairman.

MR. BOYER: Mr. Moderator, I just want

to quickly explain a little bit about this item. The position that you voted -- approved the other night of Assistant Planner has a range of high 40's to I think mid-60's. So that the cost of the salary for the position is somewhere - will be around something like \$50,000. Plus benefits. The remainder of the appropriation is really for appraisals, feasibility studies, also taking minutes and public notices, but there may be other items that we don't really know about, that are unforeseen that could occur over the course of the coming fiscal year. And that's why we have asked for the \$100,000 for committee work in itself. Thank you.

THE MODERATOR: Any further discussion

on Article 37?

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Mr. Chairman -- Yes. Mr. Rowitz.

MR. ROWITZ: Ray Rowitz, Precinct 5. I was wondering, Mr. Moderator, if we need to re-affirm our votes for Article 24 and 31, which were in our blanket vote, because of what Mr. Boyer said regarding the CPA funds.

THE MODERATOR: What do you mean by -

MR. ROWITZ: That they had to be voted independently.

THE MODERATOR: They had to be presented independently. They were and nobody chose to take any conflict with them.

MR. ROWITZ: Okay.

THE MODERATOR: Article 38. Mr. Chairman.

MR. BOYER: Mr. Moderator, I move that the Town vote Article 38 as recommended.

THE MODERATOR: As recommended. This is a vote to transfer the sum of \$105,000 from the Community Preservation Fund for the purpose of funding the Annual Budgeted Reserve for FY '07. Any discussion on Article 38?

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 39. This is Finance Committee.

CHAIRMAN LEMOINE: Mr. Moderator, I
move Article 39 as recommended.

THE MODERATOR: Okay. As recommended.
This is to appropriate \$1 million for road and sidewalk
improvements.

Mr. Krajewski held this. Microphone to
my left, here.

MR. KRAJEWSKI: Thank you,
Mr. Moderator. Through you to whoever can answer this. This has
been budgeted since 1999, I believe, according to the article, and
this amount is appropriated and approved by Town Meeting. The
betterment is assessed and it's collected. Does that go into a
separate account and does that build up every year? Or what takes
place that, please?

THE MODERATOR: Ms. Harper.

MS. HARPER: Yes, in 1998, this Town
Meeting authorized us to petition the legislature to create a Road
Betterment Fund, to which all roads, private roads taken as public
roads under the Betterment Act, those funds are deposited into the
Road Betterment Fund. This act allows us to borrow against those
funds which are accrued at a rate of somewhere around \$80,000 a
year. Eighty to \$100,000 a year. It allows us to buffer the
difference between the bond payment and the betterment
repayments. I have a slide if anyone is interested. No, okay.

Then we don't need to show it.

[Laughter.]

MS. HARPER: That's fine. I think that answers the question.

THE MODERATOR: We'll all get together on some Saturday morning and compare slides.

[Laughter.]

THE MODERATOR: Mr. Krajewski, any further questions?

MR. KRAJEWSKI: Is that an accumulative account that increases every year? Because we never hear about it.

MS. HARPER: The fund has been utilized to take future roads. For example, the Fox Lane betterment we did two years ago, that was a \$280,000 betterment, which essentially depleted the fund. And the fund is replenished on an annual basis at a rate of about \$100,000 a year.

MR. KRAJEWSKI: Thank you.

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

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It is the opinion of the Chair that there's a two-thirds majority, and I so declare.

Article 40. Mr. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MURPHY: I move Article 40 as printed.

THE MODERATOR: Okay, as printed is the

main motion. This is to authorize the Board of Selectmen to let or lease Town-owned property on 67 Davisville Road in East Falmouth known as the Emerald House for a term in excess of ten years, upon such terms and agreements as the Board of Selectmen deem appropriate.

Mr. Duffany held this article.

MR. DUFFANY: Thank you, Mr. Moderator,

fellow Town Meeting Members. The reason I held this article is just to see to it that we do not lease the entire piece of property that's next to the East Falmouth school. The original article that we funded to purchase this property was quite heavily debated; there was to be no municipal building on the property. But there's a concern that if the town ever decides to do any addition to the East Falmouth school, as we have to every school in town, that we would exceed the footprint that the school now and all the tennis courts and so forth take up on the ground, and we'll exceed our own zoning bylaw in terms of the coverage.

So I just want to see to it that this land stays for the purpose that we purchased it. The Emerald House is a tremendous asset to East Falmouth. It's sort of a museum. What I am suggesting is to go 200 feet in depth, which gives them approximately an acre of land, and that's really my amendment. It amounts to them to lease part of this piece of property. If you like, I'd read the amendment.

THE MODERATOR: Well, the amendment is part of the property and then the further amendment is not to exceed 200 feet in depth.

MR. DUFFANY: Yes.

THE MODERATOR: We'd add those words in. Part of the property not to exceed 200 feet in depth.

MR. DUFFANY: And that's the nature of my motion. Again, I would like to see the piece be leased, but not the entire piece as you see on the screen. Thank you.

THE MODERATOR: Okay, discussion on the amendment.

Mr. Kendall.

MR. KENDALL: Mr. Moderator, Dick

Kendall, Precinct 4. Mike walked along with me as we left the hall last night and expressed his interest in preserving and protecting the town for whatever future action Town Meeting might take relative to the Emerald House parcel. And, as I told Mike last night, and I'll say it again publicly, I thank him for his work with the 300 Committee. His initiative at the Town Meeting and the 300 Committee's initiative that acquired that property, 4.6 acres, was a marvelous act, and the Town is indebted to you, Michael, not only for this but for many other actions.

The second action by Town Meeting that has significance was two years later in 1997, in this case former Selectman Marks and Kenny Braga thought that the roof leaking was destroying the inside of that property, and that whatever we decided to do with it, if it continued to leak, that house would be ruined. We were appointed as a committee and the committee for the Emerald House at that time -- and I have spoken to this Town Meeting on that particular issue a couple of different times -- but at the time, in addition to myself had Kenny Braga, it had John DeMello, it had Chris Shay, Dick Harmon, Ernie Keating, Don Bingham, Charlotte Tashiro and Joe Netto, and we were asked to come back in with a recommendation for the usage because progress had gone way down and the demolition of that property was going to happen.

We were asked to look at the property

and make a recommendation. When you look at the property, you really don't see an architectural gem. And it wasn't the architecture, nor was it the inside moldings. Was there something inside that was so distinctive and so valuable that for that reason, it should be acquired? In actual fact, it was the family life. And the Emeralds were representative of so many families in East Falmouth who came, who immigrated, built a strawberry empire that Falmouth was known nationally for, contributed to the communities and generations have gone forth.

