

**Vol. One**  
**153 pages**

**COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF FALMOUTH**

**ANNUAL TOWN MEETING**

**Lawrence School  
Lakeview Avenue  
Falmouth, Massachusetts**

**MODERATOR: David T. Vieira**

**Monday, November 8, 2004  
7:00 p.m.**

**Carol P. Tinkham  
321 Head of the Bay Road**

**Buzzards Bay, MA 02532**  
**(508) 759-9162**  
**caroltinkham@verizon.net**

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## PROCEEDINGS

THE MODERATOR: I want to remind all Town Meeting Members that our proceedings this evening will be broadcast live on FCTV-13. Our microphone carriers this evening: to my left, Kristin Liska and to my right, Sarah Clayton. Our tellers this evening: in the first division will be Charlotte Tashiro; in the second division Mr. Dufresne; and in the third division Mr. Hampson.

I remind all folks that speak tonight to identify yourselves by name and precinct for the record. I acknowledge our sign language interpreters this evening as well.

Before we convene this meeting, we need to establish a quorum. Would all Town Meeting Members present please rise and the tellers will return a quorum count. [Pause.]

THE MODERATOR: Mrs. Tashiro?

MRS. TASHIRO: 56.

THE MODERATOR: 56.

In the second division, Mr. Dufresne?

MR. DUFRESNE: 96.

THE MODERATOR: 96.

And in the third division, Mr. Hampson?

MR. HAMPSON: 60.

THE MODERATOR: 60. By a counted vote of 212, I call this Annual Town Meeting to order.

I'll now read the Officers Return of the Warrant. By virtue of this warrant, I have this day notified and summoned the inhabitants of the Town of Falmouth qualified to vote on Town Affairs, as said warrant directs, by posting an attested copy thereof in Town Hall and every precinct in the town. Signed by the Constable John Doyle.

At this time I'll recognize Town Clerk for the swearing in of new Town Meeting Members. Mr. Clerk.

CLERK PALMER: Will the following Town Meeting Members please stand: Ann Sears, Carol Kenney, John Flanagan, Judith Fenwick, Lindsay Hopewood, Marguerite McElroy, Paul Ferris Smith, Priscilla Roslansky, Jude Wilbur, Susan Shephard, Diane Thompson, Douglas Jones, Elizabeth Bothner, Harriet Dugan, James Fox, James Nidositko, Louise Girard, Maureen Northern, Richard Latimer, Susan Smith, James Franklin, John Alves, Betty Lynch, Chester Krajewski, Dale Carol Teal, Douglas Brown, Ed Zmuda, Harold O'Connor, Milton Kelly, Paula Souza, Sandra Murphy, William Murphy, Benjamin Moreland, Linda Davis, Robert Teixeira, Tod Bidwell, Paul Brodeur, Donald Hoffer, Maureen O'Connell, Charlotte Tashiro, Scott Thrasher, Brian Grozier, Kevin E. Murphy, Todd Taylor, Nicholas Lowell, Lynn Grant Major, Barrett Keating, Catherine Jewett, Ruth Brazier, Russell Ferreira, Ellen Doyle Sullivan, James A. Vieira, Julia Taylor, Charles Eastman, Jr., Jeffrey Oppenheim, Carol Martin, Allen Fleer, Ted Rowan, Ann Dewees, David Potter, Kerry Ann Murphy, Ronald Garcia, Margaret L. Borden, Alexander Lancaster, Kathleen Driscoll, Richard Swain, Maurice Roy, Gary Anderson, Allen Fleck, Louise Houle, Ronald Shlitz, Gregory Clements, Jane Perry, Camille Romano, John Fraser, Henry Dick, Julene Augusta-Metell, Randall Peat, Phyllis Day, Debra Ann Aguiar, C. Veronica Zylinski, John Augusta, Joan Muller, Clayton Jones, Lena Thompson, Jeffrey Rubino, Brian Guthrie and Rick Drawert.

Please raise your right hand and repeat after me: I, state your name, do solemnly swear

that I will faithfully perform the duties of Town Meeting Member according to the best of my abilities and agreeable to the Constitution and laws of the Commonwealth of Massachusetts.

Congratulations, you may be seated.

[Applause.]

THE MODERATOR: For the new Town Meeting Members, I've had a practice of doing an orientation in the fall. As many of you know, I was out of town this fall, so sometime over the winter we will have an orientation session where the new Town Meeting Members can come and get some parliamentary procedure, a little more background on it, ask questions and have presentations by the other boards and committees of the town. So we'll be looking to do that sometime over the winter.

As this time, we'll have the flags presented by Sea Scout Ship 40, along with the Brian Baru Pipe Band. Will all present please rise for the presentation of the colors.

[Colors presented.]

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

[Pledge of Allegiance taken.]

THE MODERATOR: At this time, the National Anthem will be played by the Falmouth Band Brass Choir.

[National Anthem played.]

THE MODERATOR: At this time, the invocation by Mr. James Nidositko.

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

THE MODERATOR: At this time the Brian Baru Pipe Band will play Amazing Grace in honor of our Town Meeting Members who have passed since our last meeting, and especially for the victims lost in the recent hurricanes.

[Amazing Grace played.]

THE MODERATOR: Colors post.

We have a quick announcement by Marguerite McElroy.

MS. MCELROY: Good evening. Once again I'd like to appeal to you on behalf of the Falmouth Service Center. It's so important to our community to help our neighbors and particularly with holidays coming up. It's very difficult for some people. Right now among the things that are particularly needed are cold cereals, spaghetti sauce, beef stew, corn beef hash, canned pasta. There's a list out in the lobby on the poster. Assuming we're here tomorrow night -- and if we're not, you can always drop it in a bin in a supermarket -- if you could bring stuff tomorrow night we'd really appreciate it. And with Thanksgiving coming up, the Sunday before Thanksgiving there will be turkey drop-off from one to four at the Service Center on Gifford Street. So, please, bring what you can tomorrow night and bring a turkey on Sunday before Thanksgiving. Thank you.

THE MODERATOR: Thank you, Margo. At this time, I'd like to start with the dispensing of the reading of the warrant. Mr. Chairman of the Board of Selectmen for the main motion.

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

THE MODERATOR: Okay, you've all heard the main motion. 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. Clerk, I ask that the warrant become an official part of the record.

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

FROM THE FLOOR: Moved.

THE MODERATOR: So moved. All those in favor, signify by saying, "Aye."

[Aye.]

THE MODERATOR: All those opposed "No."

[None opposed.]

THE MODERATOR: The Ayes have it, unanimous.

At this time, the chair would entertain a motion for all town employees who are not

residents of the Town of Falmouth to have the right to speak on all issues before this Town Meeting.

FROM THE FLOOR: Moved.

THE MODERATOR: So moved. All those in favor, signify by saying, "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No."

[None opposed.]

THE MODERATOR: The Ayes have it, unanimous.

At this time I would like to recognize the Planning Board for notification of public hearings.

MS. KERFOOT: In accordance with Section 5, Chapter 40A, Massachusetts General Law, and Article 43 of the Falmouth Zoning By-Law, a public hearing was held on October 5th, 2004, on Articles 3, 4, 5, 6, 7, and 8 for the November 8th, 2003 Annual Town Meeting, and all those who wished to speak were heard.

THE MODERATOR: Okay, at this time, I'd like you to open up to the inside cover of your warrant booklet. We'll quickly go over the Town Meeting Rules, simplified rules and procedure.

Number 1. Speaking and voting. Registered voters, residents and taxpayers of the town may speak on any article in the warrant. Persons who are not voters, residents or taxpayers of the town may address the Meeting only with the consent of a majority of those present.