We thought -- and so much pro bono work was done. Arthur Videll [sp?] did a survey of the building, said it was salvageable. We had great help from Heather Harper as we worked along, seeing what we might be able to do. And we made four recommendations at the time.

One, that the building was salvageable.

Two, that if salvageable it ought to be an educational facility that used its foot traffic - and we had to get that - to give a history of East Falmouth. And we earlier acted on the library that used to be behind the Methodist Church and we did some renovation there that Cynthia spoke so feelingly about at the Precinct meeting.

And we just thought if we tied it to the East Falmouth Elementary School and let those youngsters go over and look at that land, we'd prepare the -- and we had the Tavares family plow it out and the -- Marina Andrews and her family gave the strawberry plants. And for a year, with a grant from the East Falmouth Elementary School, we grew strawberries. And the kids understood how hard it was to take care of the land and to nurture the land. And to understand that a family raised eight children. Their lighting was from kerosene lamps, their

water was from a hand pump, and there was no running water or electricity. And they survived because the strength of the community was such that everyone worked with one another. And that's a message: that we're all in this together and we have to pull together.

The educational component was there.

We understood that it had to be done and those youngsters were going to learn a great deal. All we asked - and we went back to the Conservation Commission because management of the Emerald house is under both Conservation Commission and the Board of Selectmen. We hoped that we would be able to do the agriculture component. The Conservation Commission allows us to plot - and I think Michael's right, it was about - about an acre. We wanted to ensure that we could grow that. Our vision was that one day youngsters would plant, have a road side stand and learn what it was to be a farmer. That was our goal.

The second stage, and we're thankful to the Town for, they did an RFP because it was to go to a not for profit, and they received three bids to manage the property, so that it would not be public expense to run the house. The Service Center bid came in. It accepted the responsibility of remodeling, raised considerable money to considerable remodelization.

Got the property, and many of you have been into the Emerald House and it is functioning now. And Charlotte -- we used a process, we went door to door, Charlotte Tashiro went door to door with questionnaires. We had an open house. We - Betsy's Diner gave us all the food we could have. I mean, it was a community project.

MR. PINTO: Point of order.

THE MODERATOR: Mr. Pinto.

MR. PINTO: Are we speaking on the amendment or are we speaking on the article?

THE MODERATOR: Okay, you --

MR. KENDALL: My intent is to speak to the article. But I just wanted -- and, one last thing and I will move off. Just so there is a background for those who might not have known how we got to where we are. And maybe -- you ought to know what has happened since we took those votes and perhaps -- and I know that Charlotte Tashiro intends to give you what kind of money has come out of the house. And all recommendations to the Town were that the Town allow the agricultural portion of it. We were not concerned with the open space in the back.

THE MODERATOR: Mr. Kendall, are you in favor or opposed to the amendment, this amendment to limit the --

MR. KENDALL: Yeah, we -- I'm not opposed to limiting the space. I think my issue is if the 200 setback -- we had it surveyed by the Town. I think my interest with Mike is simply does that allow for the agricultural component that we asked for, one acre. That is all I ask for.

I am not opposed to Mike's at all so long -- because I know what the town will do.

THE MODERATOR: Mr. Duffany and then --

MR. DUFFANY: Currently, the back of the parking area now is 120 feet from the road. So it goes 80 feet beyond that in the back. It goes to what has been mowed up to now on the piece of property. Or, if you are looking at the school, it's pretty much parallel with the back stop of the Little League field that's there now, and the gate access there, so that it won't be behind that. There will be no, you know, no balls hit over there or anything like that.

MR. KENDALL: If Mike's - or, as

described, I have no difficulty with his amendment. I think that may be consistent with what the Town Engineer did for a survey for us. And I would close, just ask let the Town get an update, perhaps, of what kind of revenue has gone back into the Town from their earlier decisions. Thank you, Mr. Moderator.

THE MODERATOR: Mr. Murphy.

CHAIRMAN MURPHY: Yes, in regard -- I would be remiss if I didn't tell everybody that Mr. Kenny Braga called me today and wanted me to make sure that his article moved forward. Having looked at the lease and I talked to Michael about it. It currently states 300 feet. I quite candidly don't think there should be a problem to amend it to 200 feet back from the road.

But this property has been a jewel to the people of East Falmouth. It's been rehabilitated and it continues to be a great spot for everybody to be able to continue to know their ancestry and their history there, and I would want to move this along.

THE MODERATOR: Mrs. Tashiro.

MRS. TASHIRO: I just want to fill

Town Meeting Members in on something that maybe make you happy for a change. We've had a lot of bad news in the last three nights and this will really cheer you up. The Falmouth Service Center got together a group of volunteers, very hardworking volunteers, who man that building. We're open 36 hours a week, which isn't a lot.

In July of 2000, we borrowed through the Service Center, \$31,500. That was repaid in June of 2003. We are out of debt and the building is pristine. We are open 4 days

as I said; that's 36 hours with 40 volunteers. I would like to share with you the amount of money that was taken in in those 36 hours a week for the last calendar year, from January to December. We gave the Service Center \$47,150 and the Free Clinic \$11,881. We work very hard, we keep the building clean, and we would appreciate it if you would extend this lease. Thank you very much.

[Applause.]

THE MODERATOR: Okay, that's a good job from the Emerald House Committee. It will help them continue their good work.

All those in favor of the amendment, which is limiting this lease to the 200-foot depth, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

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

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Aye's have it unanimous.

Article 42, Mr. Chairman of the Board of Selectmen.

CHAIRMAN MURPHY: Mr. Moderator, I move 42 as printed.

THE MODERATOR: As printed. This is

to authorize the Board of Selectmen to sell or otherwise convey two parcels of land on Cloverfield Way in Hatchville.

Who held this one? Okay, microphone in the back right, please.

MR. BROCK: Shawn Brock, Precinct 8. I do think that something needs to be said for the property owner, in that he's, you know, bearing the brunt of his six acres and that you're planting house in the middle of it. And that, you know, the lot is small. It's going to be right on the street. And I think something should be said for the aesthetic location. And that is pretty much it.

THE MODERATOR: Okay. Any further discussion on Article 42?

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

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It is the opinion of the Chair that the Ayes have it by a two-thirds majority.

Ms. Sears?

MS. SEARS: Could we have [inaudible.]

THE MODERATOR: Okay. There's a challenge to the Chair. All those in favor of Article 43, signify by standing and the tellers will return a count. This is Cloverfield Way in Hatchville.

THE MODERATOR: Division 1.

MRS. TASHIRO: 39.

THE MODERATOR: 39.