Only Town Meeting members may vote.

Motions and Amendments. Motions and Amendments may be made only by Town Meeting members. Two amendments will be accepted on any article. Long or complicated motions, and other motions which he shall so request, shall be presented to the Moderator in writing.

Reconsideration. Reconsideration will be allowed at any time during the meeting if the article does not involve the appropriation of money. If the article involves the appropriation of money, notice of reconsideration must be given within 30 minutes of the vote on the article. Reconsideration may then be allowed at any future time.

Our Hours of Operation on the first night will be 7:00 p.m.; subsequent nights 7:00 p.m., and we'll close at 11:00 p.m. unless a motion to continue is made and continued by a two-thirds vote of Town Meeting Members.

I'm going to start tonight with the blanket vote. For the new Town Meeting Members, the way we do the blanket vote is I go through the Warrant article by article. If you do not hold an article on the blanket, the article will pass on the main motion as recommended. So, if you'd like to discuss the article or you'd like to change the vote from what the recommendation is, you should stand up and yell "Hold". We'll make a note of that. We'll run through the warrant a second time real quickly and then we'll have a blanket vote which will approve everything not held as recommended.

So, let's start with Article 1. Article 1 is a hold. It's just to hear Town reports. Article 2, unpaid bills. Article 3 is a hold. Article 4, vote to amend the Official Zoning Map, re-zoning the land currently zoned Business 2. The recommendation is as printed. Hold? Okay.

Article 5, vote to amend Article 21, Coastal Pond Overlay District. The main recommendation is as printed.

Article 6, to amend the Official Zoning Map. Carriage Shop Road. The recommendation is as printed. Article 7, vote to amend the Zoning Bylaws, Section 24-190 H (4) with respect to the location of curb cuts for drive-through establishments. This recommendation is indefinite postponement.

Article 8, to amend the Official Zoning Map of the Town to rezone a portion of the property on 141 Sandwich Road, zoned Agricultural B to Business 3. The recommendation is as printed.

Article 9 –

MR. MURPHY: Hold – 8.

THE MODERATOR: Hold on 8, Mr. Murphy.

Article 9, vote to amend the Town Bylaw Chapter 255, Section 13, charges for service. The recommendation is as printed. Article 10, vote to amend the Town Bylaws Chapter 83, Section 13, license of dogs. The recommendation is as printed. Article 11, to see if the town will vote to amend the Town Bylaws Chapter 119, Section 4.

MR. COOPER: Hold.

THE MODERATOR: Hold, Mr. Cooper.

Article 12 –

MS. MCELROY: Hold.

THE MODERATOR: Who's holding this? Ms. McElroy.

Article 13 –

FROM THE FLOOR: Hold.

THE MODERATOR: Is a hold.

Article 14.

MS. STETSON: Hold. Judy Stetson.

THE MODERATOR: Judy Stetson has a hold.

Article 15.

MR. MURPHY: Hold.

THE MODERATOR: Mr. Murphy.

Article 16, to see if the Town will vote to accept the provisions of Massachusetts General Law 59, 5 K as amended by Chapter 184, 52 of the Acts of 2002. This is an indefinite postponement recommendation.

MR. CLARKSON: Hold.

THE MODERATOR: Hold by Mr. Clarkson.

Article 17, vote to authorize the Conservation Commission to grant an easement or lease to the U.S.A. acting by and through the U. S. Department of Army Corps of Engineers. The recommendation is as printed.

Article 18, vote to amend Section 186 of the Code of Falmouth Sewer and Septic Systems, connection to sewer required. The recommendation is as printed.

Article 19, vote to amend Chapter 184 of the Town Sign Code Bylaw, moveable, portable or mobile signs. The recommendation is as printed.

Article 20 –

FROM THE FLOOR: Hold.

THE MODERATOR: Who's holding this one?

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: Article 21.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold again.

Article 22 –

MR. MURPHY: Hold.

THE MODERATOR: Hold by the Board of Selectmen, Mr. Murphy.

Article 23, to authorize special legislation designating the section of Route 28A, known as West and North Falmouth Highways to Quaker Road intersection as scenic road. The recommendation is as printed with the following correction: changing Quaker Road to Curley Boulevard. Oh, it's different than what they had in there, so it's going to be a hold since that recommendation was not printed in your booklet.

Article 24, vote to transfer a certain parcel of land from the Board of Selectmen to the Conservation Commission.

FROM THE FLOOR: Hold.

THE MODERATOR: Who's holding this one? Who's holding it?

MS. ROBB: Alison Robb.

THE MODERATOR: Okay, Ms. Robb.

Article 25, authorize the Board of Selectmen to purchase, take by eminent domain Odd Fellows Hall. The recommendation is indefinite postponement.

MR. MURPHY: Hold.

THE MODERATOR: Article 26, to authorize the Board of Selectmen to let or lease for a term of more than ten years the building known as Lawrence Academy on Academy Lane. The recommendation is as printed.

Article 27, vote to authorize the Board of Selectmen to let or lease for a period of more than ten years rights to erect cellular telecommunications equipment on the Town's water towers at Falmouth Technology Park and Hayway Road; the recommendation is as printed.

MS. MCELROY: Hold.

THE MODERATOR: Did I hear a hold? Yes, Ms. McElroy.

Article 28, authorize the Board of Selectmen to establish a number of funds and to file special legislation to establish these funds. The recommendation is as printed, with the following change: paragraph one, line two, change "personnel injury" to "personal injury".

Article 29.

MR. MUSTAFA: Hold.

THE MODERATOR: That's a hold.

Article 30 is a hold; this is the Capital Budget. We'll go through that line item by line item when we get there.

Article 31, appropriate \$575,000 from the Sewer Aeration System Project Account for the removal and disposal of sludge from the wastewater aeration lagoons.

MR. HAMPSON: Hold.

THE MODERATOR: Hold, Mr. Hampson.

Article 32, vote to expend \$575,000 from the Nutrient Management Fund provided by the U. S. Air Force Center for Environmental Excellence for the preparation of a Comprehensive Wastewater and Nutrient Management Plan.

MR. HAMPSON: Hold.

THE MODERATOR: Hold, Mr. Hampson.

Article 33, vote to expend \$40,000 from the Sewer Aeration System Project Account for the replacement of the roof on the operations building at the Town's Wastewater Treatment Facility.

Article 34, to borrow the sum of \$753,750 for the purpose of funding the design and permitting of a new water source permit.

MS. ROBB: Hold. Robb.

THE MODERATOR: Ms. Robb is holding that.

Article 35, vote to transfer \$16,000 from the Land Bank Fund for the purpose of conducting a survey of land on Carriage Shop Road.

Article 36, to appropriate \$30,000 for the purpose of conducting an organization study.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 37, to amend the Town Classification Plan, adding Chief Wastewater Plant Operator, deleting Chief Wastewater Plant Operator; the recommendation is as printed.

MR. FERREIRA: Hold 37 through 49.

THE MODERATOR: Who's holding these?

MR. FERREIRA: Mike Ferreira.

THE MODERATOR: 37 through 49. Sometimes it's quicker to use the blanket vote. Okay, Article 50.

MR. JOHNSON: Hold.

THE MODERATOR: All righty. Mr. Johnson is a hold on 50.

Article 51, this is a contract for the Laborer's International Union. Indefinite postponement.

Article 52 --

MS. LEMOINE: Is a hold.

THE MODERATOR: -- is a hold by the Finance Committee.

Article 53 is a contract for the International Association of Firefighters Local 1397; the recommendation is indefinite postponement.

Article 54, this is the Falmouth Police Federation Contract. Recommendation is indefinite postponement.

Article 55, the Falmouth Police Superior Officers Association Contract. The recommendation is indefinite postponement.

Article 56 is a hold by the Finance Committee. Article 57 is a hold by the Finance Committee.

Article 58, town vote to transfer \$65,620 from the Parking Meter Fund for the purchase of parking meters.

Article 59, to transfer \$20,000 from the Reserve Waterways Appropriation Fund for replacing two electrical transformers at the Town Marina.

Article 60, to transfer \$3,500 from the Reserve Waterways Appropriation Fund for the purpose of constructing a new dolphin piling set up with navigation light on the west jetty of Waquoit Bay.

Article 61, to transfer \$20,000 from Certified Free Cash for the repair and paving of Morse Pond Road.

Article 62, to accept the doing of the Board of Selectmen in laying out of the follow roads: Fox Lane, Edgehill Road, Hummingbird Hill Road, Tall Pine Road. The recommendation is as printed.

Article 63, to vote to accept the doings of the Board of Selectmen in laying out the following roads: changing Crowell Road to Crowell Pond Lane, and Katelyn Hills Drive.

Article 64 is a hold. Article 65, to transfer \$15,000 from Certified Free Cash for the

purpose of funding additional contractual services in the Zoning Board of Appeals Office.

Article 66, to transfer the sum of \$10,853 from interest on short-term unexcluded debt budget #01756-59925 to principal long-term Massachusetts Water Pollution Abatement Trust debt budget #01754-59909. As printed is the recommendation.

Article 67, to transfer \$1,000 from the Historic District Commission, purchase of services to the Historic District Commission Personal Services. The recommendation is to transfer \$650 from the printing line, \$240 from the telephone line and \$110 from the postage line, to be put into the new line item Professional/Technical- Clerical services.

Article 68 –

MR. DICK: Hold.

THE MODERATOR: Who's holding this? All right, Mr. Dick.

Okay, and Article 69 is a hold.

Article 1 was a hold.

Article 2.

Article 3 was a hold. Article 4 was a hold.

Article 5. Article 6. Article 7.

Article 8 was a hold.

Article 9. Article 10.

Article 11 was a hold. Article 12 was a hold. Article 13 was a hold. Article 14 was a hold. Article 15 was held, 16 was held.

Article 17. Article 18. Article 19.

Article 20 was held, 21 was held, 22 was held, 23 was held, 24 was held, 25 was held.

Article 26.

Article 27 was held.

Article 28.

Article 29 was held, Article 30 was held, Article 31 was held, Article 32 was held.

Article 33.

Article 34 was held.

Article 35.

Article 36 was held, Article 37 was held, Article 38 was held, Article 39 was held, Article 40 was held, Article 41 was held, Article 42 was held, Article 43 was held, Article 44 was held, Article 45 was held, Article 46 was held, Article 47 was held, Article 48 was held, Article 49 was held, Article 50 was held.

Article 51.

Article 52 was held.

Article 53. Article 54. Article 55.

Article 56 was held, Article 57 was held.

Article 58. Article 59. Article 60. Article 61. Article 62. Article 63.

Article 64 was held.

Article 65. Article 66. Article 67.

Article 68 and 69 were held.

Madame Chairman for the main motion on the blanket vote.

CHAIRMAN LEMOINE: Mr. Moderator, I move that all articles that have been passed and not held under the blanket vote be and hereby are adopted as recommended as the official action of this meeting, and that the necessary monies for the same shall be appropriated as otherwise specified.

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

[Aye.]

THE MODERATOR: All those opposed, "No."

[None opposed.]

THE MODERATOR: The Ayes have it, unanimous.

Madame Chairman for notification.

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

THE MODERATOR: Notice of reconsideration has been served.

At this time we'll start with Article 1, which is to hear Town reports from committees and we'll start off with the Bikeways Committee.

MR. LYNCH: Kevin Lynch, Precinct 3, Bikeways Committee. I have some good news:

the Shining Sea – on the Shining Sea Bikeway Extension, the state has given the Town a 99 year lease for the railroad right of way for the bike path from Skating Lane to County Road, Route 151. This will allow a center line bike path for the entire length of the right of way. Our thanks go to Bob Whritenour, George Kalisz, Brian Curry, Representative Turkington, Senator Murray and others to gain this concession from the state.

Lawrence Lynch is the low bidder for the contract for the construction of the Shining Sea Bikeway Extension from Skating Lane to Carlson Lane, and the contract award is imminent. I understand it may happen this week. This construction project should be completed hopefully in the summer of 2005 and will be entirely with state and federal funds.

The construction of the bike path to North Falmouth is depending on the Town funding the construction design. The construction cost estimate is \$3 million. We also thank DPW's Bill Owens and George Kalisz for making this project go forward. The DPW has funds to complete a portion of the final design and Representative Turkington has been successful in obtaining additional funds from the Cape Cod Commission. Approximately \$235,000 is required for the design, of which the Town now has about \$63,000 available. We will continue to try to find alternate means of funding for the design.

The Town is in a tight financial situation this year. The Selectmen and the Town Administrator hold the Shining Sea Bikeway as a high priority project, however funds are not available at this Town Meeting to fund the all-important construction design. Hopefully funds may come available next year to begin the completion of the Shining Sea Bikeway to North Falmouth in the near future. Thank you.

THE MODERATOR: Okay, the Coonamessett River Restoration Working Group?

MS. VALIELA: Thank you, Mr. Moderator, Town Meeting Members and the viewing audience, I'm Virginia Valiela, Precinct 5, and Chair of the Coonamessett River Restoration Working Group. I'm here tonight on behalf of members of the committee: Joe Netto, Dave Smith, Greg Pinto, Mary Kay Fox and Katie Lund and Jeff William. We are presenting tonight a quick overview of the key pieces of information on the town owned land along the Coonamessett River, particularly two proposed demonstration projects, and then outlining what the next steps could be.

The Coonamessett River Restoration Working Group was chartered one year ago by the Selectmen to begin development of a restoration, conservation and management plan for the

Town-owned land along the Coonamessett River. Our job was to present to the Selectmen a range of options for phased restoration of the Coonamessett River. The Working Group has met every other week for the last year. We have often had three hour meetings and we always have about an hour of public comment. We have reviewed a huge amount of information that has been supplied by experts, by citizens and citizens groups. And we appreciate their participation.

All of this information is in the library, in town hall, and key documents and our minutes are on the web site.

The Working Group has evaluated these options for land use as presented to us and then developed a consensus plan which we have given to the Selectmen to consider. The plan was outlined on August 30th, and last week, November 1st, we presented it in conceptual form. The Selectmen have also reviewed our goals and unanimously endorsed them on September 13th. You have a copy of that in this handout.

We recognize that choices have to be made along this historic river, and that that is controversial and that change is a challenge. No one, during this entire year, has said, "Status quo." There is unanimity in this community that changes, improvements need to be made to the river. Together as a community, we hope that we can craft a balance of uses that will make most citizens find acceptable.

We are going to start here, let's see. Our primary goal is to restore the river to a more natural landscape and wetland function, improve habitat and passageway for the fish, and retain cranberry farming where it can feasibly be separated from the river. Next slide.

Throughout the town, we have bogs in North Falmouth, West Falmouth, over in Waquoit, but the majority of the bogs are in the East Falmouth area. There are 191 acres of bogs in town. The bogs in East Falmouth are all fed by groundwater up-welling into the stream. This is not rain, this is not runoff from rain. This up-welling is a key factor in deciding what changes should or should not be made.