Division 3.

MR. HAMPSON: 26.

THE MODERATOR: 26.

Division 2.

MR. DUFRESNE: 71.

THE MODERATOR: 71.

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

THE MODERATOR: Division 1.

MRS. TASHIRO: 9.

THE MODERATOR: 9.

Division 2.

MR. DUFRESNE: 8.

THE MODERATOR: Division 3.

MR. HAMPSON: 17.

THE MODERATOR: 17.

By a counted vote of 136 in favor and
34 opposes, the challenge is not withheld and two-thirds majority
passes the article.

Article 44. The recommendation on
Article 44 is indefinite postponement. But the article was held.
Is there someone who would like to put a positive motion?
Mrs. Haywood.

MRS. HAYWOOD: Mr. Moderator, I held
this article. I am a member of the Falmouth Historical Commission
which submitted this article. They had made a presentation before
the Selectmen and we would like to take this opportunity, if we
may, Mr. Moderator, to give a very brief presentation here. We do
agree that it will --

THE MODERATOR: Are you putting a
positive motion on the floor?

MRS. HAYWOOD: No, sir, I am not.

THE MODERATOR: Then I don't want a presentation. Bring it back, put a positive motion and make a presentation.

MRS. HAYWOOD: No -- no comments can be made by the Historical Commission at this time?

THE MODERATOR: Well, you can make some comments but we're not going to vote on it. And if you're going to come back, we're going to hear it again. So, it's your choice.

MRS. HAYWOOD: I have been advised by the Chairman of the Historical Commission to go ahead and move the vote.

THE MODERATOR: Okay. The chairman is a very smart man. The main motion is indefinite postponement.

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 Board of Selectmen.

CHAIRMAN MURPHY: I move Article 46 as printed.

THE MODERATOR: Okay, Article 46 as printed.

This begins our discussion of the amendments to the

Falmouth Home Rule Charter which, these will require a two-thirds vote. These are recommendations that are brought before us by the committee. Therefore, our choices here are to accept or deny the recommendations. Amendments will be very tight, if any allowed, in scope, and they will only be allowed within the actual section and subsection as posted in the article. So, we can't go into the Charter and add or subtract or change anything else, only what is before us in each particular article and then these are subject to ballot vote after that.

So, Article 46 was held by Mr. Shearer. We have the main motion as printed. Microphone for Mr. Shearer. It's coming down there on your left.

This is to change Town Administrator to Town Manager, the title in the Charter.

MR. SHEARER: Dan Shearer, Precinct 6. Through the Chair, I would like to ask what the legal definition is and the state law definition is between a manager and an administrator. I haven't been able to find that in anything.

THE MODERATOR: Okay, the Chair of the Charter Review Committee, Mary Pat Flynn. Madame Chairman.

MS. FLYNN: Thank you, Mr. Moderator. Mary Pat Flynn, Precinct 6, and Chairman of the Charter Review Committee. I would like to just briefly update Town Meeting on the process that the Charter Committee followed. We began our deliberations in October of 2004. We received many responses to the public survey that was done. We had extensive interviews with elected officials and appointed officials in the Town over the period of several months.

So, these recommendations that are before you tonight are really the result of all of that information that was provided to us as we deliberated on our task.

Mr. Shearer, you asked what the difference is. If you look at the -- if you look in the Charter at the definition of the powers and duties of the Chief Executive, which is the Board of Selectmen, it defines those powers and duties in terms of appointment. The Selectmen appoint the Town Administrator and the Town accountant. And then if you look at the powers and duties of the chief administrative officer of the town, it delineates the appointing authority for that chief administrative officer.

In the municipal government, there are three titles that are usually used for the chief administrative officer, and in very small towns where the appointing authority is most solely with the Board of Selectmen, that individual is called an executive secretary. I think there may be one on the Cape, one or two, in one of the smaller towns down on the Lower Cape. You don't find that title very much any more.

The title of Town Administrator is one that is also usually used in a small town, and that is again because the Board of Selectmen usually has more appointing authority for other positions within the Town, and the chief executive -- or the chief administrative officer has less appointing authority.

In our form of government, even though the chief administrative officer is called the Town Administrator, in fact the Charter and the powers and duties of both the chief executive and the chief administrator officer are far more reflective of a Town Manager than of a Town Administrator. Falmouth is a larger town, larger than it was at the time this Charter was enacted back in the early '90s, and but the form of government has not changed. It's still the same. And it's the powers and duties of the position that really drive the title.

By changing the title to Town Manager, it doesn't in any

way change the salary, the salary is always negotiated and it's by contract. And it does not change the form of government. It stays the same. It's more of a perception than anything else. It lets other cities and towns and the state know that Falmouth has a Charter and it is reflective of the powers and duties of both the chief executive and the chief administrative officer.

THE MODERATOR: Further discussion on Article 46.
Mr. Pinto. And then Ms. Szuplat.

MR. PINTO: Greg Pinto, Precinct 9.
I'd like a little bit of clarification on something Mrs. Flynn just said. The Board of Selectmen can appoint whom, exactly?

THE MODERATOR: Ms. Flynn.

MS. FLYNN: Under the Charter, the Board of Selectmen appoints the Town Administrator and the Town Accountant.

MR. PINTO: And that's it?

MS. FLYNN: That's it.

All other officials are appointed by the Town Administrator. All department heads, police chief, fire chief, are appointed by the Town Administrator.

THE MODERATOR: Some are subject to the approval of.

MS. FLYNN: Yes. There is -

THE MODERATOR: Some of the appointments are subject to the approval of the Board of Selectmen.

MS. FLYNN: That's true. There is a 15 day period in which the Selectmen could not accept that appointment, for department heads.

MR. PINTO: All right. So then is the difference between the Town Administrator title and the Town Manager title purely semantics or -

THE MODERATOR: It's an Administrative paradigm.

[Laughter.]

THE MODERATOR: Sorry. I had to throw that in there.

MS. FLYNN: As I said, it's perception.

THE MODERATOR: It's calling a duck a duck. We've had a manager in this town since we voted this charter. We just never called it that because we weren't ready to make that leap.

MR. PINTO: Very good. Thank you.

THE MODERATOR: Ms. Szuplat.

FROM THE FLOOR: I'm -

THE MODERATOR: Oh, Ms. Szuplat, you've changed a lot.

FROM THE FLOOR: -- in favor of the Article, but is Heather's position going to be Town Administrator's Assistant or Town Manager's Assistant, Assistant Town Manager?

THE MODERATOR: Ms. Flynn.

MS. FLYNN: Assistant Town Manager. Anywhere "administrator" is -

FROM THE FLOOR: So that has to be changed. Does that have to have an article saying that, also?

MS. FLYNN: No. It does not.

THE MODERATOR: Ms. Szuplat. Oh, that was the question you wanted, okay.

All right, any further discussion on Article 46?

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

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It is the opinion of the Chair that the

Ayes have it by a two-thirds majority.

Article 49. Mr. Chairman.

CHAIRMAN MURPHY: Yes, Mr. Moderator, I move Article 49 as printed.

THE MODERATOR: Article 49 as printed. This is the amendment dealing with the board shall not administer day-to-day operations of the town, but shall direct the Town Administrator to do so.

This was held by Ms. Lowell.

MS. LOWELL: Vicky Lowell, Precinct 1. I had a question about the second sentence where it says the board shall act only as a collective body and members shall possess no individual authority. How does that jive with -- can the board delegate authority to an individual member when they are representing the Board on like the EDIC or some other -- you know, sometimes we have individual Selectmen working on task force or other bodies. So, is there other language in the Charter that clarifies that?

THE MODERATOR: Ms. Flynn.

MS. FLYNN: The preceding article speaks to the policy leadership of the Board of Selectmen. Mass. General Law, as well as this Charter, defines that the -- an individual Selectman does not have authority individually. The Selectmen only have authority as a board and on matters of policy. Individually, they have no power and no authority. And this article is an attempt to make that more clear in terms of the other provision that says that it is the Town Administrator who is responsible for the day-to-day operations of the town. Not -- not an individual selectman.

THE MODERATOR: Mr. Wilbur. And then Ms. Lowell again.

MR. WILBUR: Jude Wilbur, Precinct 1. In view of what we've just voted on Article 46, I suggest an amendment that "administrator" be changed to "manager".

THE MODERATOR: Your 46 motion said that if that passes at the ballot all of those changes will be made. What happens, if you make that change here and one of them dies at the ballot and the other one passes, then you've changed the word, stuck it in there in one clause and it doesn't exist elsewhere. So, the housekeeping was done on the second part of the motion of the first article.

Ms. Lowell.

MS. LOWELL: I just don't feel my question was really answered. Maybe Town Counsel can answer it. I just -- I feel like the board does send members out to serve on different bodies, and do they have -- can they vote individually their -- on the authority given them by the board to be that representative? So that's considered delegating the collective authority for an individual to serve on a certain board?

MR. DUFFY: If they go out and serve on another board, they are doing it as an individual, and they are not carrying a message from the Selectmen.

THE MODERATOR: Any further discussion on Article 49?
Yes, Mr. Johnson.

MR. JOHNSON: Leonard Johnson, Precinct 5. This is not clear to me at all. What you just said doesn't make any sense. If the Selectmen appoints some -- or selects one of their members of the board to serve as a liaison or serve on another committee, aren't they representing the Selectmen?

In other words, why not pick somebody else in the community?

MR. DUFFY: No, I didn't think you meant -- the question was about serving as a liaison, that's not being a member of another board. Being a liaison, you can certainly represent the Board of Selectmen. But I thought Mrs. Lowell's question was about serving on another board.

MR. JOHNSON: Fair enough.

THE MODERATOR: Ms. Lowell, did you -- are you satisfied with that? Okay.

Anyone else?

Hearing none, the question will then come on the main motion, Article 49 as printed. 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 Ayes have it by a two-thirds majority.

Article 53. Mr. Chairman.

CHAIRMAN MURPHY: Yes, Mr. Moderator, I move Article 53 as printed.

THE MODERATOR: As printed, this is the residency requirement for the Town Administrator.

Mr. Shearer held this article. Mr. Shearer, you held this article.

MR. SHEARER: Dan Shearer, Precinct 6.

I feel that as it stands in our Charter right now, it's very good. I really believe to be an active now Town Manager you should live in town, you should know the people, you should shop here, you should be seen in the Stop & Shop. I look around me at past employees of this town, Dr. Antonucci, Peter Clark, Peter

Boyer, and they have taken an active part after they've finished their jobs here. And they've worked very hard and they are a big part of the community. And I think a manager who is here for three, six, ten years, and then goes away, it's a real loss to the Town. And, as it stands now, the Selectmen have the right to overrule and say, "You don't have to live here." I think we should leave it that way and let the Selectmen make the choice if the person has a reason they don't want to live here or can't live here, they can make an exception. Thank you very much.

THE MODERATOR: Ms. Flynn.

[Applause.]

MS. FLYNN: Well, we knew this was

going to be controversial, but let me explain something about it. And I would like to -- kind of my comments would also pertain to Article 55. The Charter is the governing document of this town. And we believe, and I am sure you would agree, that the provisions in the charter should be followed. That it's not a good idea to have a provision in a charter that allows it to be waived, which the residency requirement does. There is that provision where the Board of Selectmen can waive the requirement where they think it might be appropriate.

So when we listen to all of the people that we heard from and the people we interviewed, there were some who were in favor of the residency requirement and who were not, but in the end, we thought about this and we said, "Look, you can still have a residency requirement if the Selectmen so choose, but it doesn't have to be in the Charter." That we wouldn't have that requirement that allowed a waiver.

So, what we were suggesting to the Selectmen was, if you believe that a residency requirement is in the best interests of

the community, then you could put a residency requirement in the Town Bylaws, or in the rules and regulations of the town and then you wouldn't be constantly waiving the Charter requirement. But it would be something that could be done in a different way but it could still be followed if that is the wish of the community.

THE MODERATOR: Mr. Dufresne. I will put you on my list, Mr. Netto.

MR. DUFRESNE: Adriane Dufresne, Finance Committee. I haven't won too many tonight, but I have to admit that Mr. Shearer's comments are right on the mark. We've developed an awful lot of affordable housing since Mr. Boyer came on board and I thank Mr. Boyer because he did move to the Town of Falmouth, and when he stepped down, unfortunately, housing costs were so high that we really -- the two up on the stage, Mr. Whritenour and his assistant, were not able to find houses in the Town of Falmouth.

I truly believe that the management of the Town of Falmouth -- I have been involved for 40 years in town government. I believe that we should govern ourselves as residents of the Town of Falmouth and I would hope that we would not delete that option. The Board of Selectmen, just because they indiscriminately waived it more than we particularly like to, I believe if it stays in the Charter, they still have the option to waive it. It hasn't hurt anybody. We have a good administrator now. We have a good assistant administrator. They waived it. The next guy that comes on board, with the additional housing that we've created, maybe they'll want to come to Falmouth like Mr. Boyer did and be the residents that we can walk down the streets with. If we leave it in, we don't hurt a thing. And I truly believe that this is one that we should not touch.