Historically, the Coonamessett River started south of Hatchville Road in what's called Broad River. It is, however, linked to Coonamessett Pond, which is up here by a man-made ditch called Dutchman's Ditch. That is at least from the Colonial era, if not earlier. The Town, rather than the state, holds legal authority over the herring passageway.

The cranberry bogs in this area were owned by the Swift brothers and were developed in the late 1880's. Handy Cranberry Trust owns 61 percent of the cranberry bogs throughout the town, but he does not own anything along this river. There are, however, four private owners here, here, and here, totaling 11 acres. That information is also provided on this yellow sheet. No changes are recommended for any of the private bogs.

We have color-coded the demonstration projects which are all south of Sandwich Road. Pink is for berming, this is Middle Bog, and this is Flax One. Green is for restoration to wetlands, this is Lower Bog and Flax Pond Two. This is for the first phase of the restoration. Ultimately, some five years from now, there are two other areas north of Sandwich Road that are recommended for wetlands restoration. Next slide.

This is a copy of the handout that you have, and the point we are making is the area proposed for demonstration projects totals approximately seven percent of the bog acreage in the Town of Falmouth. Seven percent for berms and seven percent for restored wetlands. Next slide.

The berming demonstration is a single berm along the west side of the river. This berm is about two and a half feet high; it's 16 feet at its base. You're looking at over 2,000 feet of berm for Middle Bog and another berm right here for Flax Pond One, and that's another 327 feet. The total amount of fill that will be needed will exceed 3,000 cubic yards. Middle Bog will also need a tail water recovery pond. This will hold water whenever there has been herbicides or nutrients or pesticides applied to the bogs. The water is held in the recovery pond for up to three days, depending on the chemical, and then released into the river.

The reason the west side of Middle Bog was chosen is because that there is limited up welling of groundwater. The rate is about 9,000 gallons per day, which still sounds like a lot. But the east side of Middle Bog has over 1,000 gallons per day, and it would require a very large recovery pond in addition to the fact that we're concerned about the huge volume of water in the first place.

There also is an issue here. This is where Flax Pond, the stream from Flax Pond, which here it comes, comes under the road, John Parker Road, and into Middle Bog at this location. Currently that connection is very disadvantageous to the fish. It's very difficult to get through. So, for those reasons we are recommending berming on the west side and not on the east side. Next slide.

These are examples of berms. This one is here in Falmouth. This is the Baptiste Bog,

which is north of Sandwich road: flooded bog, berm, the river is running down here and it's shaded with bushes. This one is over in Mattapoisett: berm, perimeter ditch, there's your -- I'm sorry, bog, perimeter ditch, here's your berm. And this is the Sippican River and there is natural habitat on the far side.

We would be expecting to have emergent marsh, not trees, in Falmouth. Next slide.

This is what a water control structure looks like. It can be raised, lowered, holding back the water for the appropriate amount of time and then it's released into – and here's your river, down there.

This is the demonstration project for the wetlands. There is an increased use, both by animals and humans, with a restored wetland scenario. Next slide.

These are four different cranberry bogs that have been restored in Bourne, Mashpee, another one on the Falmouth-Mashpee line, and this one is just across on the north side of the canal. Next slide.

Restoration of Lower Bog will look largely like this. You will have wet marsh along the river and a wet meadow on the higher portions. We show this slide also because this is what it looks like three years after it was taken out of production and it's without management. There's a lot of concern about woody plants moving into this habitat; that is clearly a management issue, but it is not something that is overwhelming and happens in the first year. A yearly review should be adequate to maintain the removal of woody species. Next slide.

The Lower Bog has a variety of possibilities in terms of having paths coming down to the river, a possible vernal pool, more places for sitting and viewing around the bog. Over time, the river will begin to become more sinuous, more S-shaped. It has been straightened. This is a more natural river, and the key feature is that the river is not dammed three or four months of the year. It therefore provides a continuous habitat, better for plants, better for fish and wildlife, and at the same time maintains a vista that you can see across or up and down, which is something that the neighborhood expressed strong interest in. Next slide.

Measurements have been done on the river in Lower Bog and it looks like this: it is wide, shallow, sandy and in the summer it is quite hot. It gets over 70 degrees, which is not healthy for the three fisheries, two herring and trout that we are trying to restore. A more healthy river has this kind of profile and you see this kind of river south of Lower Bog. That's another reason why we chose Lower

Bog, because it is contiguous to a healthier river that runs south of Lower Bog down to Route 28.

The other reasons for choosing Lower Bog for restoration are that there is a lot of upwelling of ground water in that area, there are no bogs downstream, so letting this river run free and un-dammed does not affect any sort of production downstream. Lower Bog is a low productivity bog. It is already 25 percent, round numbers, of wetland plants, not cranberries. And it will yield great public access and public use. Next section.

The other area suggested for restoration is Flax Pond Two, and as you can see from this slide, it is already largely a wetland. It is – a wetlands specialist found that greater than 60 percent of the plants that are growing on this bog are already not cranberries, they're wetland species.

It also has a pond in the middle that is an upwelling. This pond was not there in 1975, but if you look at a series of aerial photographs in the Town's Planning Department, it starts as a puddle and then it grows and it's over 1200 square feet now. Next slide.

This slide is a basically a placeholder. This is the work that needs to be done between now and April. We have very preliminary figures for construction of the berm and we have found one program that will fund berms, called EQUIP. It pays roughly 75%. Handy Cranberry Trust has volunteered to absorb the Town's share provided there is a longer-term license agreement; five years, maybe ten years was suggested. But there are no expenses for planning and permitting included in these numbers. For the restoration, we have some planning numbers, but we do not have any construction numbers. We have, however, identified a very long list of agencies and non-profits that do fund restoration, in many cases nearly all of the cost. This is the work that needs to be done and brought to Town Meeting. Next slide.

Some kinds of permits will be needed. At the very minimum, there will be a notice of intent to the Conservation Commission, and because of the size of the project and the river, we may need an Environmental Notification Form to MEPA. All of this needs greater definition and that depends on establishing the kind of demonstration projects that we've proposed. Last slide, please.

Next steps. We've recommended to the Selectmen that they re-appoint the Working Group for one year, that they renew the licenses on Middle, Reservoir and Flax One Bogs, also the bogs north of Sandwich Road, Thompson and Baptiste, but that they not renew the licenses for Lower Bog and Flax Pond Two so that the planning for restoration can proceed. There's also a very small bog called

Flax Three, it's just one acre, it's totally isolated and would be a good candidate for organic farming.

The Working Group would continue to gather baseline data on both the bog and the river and would submit articles to the Selectmen for the Spring Town Meeting.

Overall, 2005 will be a year of planning and permitting, and 2006 would be permitting and construction. Thank you, Mr. Moderator.

THE MODERATOR: Okay, thank you, Ms. Valiela.

Town Administrator? A report on the Town Report. The Assistant Town Administrator.

MS. HARPER: Thank you for giving us a brief opportunity to give you a little bit of instruction on the Town Report this year. I hope most of you have had an opportunity to pick up the CD that's been distributed. You can't hear me. Okay, I'll stand closer to the mic. Is that better?

I wanted to give everyone an opportunity to learn how to use the CD and give you a little bit of information as well as my role in this Town Report is really just the pep squad. I helped get the departments together and worked with the staff that worked so hard pulling the Town Report together year after year, and this year we've made some substantial changes in format, particularly that you now have a CD that's available with the Town Report on it.

There are a couple of motivating factors to do it that way. One, we wanted to make sure that you had the best quality product available, and to take a look at some ways to reduce the amount of paper that we use to produce the Town Report. The CD's are about one-third the price of the paper Town Report. So, I encourage you, if you think you'll use the CD version and not the paper version to leave the paper for someone who would prefer that model.

Lynn Grant here from the Information Technology Department, is going to help walk me through the Town Report this year. The preface of the Town Report talks to you about those advantages. It's a completely linkable document and we'll go very quickly through that. Full color photos, which are not in the printed version; you'll only get to see the color here tonight or on your CD at home. We saved trees. And the special feature that comes with the CD version is the Assessor's Maps. And we might want to take just a quick look at those so you can see the tool that you'll have available to you. These are of course just a day – a point in time. They're fixed maps, so they will not be updated with annual Assessor's records until you receive next year's Town Report, of course. But you can zoom right in to look at your own property, look at Town Hall, look at your neighbor's property

and get a sense of what's out there on the ground.

Does that link with the Assessor's records, as well, Lynn? So you can get the property card information there as well?

MS. GRANT: No.

MS. HARPER: No. Just the physical data. But it gives you a great idea of what that GIS system has available to you. It's got the topographic lines, shows buildings, wetlands, structures, right down to the stone wall in your back yard. So, there's a great deal of information there that you may find useful to you in your work.

I also wanted to take an opportunity to give you guys a sense of the folks that we work with every day. This is such an effort that represents not only the administration, but every board, committee, department, school department, school in the Town Report, and I've just got a real brief look at some of those. Along the right-hand side, once you open up your disk on your screen, the left-hand side of the screen is the completely linkable index, which you can go quite quickly to any of the departments you may have an interest in knowing more about.

The first department I'd like to take a look at is the Information Technology Department. Don't they look great? And I wanted to just leave that photo up there for just a moment because I need to take the opportunity to recognize that department that put not only the Town Report together in its written format, but put the disk together in the linkable version which is now up on the Town of Falmouth website, which is [www.town.falmouth.ma.us](http://www.town.falmouth.ma.us); if you haven't been there, check it out. And it just recognizes we've got Bob Shea, George Trudeau, Joanne McGravey, Lynn Grant, Kim McCaliffe, June Grunan and Tom Pucci. And many of you have the opportunity to work with the Information Technology Department but many of you don't have any idea who these folks are. They work hard every day and they're one of the thousand people who work for the Town of Falmouth on a daily basis and I wanted to just give you a sense of who those folks were and see them in living color.

If we can move down briefly to the Department of Public Works. This is one of my favorite departments. It's the largest on the municipal side and some of the photos that they have here deserve a little bit of recognition as well. We've got George Kalisz and the Engineering Department, the Highway Department, Parks crew, the visionary Water Department. I'm not sure if they're camera shy, but they've got a nice picture.

[Laughter.]

MS. HARPER: The Utilities Division; that's Amy Lowell up at the new wastewater treatment facility project that is a very substantial project if any of you have had an opportunity to take a look at what's happening there. You would be really – it's remarkable.

Next one is – can we take a look at Facilities for a second? And there's a nice shot of the beaches. If anyone had a chance to take a look at Surf Drive Beach this year, the Facilities Department did quite an overhaul of that bath house, the Ellen Mitchell Bath House, and just gives you a sense of the breadth, the depth and how much that Public Works Department does and how vast that department is.

Down, maybe could we click down to the DNR? We've got – this particular report has some of the most impressive photos, and this is a photographic essay of a lot of the work that they do. They've got their harrier hawk, there's some other photos of some dolphin rescue work, some of the work for the shellfishery. Just an impressive crew of individuals and a nice effort on the part of their Town Report.

And then last but not least I'd like to hit the Affordable Housing department – or Affordable Housing Committee.

[Laughter.]

MS. HARPER: The finch has affordable housing.

And finally I just want to recognize the real collective effort of all those departments and committees and commissions that contribute to the report. Without the leadership of Lynn Grant and the Information Technology Department we would not have taken on the project. But we also need to give some special recognition to George Trudeau and Alex Trudeau who worked to produce the formatting and linkable document that you have available to you. And I also need to recognize the Administrator's Office and Laura Haskell that put in many, many hours of coordination effort to put this together on your behalf. So, I hope you enjoy the report next year and there may be less paper copies next year.

THE MODERATOR: Great, thank you.

[Applause.]

THE MODERATOR: Any other committees like to make reports? Hearing none, the question will come on hearing reports. All those in favor, say "Aye." Opposed, "No." The Ayes have it unanimous.

Article 3. To see if the Town will vote to amend Chapter 240 - Zoning - of the Code of Falmouth by adding Business Redevelopment. Mr. Chairman for the main motion.

CHAIRMAN FOREMAN: Planning Board moves the Article 3 as recommended in the warrant book.

THE MODERATOR: Okay, as recommended. There are some changes there under Section 1. Site Plan Requirements; Section 2., Section J, Parking Requirements. I. Site Plan Requirements and J. Parking Requirements.

CHAIRMAN FOREMAN: That's correct.

THE MODERATOR: As recommended with those changes. Is there any discussion on this article? Mr. Chairman.

CHAIRMAN FOREMAN: We have a short presentation for you all, in hopes of clarifying this article. And if we can start with – oh. Where's the switch?

THE MODERATOR: I think it's on. I think you just need to get a little closer to it.

CHAIRMAN FOREMAN: Okay. Can you hear me now?

FROM THE FLOOR: Yes.

CHAIRMAN FOREMAN: Okay, we have a short presentation on this article in hopes of clarifying it for you all. The East Main Street Redevelopment District is part of a larger effort, really a three-pronged effort to revitalize East Main Street and develop a model that might be exportable to other parts of Falmouth that also could benefit from some redevelopment incentives.

The location of this particular – that the area that we intend to first implement this redevelopment district in is shown in this map and it is the area outlined in red which extends from Gifford Street to the Falmouth Heights Road along East Main Street. It's currently zoned Business 2. And just to contrast this region with the downtown, zoned B-1 adjacent on the part of Main Street that I know you're all familiar with, the section of Main Street running from the village green to Gifford Street about 2300 feet, in comparison with the area under consideration for this zoning change, which is about 3,300 feet, there are twelve curb cuts in the downtown area; there are 66 curb cuts in this East Main Street region.

There are only four percent of the buildings in the downtown which have parking in front of the building, contrasting with 70 percent that have parking in front of the building in what is currently this B-2 zoned district of East Main Street.

There are about 3.3 acres of public/civic open space -- in front of the library, of course, the Peg Noonan Park, in comparison to zero in the East Main Street region. And we have, of course, just spent a considerable amount of money revitalizing the streetscape in the downtown Main Street area. What we would hope to do through this bylaw and through the redevelopment process is to stimulate a similar revitalization along East Main Street through enhanced setbacks and pedestrian amenities that would make this a site that people would want to go to to walk around in.

So there are a really three-pronged effort here. The first prong of this effort which does not involve zoning involves land acquisition for two purposes. One is to create some of those civic green spaces that we see in the downtown that make that such an attractive place to go, and the other is some acquisition for municipal parking off the street. An important goal if you're going to attract people there for retail purposes.

We also would hope to see some tax incentives that would encourage redevelopment. And again, this is not part of the zoning change, but it is an important part of the overall strategy for East Main Street redevelopment. Before we can make headway on the first two bullet points, we need to create some incentives through zoning change that would also stimulate redevelopment. I will say that the Planning Board, in conjunction with the Board of Selectmen, and in meetings with the Chamber of Commerce and the public over the course of the last year has been working on this comprehensive strategy and there are now sub-committees working on the tax incentive process and working on land acquisition process as well.

But tonight I bring you our zoning changes for your consideration.