This one and Article 55. Our employees should live here,

they should be interested in the community, like everybody in this room, and let's leave it the way it is.

THE MODERATOR: Okay, Mr. Rowan.

I'm going to need my mic carriers to be down in the aisles so we can just keep this meeting rolling. Otherwise, I'm going to fall asleep up here.

MR. ROWAN: Ted Rowan, Precinct 6. As

a former town employee, I did both things. I -- for my first part, I did not live in the town, and for the last part I did live in the town. And I think I was a better teacher living in the Town, meeting parents in a variety of different settings. My kids were in various activities; I met parents there. My shopping, everything else was done in town. I think this is certainly something that we should preserve as a part of our community.

THE MODERATOR: Mr. Putnam's next.

MR. PUTNAM: Brent Putnam, Precinct 9.

I will echo the comments that have been said previously. I will take issue with the idea of affordable housing for our administration. With all due respect, they earn more than I do. So if I can afford a house in the Town of Falmouth, then I am sure they can.

THE MODERATOR: Ms. McElroy.

MS. MCELROY: I think when the Charter

was first done, they were wise to included this. It comes to the character of the community, what kind of a community do we want. We want community. We don't want hired help. When the waiver was put in there, and I think a lot of us perhaps mistakenly understood the waiver as to grandfather department heads that we already had, but that new people would eventually, you know, be able to move into the community. Maybe not right away and they

would be given a waiver for a while.

Mr. Richards, who just started last year, has managed to move into the community as a department head in the School Department. It's not an unreasonable thing. I think it should stay in, and for both this Article and Article 55. Falmouth is what would be called in this kind of a career a resume builder. It's a great community to come to as a stepping stone in an administrative position and move on. We'd like our administrators to become part of the community, to stay with us. When the hard decisions have to be made, when you have to slash the schools, well, it should be our kids and your kids.

You need to have a vested interest in the community. We want you here. We want you to be part of us. We want you as part of our community. So please defeat this article. Thank you.

THE MODERATOR: Mr. Netto.

FROM THE FLOOR: Question.

THE MODERATOR: Mr. Netto's up there on the left.

MR. NETTO: Question -- my question I think would be to Miss -- I don't know who my question would be. Obviously, but first of all before I get to it, I would hope that we would defeat this as written. The previous speakers have done an excellent job, and especially Mrs. McElroy when she said a sense of community, and make sure that everyone's students attend the schools and this and that, so fine.

But it's a sense of the community that I think that we have to expect people to, at the highest paid positions in our town, to be residents of our town. And I would hopefully concur that these two, we act accordingly.

And obviously my question, I think Mr. Moderator, would be to the Chairman of the Board of Selectmen. We are talking

about future appointments, obviously, correct? There is nothing retroactive here if we deleted this. This would be for the future appointments. I would hope that no one's decisions on how they vote on this would be, you know, determined by what's happening now. We would be talking about the future, correct?

THE MODERATOR: Mr. Chairman.

CHAIRMAN MURPHY: I would imagine that the Board of Selectmen had specifically asked the charter Review Committee to look at this issue. The Board was very uncomfortable, having granted a number of waivers, and we wanted some clarification from in fact the Charter Review Committee. It's my understanding that this does not pass, that our current form of government, in regard to residency, would continue to be the same. That is my interpretation.

THE MODERATOR: That's correct.

Okay, Ms. Zacks. Something new?

FROM THE FLOOR: Question. Question.

THE MODERATOR: Something new?

MS. ZACKS: Yes.

THE MODERATOR: Microphone for Ms. Zacks. I need my microphone carriers, please, if you could stay in the center of the aisle so that we could keep this going.

MS. ZACKS: I'm going to stick my neck out and play devil's advocate for a minute. I would hate to have a highly qualified person who for perhaps some extenuating family circumstances, such as living with a disabled parent, or living near a disabled child be disqualified from employment in this town for a residency requirement. We are trying to seek the best possible people for what we have to accomplish and I would like to have this amended to point out that there should be extenuating circumstances added to this.

THE MODERATOR: No, I will not allow the amendment. It's out of the scope. Vote it up or down.

Ms. Tobey, something new? And then Mr. Murphy, and then we're voting.

MS. TOBEY: Thank you. Linda Tobey, Precinct 4. I just want to be clear that if we want this residency requirement kept in, then we vote no. Is that correct?

THE MODERATOR: That's correct. If you vote no -

MS. TOBEY: Thank you. And the other thing I wanted to say, I believe that finding housing is not an issue for the top positions, because I think that we absolutely offer them adequate pay to be able to live in our town. And I think part of living in our town -- part of hiring someone is that they are capable -- a capable person and they have a good head. However, the other part is that they are vested and that they come here and become part of our community. I think it's very important. Thank you.

THE MODERATOR: Okay. Last thing, Mr. Murphy.

MR. MURPHY: I'll just -- Carey

Murphy, Precinct 7. One of the issues, and I'm not going to have any heartburn over this in granting waivers, but I will say I'll defend Bob Whritenour to say that he is committed to this town 100 percent. And whether he lives here or lives 100 yards, which he does, over the border into Mashpee, is another issue. Town Meeting has to think long and hard about this vote. I searched 18 pages of the MMA listing for residency requirements in job descriptions just recently, and not a single one of them had a residency requirement attached to them.

To me, I am looking for performance and I am looking for

a person that can come into this community, like the department heads, and do the job and do the job and save us money and run the day to day operations in an efficient, competent manner. We are looking for competent people. If we have a residency requirement, we are going to limit the number one applicants to come to this town if they choose not to come here.

We all know people and professionals that live in Mashpee and live in other places that work in this town. And conversely we have a lot of people that live in Falmouth that work professionally in other communities. I think this is a -- I think part of this discussion that we're having we had collectively as a board, and we are going to cull the herd from potential applicants, both to come in here in the future for a Town Manager and for department heads to come down the road.

I certainly urge this to be passed and move it forward, or we in the future are going to suffer. The Board of Selectmen can make these decisions, thank you.

THE MODERATOR: All those in favor of Article 53 as printed, to delete the residency requirement from the Town charter, for the Town Administrator, all those in favor signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It is the opinion of the Chair that there is not a two-thirds majority and the article fails. Is there a challenge to the Chair?

Hearing none, we'll move on to Article 55, Mr. Chairman, for the main motion.

CHAIRMAN MURPHY: Yes, Mr. Moderator, I move Article 55 as printed.

THE MODERATOR: As printed, this is the other residency requirement. Mr. Krajewski, you held this article?

Microphone for Mr. Krajewski.

MR. KRAJEWSKI: I release the hold.

THE MODERATOR: Withdraw the hold. Is there any further discussion on this? Ms. Lowell. And then Ms. Flynn.

MS. LOWELL: I just wonder what the list of people that is covered by this. Is it every single department head, large or small? Having been involved in county government, I know there's a lot of talent on the Cape, some of it I'd like to be able to get to Falmouth without maybe having them have to live here.

THE MODERATOR: If you turn back to Article 54, it gives you the list. Also, I don't know if all Town Meeting Members do have a copy of our Charter as it sits now, but I urge you to get one if you don't, or go on to our website just to familiarize yourself a little bit more with the structure and the roles and responsibilities of this body as well.

So, that list is in the previous article.

Any further discussion, Ms. Flynn?

MS. FLYNN: For this particular

article, we are talking about department heads, for the most part. These are individuals who don't make the salaries, the triple digit salaries. And, speaking from a human resources perspective, and I have talked to Christina Callahan about this, it's very difficult to recruit people to work in a town if they're the most qualified people, if the residency requirement is there. People oftentimes are not willing to uproot their families if they have children and if they're in school. And so what happens is they simply wouldn't apply. So the applicant pool shrinks

considerably when there is a residency requirement. And I know you've already passed the other article, but maybe you might think again about this.

And I suggest that perhaps the Selectmen put a residency requirement in a bylaw or in rules and regulations. Again, rather than keep it in the charter, so it allows a larger applicant pool to be looked at, and those decisions about residency be made from a different perspective.

THE MODERATOR: Okay. The main motion will come on as printed, Article 55 to remove the residency requirement for other department heads.

All those in favor of removing that section from the Town Charter signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It is the opinion of the Chair that there is not a two-thirds majority. Is there a challenge to the chair?

There's a challenge. All those in favor, signify by standing and the tellers will return a count.

[Pause.]

THE MODERATOR: This motion is to -- as printed, which is to delete the residency requirement. All those in favor of that.

[Pause.]

THE MODERATOR: Division 1.

MRS. TASHIRO: 4.

THE MODERATOR: 4. Okay.

Division 2.

MR. DUFRESNE: 41.

THE MODERATOR: 41.

Division 3.

MR. HAMPSON: 17.

THE MODERATOR: 17.

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

[Pause.]

THE MODERATOR: Division three.

MR. HAMPSON: 26.

THE MODERATOR: 26.

Division 2.

MR. DUFRESNE: 34.

THE MODERATOR: 34.

Division 1.

MRS. TASHIRO: 44.

THE MODERATOR: 44.

By a counted vote of 62 in favor and 104 opposed, there is no two-thirds and the opinion of the Chair stands.

Article 57, Mr. Chairman.

CHAIRMAN MURPHY: Mr. Moderator, I move Article 57 as printed.

THE MODERATOR: Article 57 as printed.

This is a general provision that no member of any board or multi-member committee or body appointed by the Board of Selectmen, whether or not mentioned in Article 7 of this Charter, shall serve more than three consecutive three year terms.

Mr. Marks held this. Mr. Marks -- is not with us. I hope Mr. Marks is feeling well tonight. I know he was out sick

tonight. Any further discussion? Mr. Lynch.

MR. LYNCH: Kevin Lynch, Precinct 3.

When the Charter first came in -- I think it was nine years ago -- I asked a question about this term limits, and the old -- or, the previous Section H, there, said "boards", and I am not on a board but I am on two committees. And, it's kind of for myself, but I'd like to stay on those committees, but I don't think -- well, the boards in the Town, most of the boards have a paid staff. The committees, like my Bikeways Committee and the other Committee is the Cable Advisory Committee, don't have a paid staff. So our expertise are those people that stay on that committee for a while.

Bikeways Committee, I'm going to make a little report on that. Somebody said I was remiss. We're going to have the 25 percent hearing on the Bikeway Extension on May 9th and just quickly give you a time line that the contractor says that we'll have a contract by the fall and hopefully have the contract done. Start construction in the Spring of '07 --

FROM THE FLOOR: Point of order.

MR. LYNCH: -- and completion in the spring of '08.

THE MODERATOR: Okay. Thank you.

Let's -- you had your chance Monday night.

Any further discussion on this amendment?

MR. LYNCH: Yes. Anyway, since these committees need to keep their history and the people that are experts in those areas, I think that we should allow those committees to go beyond that. And we do have a check and balance. The check and balance is that after every three years we go before the Selectmen and the Selectmen decide whether you get reappointed or not.

I actually -- was it last year or the last time I went

for both of these committees, I didn't get a majority vote on them because Mr. Carey Murphy decides that -- he asked me, "Well, what committee do you want to be on?" So I said, "I'll take the Bikeways first," and he didn't vote for me on the Cable Advisory Committee.

[Laughter.]

MR. LYNCH: The Cable Advisory

Committee is interesting in that -- and I agree with him; you know, he was doing his job. The Cable Advisory Committee I'd been on for a while and we had to drag people, the committee, to get people to join that committee. So -- and, by the next time the contract comes up for -- not Adelphia -- Comcast, the contract will be starting in '07 and go to 2010. And we should have some expertise on that committee.

So I would like to offer an amendment. The amendment would be to amend paragraph C72, general provisions appointing Town Boards, to delete subsection H. And what that will do -- is that okay?

[Discussion off the record up on the stage.]

THE MODERATOR: Okay, I am getting the legal word that the power of Town Meeting when we have a Review Committee, that won't allow us to delete it. We could maybe change three to two or one or change some number in there, but to delete the entire section would have to be a recommendation coming from the Review Committee in an article to delete the section. We have the power to, you know, accept it or make minor changes to the existing desired amendment.

FROM THE FLOOR: Let's vote. Vote, vote.

MR. LYNCH: Then can I make the

amendment to leave the paragraph as it is and say "Paragraph H

will say, 'No member of an appointed town board shall serve more than three consecutive three year terms'?"

THE MODERATOR: That's what the Charter says now. According to my copy, it says "No member of an appointed town board shall serve no more than three consecutive three year terms." Madam Chairman, am I correct? Isn't that the current Section H? So you just vote No on this and it will stay the way it is.

CHAIRMAN FLYNN: Yes, but what the new Section H adds is the current charter say no member of an appointed board. This changes "no member of any board or multi-member body". It really encompasses more than just an appointed board, which is -- that could be -- no one is really quite sure what is an appointed board but if you add the multi-member body, it makes it more clear, it means any board or committee appointed by the Selectmen.

MR. LYNCH: I will agree it's very confusing when you read it. It mentions many of the committees and not some. But I urge you to vote negative or Nay on this article.