You can go to the next slide. And go ahead, and you can advance it.

There are three, really, issues associated with this goal for this zoning change from B-2 to Business Redevelopment. We are creating here a new district, a Business Redevelopment District, that would allow modest increase in permitted density to provide economic incentives for redevelopment that would allow more residential and mixed use and that would increase pedestrian amenities through enhanced setbacks and reduce parking requirements.

Go to the next slide. For economic incentives, the specifics are that we would increase the allowable density from six units per acre currently allowed in B-2, to eight units per acre. We would allow three family structures by right instead of special permit as is the case today in B-2. We would

allow mixed use development for up to 10,000 square feet by right; currently if you build a new structure over 7,000 square feet you require a special permit if that's for purely retail use. So, in this case, if you were building a 10,000 square foot building and you had apartments on the top floors, you could go up to 10,000 square feet by right without having to seek a special permit.

In terms of pedestrian amenities, we would increase the setback to 20 feet between the sidewalk and front facade of the building, and we would reduce the number of allowable curb cuts to one. Obviously, if you're a pedestrian walking along the sidewalk and you have to cross a busy parking lot entrance every few feet, that becomes an impediment to pedestrian access. So, you could have more curb cuts onto Main Street by special permit, but by right now -- and there's currently no limit on that -- by right now, you would be limited to one.

In terms of lot size -- oh, in terms of parking requirements, rather, we would reduce -- we would allow reductions of up to 50 percent in the required parking. And again, remember that we will be seeking some municipal parking in this area to facilitate this redevelopment. Currently, it's by right you can ask for 25 percent reduction in your parking requirement. And we will encourage shared off-site parking in particular by allowing that hearing to occur across the street. So, again, this is a way that you might have two businesses that have different operating hours, peak hours, say a restaurant and a retail use, and the restaurant operates primarily during the evening for dinner, could share parking with that retail use that would not be operating during the evening.

And, in terms of lot size requirements, we would reduce the minimum lot size from the current 40,000 square feet in B-2 in this area to 20,000 square feet. The current median lot size in the area, which has developed over the years, is 25,000 square feet. Total lot coverage would be reduced from 70 percent to 60 percent, and total lot coverage, or lot coverage by structures would be reduced from 40 percent to 20 percent.

I have a couple of diagrams of lots that hopefully will clarify what these lot coverage changes mean. So, here is what is allowed on East Main Street today. You see a 40,000 square foot lot with a structure that can cover 40 percent of that lot; that is having a 16,000 square foot footprint. And you see a maximum lot coverage by structures and parking of 70 percent. And this is roughly to scale.

Now, our requirements are for a typical retail use, that you would have to have one parking space for every 200 square feet of retail space. So, if the first floor of this 16,000 foot building

was retail, you would require 80 parking spaces. And it's virtually impossible to get 80 parking spaces on this lot. There are 40 shown here, and as I say this is roughly to scale. So most of the lots that are currently in this B-2 district are actually non-conforming with respect to their total lot coverage. They've had to pave more to get the necessary parking onto their lots. In fact, about 70 percent are non-conforming with respect to total lot coverage.

The next slide shows the lot coverage by structures breakdown for this area of town, and what you can see is that about 20 percent of the lots – the median lot coverage by structures is about 20.2 percent – .7 percent, I'm sorry. And 18 of these parcels have lot coverage by structure of less than 20 percent. Fifteen have lot coverage by structures between 20 and 40 percent and five have lot coverage by structures of over 40 percent. But I think that overall total lot coverage by structures and pavement, something like 70 percent of the lots are currently non-conforming.

What would a lot look like under this new bylaw in this new district? Here we see a 20,000 square foot lot with 20 percent lot coverage by structures. That's a 4,000 square foot building. And we will see 60 percent coverage by pavement. Bob, if you hit the advance, we'll see this structure is set back 20 feet, as our bylaw would require, and we might see a first floor retail use like the one depicted in the corner, here. On top of that retail use, we could have perhaps three apartments because again we would be encouraging mixed use. So here you see three second floor one and a half story apartments, perhaps each one 1500 square feet or so, for a total building coverage of about 8,500 square feet. The parking required for the mixed use would be about 25 parking spaces.

And if you would hit the advance, I think – I'm going faster than – whoops. There it is. Twenty-five parking spaces that would cover – would require about 7500 square feet of pavement, for a total lot coverage of 11,500 square feet, which is right close to that 12,000 square foot allowable lot coverage. So, it works – these dimensional requirements work well for this site and I think the reduction in structure -- coverage by structures to 20 percent works well.

And I'm happy to entertain any questions if you have any.

THE MODERATOR: Any discussion on Article 3. Hearing none, the question will come on the main motion, Article 3 as recommended. All those in favor, signify by saying, "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No."

[No.]

THE MODERATOR: The Ayes have it and I declare a two-thirds majority.

Article 4, to see if the Town will vote to amend the official zoning map. Mr. Chairman for the main motion.

CHAIRMAN FOREMAN: Article 4. We recommend Article 4 as printed in the warrant book.

THE MODERATOR: Article 4 as printed. Any discussion? 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: The Ayes have it and I declare a two-thirds majority.

Article 5, to see if the town will vote to amend Article 21, Coastal Pond Overlay District – oh, that went on the blanket, sorry about that.

CHAIRMAN FOREMAN: This was not held, I don't believe.

THE MODERATOR: No. Article 8, I'm sorry. Article 8, to amend the official zoning map of the Town to rezone a portion of the property on 141 Sandwich Road zoned Agricultural B to Business 3. Mr. Chairman for the main motion.

CHAIRMAN FOREMAN: We recommend that the Town vote Article 8 – Article 8 is where we are, is that correct?

THE MODERATOR: Yes, Article 8.

CHAIRMAN FOREMAN: Article 8 as printed in the warrant book.

THE MODERATOR: Mr. Murphy I think held this.

MR. MURPHY: Mr. Moderator, through you, I'm just concerned, again, with more land that's being re-zoned from Agricultural to Business. I'd like a little further information on this and I would also like to know where that line might be drawn versus going all the way down Sandwich Road. So, if you could just elaborate a little bit more, I'd appreciate it. Thank you.

THE MODERATOR: Mr. Curry.

MR. CURRY: Mr. Drew came to the Town Meeting a few town meetings ago, as you

recall. There's a building, unfortunately not depicted on the map, but that has his hard goods nursery store in there, and the zone line today bisects the middle of the building. Half the building is zoned Business 3 and the southern half of the building is zoned Agricultural B. And that presents some difficulties for anyone who is trying to utilize their land and structures. So the Planning Board has opted to recommend to the Town Meeting that you extend the zone line down I think it's approximately 75 to 100 feet to an area 25 feet before the large lot there, 129, and that would be consistent with the zoning that the Town Meeting adopted last year, at the old Zack's site that has the restaurant on it today. So, you'd zone both sides of the road the same way.

This way, Mr. Drew, or his successors in title who utilize the property, can have one consistent zoning district, it's Business 3. You can't have real intensive highway uses like gas stations or fast food restaurants on it. And the Planning Board left that hiatus there, that 25 foot buffer, a) to protect the abutting resident that's there in the area, and to leave some kind of a little bit of a legislative history and memorialization that this is where they kind of intended to stop, recognizing the gentleman's question.

So, I hope that that clarifies the Planning Board's reasoning: make the building more usable, and to be consistent with the zoning on the opposite side of the street.

THE MODERATOR: Further discussion? Ms. Thompson?