THE MODERATOR: Okay, Mr. Latimer, something new? And then we're going to vote this one.

MR. LATIMER: Richard Latimer, Precinct 2. I hate to be speaking and I'm going to be very brief. Up until just this moment, I thought this was fairly clear-cut. But now I'm reading -- the existing section reads, "no member of any board appointed by the Board of Selectmen," et cetera. I don't have any problem with that. That means if it's an appointed board by the Board of Selectmen. But now we're adding a phrase, and it's not clear to me whether it means no member of any board or member of a multi-member body appointed by the Board of Selectmen, which would then refer back to not appointed boards, such as the Planning Board. So -

THE MODERATOR: No, no. This is clearly because they don't know whether or not they will allow committees -

MR. LATIMER: I don't think it's that clear. I don't think it's that clear. The language is not that clear, and I -

THE MODERATOR: Well, it's very clear for those that wrote it and those that are legally interpreting it. This is to include all of the committees, multi-- you know, you've got a Board of Health and you've got a Beach Committee, and you've got all these groups and they're all appointed by the Selectmen.

MR. LATIMER: I understand what the intent is.

THE MODERATOR: They want them to have no more than three three year terms.

MR. LATIMER: I understand what the intent is. But the language by inserting that it is not clear linguistically what the reference is, or grammatically what the reference is. It's not that well drafted and I'm going to vote against it. Thank you.

THE MODERATOR: It's clear to the lawyers.

We're going to vote on it. You want this in there or not? All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It is the opinion of the Chair that the No's have it and the amendment is not adopted.

Article 59. There is a recommendation of indefinite postponement. Is there a Town Meeting Members that would like to make a positive motion?

MR. DUFFANY: Michael Duffany,

Precinct 6. I would like to make a positive motion on this, if I could. I held this for the petitioners because they are not year-round residents of the Town of Falmouth. And I just wanted to bring a couple things to light. I know it's late.

THE MODERATOR: What is the motion?

MR. DUFFANY: The motion is to -- is

for the Town to vote to appropriate \$50,000 from Certified Free Cash to be expended as necessary by the Selectmen to match private contributions for the purpose of funding design, permitting, construction or repair, restoration and/or replacement of the sea wall damaged in September, 2005 at 54 Gardner Road in Woods Hole, and associated wetlands as to protect the public and nearby properties, or to take any action in this matter.

Just a quick brief history, and I won't go into the Town having -

MR. DUFRESNE: Motion go beyond eleven o'clock.

THE MODERATOR: Okay. We have a motion to continue after 11:00 to finish this article. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it by a two-thirds. This is our last article.

MR. DUFFANY: Okay, thank you. Again, quickly, it's not about the fact that the Town, you know, spent money to put this wall up and so forth, but there is a little bit of history that you ought to know that, as a member of the 300 Committee, years ago this piece of property was brought to us as a gift. That the Town would receive this piece of property and we

thought at first it's great, you know, it's waterfront property.

Well, does it have access? It doesn't have access because it's a swamp or it's a marsh, excuse me, whatever the term is, okay?

Furthermore, the biggest point was what happens if the wall gets damaged? We take this gift on behalf of the Town; we think, you know, this is great for the town and everything else, and then, here we are today. What would I be telling you now? I'm sorry we took this free gift.

So what I had proposed to the proponents of this article here is that they share in the cost of this, that they maintain the ownership of this wall and this property here and that we just if we need to continuously get involved in maintenance of it because, as do we for the same -- for sewers and so forth for people, it's a benefit for all of us, okay. A lot of properties are affected by this. I've driven by this a lot of times and I know that when that wall is down, there's problems there, okay?

I think it's a win-win for the Town if we go to up to \$50,000 to match moneys that the owners are willing to put forth, and just move forward, and just count our blessings in that respect. And I so move.

THE MODERATOR: Okay, we have a main motion here. Do you have something with that matching funds part? Is that in writing? Can the clerk have a copy of that, please?

MR. DUFFANY: And I would like to recognize Mr. Sam Farrell.

THE MODERATOR: Yes. It's \$50,000 from Certified Free Cash.

Mr. Farrell.

MR. FARRELL: Good evening. I will try to keep this

quick because I know you all work very hard. In case you think I've just got off the Mayflower, I actually -- I was born an American citizen. I have been living here for 20 years.

And we have the first slide. This is the project. We are here to present the facts and the reasoning behind the request for money from the town to rebuild the sea wall at Gardner Road in Woods Hole, because we are the nearest neighbors, and because we see the impact we are bringing an important community issue to the attention of the town. As you will see, it's to the benefit of the town to repair the walls. The next slide. I don't know if you can see it. That's the picture of the wall. There is a swamp in front. This is a north-facing view. And what the wall does is it protects or prevents Buzzard's Bay -- that isn't quite right, but it prevents floods coming from Buzzards Bay and inundating the Mill Pond and low-lying areas around it, the 20-plus homes, up to 30 homes, the bell tower, ball park, ball field, town road, town systems under the road, town sewer system, it protects people's homes.

The history of the wall is that there has been a wall there since 1800, roughly. It has been documented in a town survey. It was rebuilt at town expense in 1941 and then knocked down in a freak storm on December 9th. So, we're here because this is a serious community problem. We believe the wall should be rebuilt properly, promptly, to protect the community. We believe that the cost of the wall should be shared equitably by those who benefit, including the Town.

And it's an emergency. Significant floods from storms at least twice every year will damage people's homes, will disrupt town services, will potentially cause erosion or frost heaving of the town road and will flood the ballpark. Until the wall is

repaired there will be floods as often as twice a year, we're told. Flooding will cut off access, including for emergency services, and risk damage to local homes and town road services. This is a picture of what happened on February 1, 2006 . It was a minor rise in tide, sorry, major rise in tide but a minor storm. It wasn't really even a storm. It created flooding in the area. Several hundred yards of the road.

And there we -- oops. You can go back to the next slide. This is -- we commissioned a study by Falmouth Coastal Engineers, Woods Hole Group, and they produced a comprehensive analysis on the potential impact of the wall being left in its current state. And this report was given to the Board of Selectmen at the Selectmen's hearing. And, as you can see, the area at risk from flooding extends from the sea wall which is at the top left all the way down to Millfield Street. And although some flooding might come from other areas, because of the difference in high tides in Buzzard's Bay, it's much more likely that in fact it will come through the breach in the sea wall and flood those people's homes. And, again, potentially damage town property, town roads, town systems, block access both for emergency access and reasonable everyday access on a regular basis. Were told as often as twice a year, maybe more. We are not really sure it's -- but we are told at least twice a year.

The cost of rebuilding the wall would include these things, which I guess are obvious. And we don't have a final comprehensive estimate because we haven't had a chance to actually design it and get cost, but we have got rough estimated costs from between 50 to \$100,000. And what we're proposing is that the neighbors and town each share the cost 50 - 50. The Town contribution be capped at 50,000. So if this project goes above

\$100,000 the Town won't be asked for more money at that point. And the funds would be expended under the jurisdiction of the Selectmen. And we would ask that the Town would help us in the permitting and expediting of approvals in construction.

We, the immediate abutters, and our neighbors, are proposing that we share the cost of this project. We are prepared to oversee the project, we are prepared to do a lot of work here. But we need your help and we feel that the town has a big interest in repairing this wall.

There's a lot of potential damage and -- now, let me see, okay, we can read this. The destruction of the sea wall was a catastrophic uninsurable event. It's already damaged neighboring properties and has jeopardize the health and safety of neighboring residents. As property owners, we're ready to participate. Because the wall protects the community, a contribution to the cost of the repair by the town is both equitable, it's also a proper function of government to protect its citizens, its residents, its people.

So, we brought an important community issue to you and we're asking for your help. And we thank you for your time.

THE MODERATOR: Mr. Duffany, before making this motion -- Mr. Duffany. Before you prepared this motion, did you check to see where the funding source was coming from?

MR. DUFFANY: Actually, I did. I paid very close attention last night to the Special Town Meeting to where the monies were coming from that were not specified, and they were all coming pretty much from Certified Free Cash, and so that's why I said the same thing.

THE MODERATOR: Madam Chairman, could you give us a report of the Town's Certified Free cash at the end

of this Town Meeting.

CHAIRMAN LEMOINE: Mr. Duffany, I have really bad news for you. At the beginning of both these meetings, we started with \$777,000 in Certified Free Cash. Over the last two nights we have committed \$768,000 worth of Certified Free Cash, which will leave \$9,000 in available funds, uncommitted.

THE MODERATOR: My practice is only to allow an article with a funding source. So do you want to make a motion for 9,000 or do you have another place to get it from?

MR. DUFFANY: No, frankly I don't. I saw those numbers being pulled out of the air last night, too, like everyone else, and I frankly said -- I was struggling, too, "Where am I going to get this money?" and then it jumped right out in front of me, 18,000 here.

THE MODERATOR: And then we finally used it.

MR. DUFFANY: That's where I found it. So, I don't. I don't have another source. I'm not going to say raise and appropriate unless I'm told that that's an appropriate measure.

THE MODERATOR: We've already hit the levy limit, so that would be another exclusion, or override.

Okay, is there any -

MR. DUFFANY: If it can't go forward now, at least everyone, you know, really can try to understand this issue so that this can be taken care of in the fall, hopefully at the November meeting if that's the case.

THE MODERATOR: That's why I wanted to allow the presentation first as well.

Mr. Hampson, did you have something?

MR. HAMPSON: George Hampson, Precinct 5. I've been

on the water most of my life. I know the power of storms. There's nothing saying that this is not going to happen again. We have no idea when it's going to happen again. There has to be some thought made before you repair the wall, to find out what's going to withstand the next storm. We don't want to have to do it every five years. There is nothing that says that this isn't going to happen again. It could happen next year. What kind of wall are you going to build? That's important.

THE MODERATOR: Go ahead. Real quick.

MR. FARRELL: Clearly we want to build a very good wall. The wall that was there before --
[Laughter.]

MR. FARRELL: -- stood for 60 years.

It was a loose stone and masonry wall. It was -- it had some riprap on the other side, and it stood there for 60 years. We would want to make it at least as good as that, hopefully a hundred year wall. We'll absolutely employ engineers, we'll absolutely make sure it's a strong wall.

THE MODERATOR: Okay. Unless I've got another person that's got a new funding source, we're going to take a vote on this, because we don't have the money to take this action now. You've had a presentation; we'll have to come back in the future. Is there any motion for a different funding option?

Hearing none, the question -- do you have the motion?
Okay. Do you have a microphone, please.

FROM THE FLOOR: Is this something that the funds available in the reserve for the historical -- under the CPA?

FROM THE FLOOR: Oh, no.

THE MODERATOR: We can't make those decisions without an application directly to the CPA. So that -- that could be

something that they could try to apply for in the future and work that out, if it's a historic wall.

Okay, any funding sources? Sir, you're not a Town Meeting Member so you can't put a motion. Is there any motions to change the funding source? 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: It is the opinion of the Chair that the No's have it by a majority.

Madame Chairman. Article 62.

CHAIRMAN LEMOINE: Mr. Moderator -

FROM THE FLOOR: Point of order.

THE MODERATOR: Hold on a second, here.

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: I am sorry. You're correct. That was an amendment. The first vote was the amendment. All those in favor of the amendment. No, that wasn't an amendment. You had the main motion. I was right. Don't get me second-guessing. Indefinite postponement. Indefinite postponement.

MR. DUFFANY: But you put it on the main motion and -- right?

THE MODERATOR: Indefinite postponement was the recommendation. You made the main motion.

FROM THE FLOOR: [Inaudible].

THE MODERATOR: Yeah. Oh, I said it was accepted after the vote.

FROM THE FLOOR: [Inaudible].

THE MODERATOR: Everybody voted "No" because we didn't have the money.

Let's go on. Article 62.

[Laughter.]

THE MODERATOR: I'm getting confused.
Too many people talking on either side of you.
Article 62, Madame Chairman.

MADAME CHAIRMAN: Mr. Moderator, I move that all articles considered in this Town Meeting be funded as voted, for a total of \$107,152,254, and that the Board of Selectmen be requested to place questions on the May 2006 town election ballot as voted in Articles 11, 21, 46, 47, 48, 49, 50, 51, 52, 54, 56 and 58.

THE MODERATOR: You've all heard the main motion: \$107,152,254. 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 of the Board of
Selectmen for notification of the next annual town meeting.

CHAIRMAN MURPHY: Yes, Mr. Moderator, the next town meeting will be on -- I move that the next Town Meeting be on November the 13th.

THE MODERATOR: Okay, our next meeting is November 13th at 7:00 p.m.

Madam Chairman.

CHAIRMAN LEMOINE: Mr. Moderator, ladies and gentlemen, I move the April 2006 town meeting be closed.

THE MODERATOR: Okay, you've all heard the main motion to

close the Town Meeting. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it, unanimous.

[Whereupon, this meeting ended.]

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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 5, 2006, to the best of my knowledge,
skill and ability.

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

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