MS. THOMPSON: Good evening. I'm not speaking as a Town Meeting Member at the moment, I'm speaking on behalf of Mr. Drew. As Mr. Curry noted, we were before Town Meeting last April. Mr. Drew asked that his entire parcel be zoned Business 3. The Town Meeting and the Planning Board asked that we work with them and come back with a better plan in November. I believe that we've done that. The Planning Board's been helpful.

If this is granted, the for example the pile of mulch that Mr. Drew is required to store out in front of his property, as opposed to behind the fence in the area where the greenhouses are located, can be accomplished. So passers-by will not see the most visible parts of the nursery business out in the front of the building.

So, I ask that Town Meeting adopt this and let Mr. Drew better utilize a larger portion of his property but still not his entire property so that he can sell his hard goods in a less visible area. Thank you.

THE MODERATOR: Any further discussion?

Ms. Lowell, want to stand up so that they can see the mic.

MS. LOWELL: Vicky Lowell, Precinct 1. Just clarification. So the map that's in the warrant book is for a larger parcel than it's being re-zoned; that's why they don't match?

CHAIRMAN FOREMAN: That's correct.

MS. LOWELL: Okay, thank you.

THE MODERATOR: Further discussion on Article 8?

Hearing none, the question will come on Article 8 as printed. All those in favor, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[No.]

THE MODERATOR: The Ayes have it and I declare a two-thirds majority.

Article 11, to see if the Town will vote to amend the Town bylaws Chapter 119, Section 4, Enumeration of fees. Mr. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MUSTAFA: That the Town vote Article 11 with the following changes:  
Add: copy of census voter list on CD, \$35. Delete: Uniform Commercial Code, each additional page, two pages, \$3 and \$1.

THE MODERATOR: Okay, Mr. Cooper, you held this one? Microphone to Mr. Cooper, please.

MR. COOPER: Douglas Cooper, Precinct 1. A question for the Town Clerk through you, Mr. Moderator. Are these fee increases for the purpose of covering the costs of these services or are they for the purpose of generating revenue for the Town? Specifically filing a business certificate, which has gone from \$10 to \$40, which is all you do is you go in and you – you fill out the form and you sign it and you hand it to them and they file it, never to be seen again, most likely. It's hard for me to believe that that costs the town \$40.

THE MODERATOR: Mr. Clerk?

CLERK PALMER: This is basically a housekeeping article. We have been charging \$40 for quite some time, now, and in the bylaw it has read \$10. It was unclear whether that was for one year

or for ten years. As it was interpreted by the Clerk's Office, it was \$10 per year and you get a license for four years, meaning \$40. So, we're just cleaning that up until the bylaw reads what we have been charging since before I was elected Town Clerk.

THE MODERATOR: Ms. McElroy, did you want the floor? Microphone to Ms. McElroy, please.

MS. MCELROY: Margo McElroy, Precinct 1. I hate to be picky, but I'd like to offer an amendment to delete the charge for the voter identification card. That's our Constitutionally granted privilege and our responsibility and I would hate to think of someone not voting because they couldn't or wouldn't pay for a \$5 voter I.D. card so would not register to vote. And so I'd like to offer that as an amendment.

THE MODERATOR: The amendment is to delete the voter identification card of in this case \$5.

CLERK PALMER: You don't need the voter I.D. card to vote. The voter I.D. card is used as identification, such as which is being required more often is a birth certificate but, in the past, a voter identification card was used for identification purposes in various places. But it's not needed to vote.

MS. MCELROY: I withdraw it, then.

THE MODERATOR: Okay, then I'll recognize the amendment as not having been offered.

Is there any further discussion on Article 11?

MS. NIDOSITKO: Point of clarification.

THE MODERATOR: Mr. Nidositko. Microphone in the front, there.

MR. NIDOSITKO: Most of the items or some of the items here reflect a price increase or some – an added price. The alphabetical census voter went from \$22.50 to \$22, is that correct? It went down? Or is that an error?

CLERK PALMER: We charge \$22 because it says in the bylaw \$22.50, no one ever collected the 50 cents, so I want to make this – update the bylaw to what we're actually collecting.

MR. NIDOSITKO: So, it's not an error, it's correct?

CLERK PALMER: It's correct. I wanted to take away the 50 cents seeing no one was collecting it anyhow.

THE MODERATOR: So, for all you candidates out there, it'll cost you 50 cents less next time. Okay, any further discussion on Article 11?

This main motion is as printed with the appropriate changes. All those in favor, signify by saying, "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No."

[None opposed.]

THE MODERATOR: Article 12, vote to add the following chapter to the Code of Falmouth: Chapter XX, Open Air Parking Lots. Mr. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MUSTAFA: The recommendation is as printed.

THE MODERATOR: Okay, as printed. Mrs. McElroy held this.

MS. MCELROY: I only held this for a couple of questions. The first: it would be principally – there are parking lots in Falmouth that the property is owned by one entity and operated by another, and in a number of cases this happens to be the Town owning the property and the operational management being another entity, although there are other examples. The question I guess through you, Mr. Moderator, would possibly be for Mr. Duffy: who would be responsible for the permitting and liable for the penalty in these cases? The owner of the property or the management entity?

THE MODERATOR: Mr. Duffy.

MR. DUFFY: I'm very sorry but I was having a conversation with Mr. Murphy and I didn't hear your question.

MS. MCELROY: In the case of parking lots to which this bylaw would apply that the property is owned by one entity and operated as a parking lot by another entity, say a management firm, much the way some town property is operated by a contractor, the Steamship parking, who is responsible for the permitting and for the penalties if any if there's a violation? Would it be the owner of the property or the management firm that is operating the parking?

MR. DUFFY: I believe it would be the operator of the parking lot.

MS. MCELROY: The second question: would there be any exceptions to this, say in terms of temporary parking that is not a permanent parking lot, somebody who is perhaps renting their –

allowing parking for a fee for events or maybe only on weekends?

MR. DUFFY: Well, if they're operating a parking lot for a fee, the bylaw applies to them.

THE MODERATOR: Okay. Any further discussion? Mr. Nidositko.

MR. NIDOSITKO: This is to Mr. Duffy through you, Mr. Moderator. Within this past year, there was parking opposite the Palmer Avenue lot at a law office and also there was frequent parking at a place, a former restaurant on Depot Avenue. Does this bylaw apply to them? Do these people apply for licenses? Were they operating legally or illegally?

MR. DUFFY: It has nothing to do with what happened last summer. It takes effect next summer.

MR. NIDOSITKO: What I'm asking, though, were these people a legitimate operation that were in competition with the Steamship Authority?

MR. DUFFY: I don't know. I have no idea.

MR. NIDOSITKO: Okay.

MR. DUFFY: I don't license them, so I don't know, sir.

THE MODERATOR: Okay, it wouldn't be pertinent to this bylaw. You can follow-up after the meeting.

Any further discussion on Article 12? Ms. Lowell.

MS. LOWELL: Vicky Lowell, Precinct 1. I just have a question about this Section 9. It says, "If not allowed by a special permit issued by the Board of Appeals, the Board of Selectmen may" and then it goes on to say what they may do, but are there really going to be situations where the Board of Selectmen would overrule something that the Board of Appeals didn't allow? And is this bylaw sort of a model from somewhere else? Or why is it necessary? Thanks.

THE MODERATOR: Mr. Duffy.

MR. DUFFY: The Board of Selectmen can't overrule the Board of Appeals. If you need two permits to operate the parking lot, you have to have both. One board can't approve and the other disapprove; then you don't have the approval of both so you can't go forward. This bylaw is required by the enabling legislation, Chapter 148, Section 56 authorizes towns to promulgate bylaws to control open air parking, and in order to do it you have to have a bylaw. And the answer is "Yes" we did follow a model.

THE MODERATOR: Any further discussion? Okay. Hearing none, the question will come on Article 12 as printed. Adding to the Code of Falmouth Open Air Parking Lot. 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 13 –

MR. MURPHY: Mr. Chair?

THE MODERATOR: Mr. Murphy.

MR. MURPHY: Mr. Moderator, I would like to make a motion that we hold Article 13 until Town Counsel has some time to deliberate with our state representative Turkington. If we could take this up after the first after the break, I'd like to make a motion that we delay this until after the break. Take it out of order.

THE MODERATOR: Okay, the motion is to take Article 13 out of order so that there can be a conference during the break. All those in favor of taking Article 13 out of order, signify by saying, "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 14. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MUSTAFA: As printed.

THE MODERATOR: Okay, Article 14 as printed. This is dealing with the Conservation Commission. This was held by Ms. Stetson. Ms. Stetson.

MS. STETSON: Thank you. Judy Stetson, Precinct 1. Through you, Mr. Moderator to Town Counsel. Town Counsel? I was wondering basically what are we going to accomplish if we pass this article. The Selectmen appoint the associate members now; will that change if we pass Article 14?

MR. DUFFY: No.

MS. STETSON: It will still just be the Selectmen?

MR. DUFFY: Right.

MS. STETSON: And they will just continue being the only appointing. Is there a maximum number of associates that can be appointed so that there will always be at least one regular commission member at a hearing? There are never more than three.

MR. DUFFY: I think there's two or three.

MS. STETSON: Two or three, so.

MR. DUFFY: This was before the Town Meeting several years ago. And when the act came through from the legislature, it provided that you could designate associate members to sit only in the absence of a quorum. The problem for the Conservation Commission is greater than that. They really need the associate members to sit when a regular member is not present, because sometimes you have hearings that start off at one time, they get continued several times, and the problem is you have to constantly have the same people there all the time. So, if you start off with a quorum but only by one, you could lose it as you go along.

So, the purpose of this is to allow the Conservation Commission to designate members so that they start off – excuse me, to designate associate members to start a hearing with the full complement of seven, so that, as the hearing progresses, even if they lose one or two they still have a quorum at the end.

MS. STETSON: Okay.

MR. DUFFY: And the last time we asked the state legislature to pass this, they enacted a different bill than we asked. So this is really asking them to reconsider our specific needs.

MS. STETSON: Okay, thank you very much.

THE MODERATOR: Okay, Mr. Latimer, if you could just use the mic right here.

MR. LATIMER: Richard Latimer, Precinct 2. I accept Mr. Duffy's explanation for the need for this, but then that raises the question in my mind is why is it discretionary with the chairman. Why isn't it mandatory? I would move to amend that the language be changed from the word "may" to "shall". I make that as an amendment.

THE MODERATOR: Okay. The amendment is to change the word "may" to "shall", so that the section would read "The Chairman or presiding officer of said commission shall designate any

such associate member to sit on the commission." Any discussion on the amendment, changing the word "may" to "shall". Mr. Freeman. Not on the amendment or?

MR. FREEMAN: No, not on the amendment.

THE MODERATOR: This is a discussion only on the amendment.

Okay, Mr. Duffy. Okay.

MS. GORDON: Helen Gordon, Precinct 8, on behalf of one of the constituents of my precinct. She sent all of her Town Meeting Members in her precinct a letter and I have spoken to her, and she can't come because she has a toddler that she's doing bedtime with. But her concern is with the fact, with the "may", again, being that not generally the people who may be in the position now, but "may" is too discretionary. And she was suggesting another option would be "must", as opposed to "shall". And it's just the idea of choosing when to do it seemed to be a problem.

So, in terms of in favor of the idea of making it a mandatory thing, if "shall" does it legally, then I think that's fine. But I think the point is to not leave it up to discretion as to whether or not to add people is the point.

THE MODERATOR: I believe "shall" is compulsory, isn't it? Yeah, "shall" is compulsory under the law. Okay. Any discussion on the amendment? Mr. Duffy.

MR. DUFFY: Normally, the issue of whether or not to appoint an associate member to sit on behalf of an absent member is left to the discretion of the board and perhaps the chairman of the Conservation Commission might have some comments on that. They certainly have the authority to promulgate their own rules and regulations as to how they conduct their own business.

THE MODERATOR: Would the chairman like to speak? Mr. McLaughlin.

MR. MCLAUGHLIN: Eric McLaughlin, Precinct 5, chairman of the Falmouth Conservation Commission. I'm not speaking specifically for the Commission, but I can say that I'm comfortable with "must". It might not come up, but I'm fine with that.

THE MODERATOR: Okay, "shall" is the word we're going to use, but same thing.

Okay, any further discussion on the amendment to replace the word "may" with "shall"? All those in favor of the amendment, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No."

[No.]

THE MODERATOR: And the Ayes have it by a majority. And the main motion is amended.

Further discussion on the main motion as amended. Mr. Freeman.

MR. FREEMAN: My question, Mr. Moderator, is in looking at the charter, in no case – you've got written here – may no more than a total of seven regular and associate members sit on any particular matter coming before the Commission. My question really is, for clarification, how many regular members and how many associate members represent that seven? That's part A.

Part B: How many members does it require to sit and vote on an issue? As I understand it, and I'm using only Zoning Board, you know, referrals, is you'd have three voting members and four associate members. So, my question is, of the seven, how many are regular and how many are associate?

THE MODERATOR: Mr. McLaughlin.

MR. FREEMAN: Who should I direct that to?

THE MODERATOR: Yes, Mr. McLaughlin. Could we get the second mic to Mr. McLaughlin in case this goes back and forth?

MR. MCLAUGHLIN: Eric McLaughlin, Precinct 5 again. There are presently seven sitting full-time members of the Conservation Commission and three alternates. If I'm understanding your question correctly, you're asking about the circumstance where you might have four full time members and needing to appoint up three to give you seven. Four is a quorum.

MR. FREEMAN: Mr. Moderator, the question is does it take seven to have a forum. And all seven are voting members, is that correct?

THE MODERATOR: No.

MR. MCLAUGHLIN: No.

THE MODERATOR: No, 50 percent plus one's a quorum, Mr. Freeman.

MR. FREEMAN: Correct. One more time.

THE MODERATOR: Fifty percent plus one is a quorum.

MR. FREEMAN: Fifty percent plus one.

THE MODERATOR: Yes, so half of seven plus one is going to be your four members.

MR. FREEMAN: Okay, I got it. Thank you.

THE MODERATOR: Okay, any further discussion on the main motion as amended.

Yes.

MR. MCMANAMON: Tom McManamon, Precinct 2. I just want to ask one more question on that sentence. "In no case may more than a total of seven regular" – should that be "In no case may more than"?

THE MODERATOR: "Than", that's correct. That's a scrivener's error. More than a total of seven.

Okay, any further discussion on Article 14 as amended? All those in favor of the main – oh, we've got one here. You've got to stand up, or something. The light's sort of not very – right there. Microphone, please. Microphone.

MS. LICHTENSTEIN: Lesley Lichtenstein, Precinct 8. I had a letter from someone in my precinct who believes that the Chapter 134 Acts of 1988 is not correct. She wrote me that it should be Chapter 134 of the Acts of 1998. And I did call the Administrator's Office this afternoon to inquire about that and I was told that they had just received the same letter and had not had a chance to research it. Has someone looked at that now and is this correct? If we vote this, is it correct?

THE MODERATOR: Mr. Duffy?

MR. DUFFY: It is '98. Or it should be '98. It's a typographical error.

THE MODERATOR: It should be the Acts of 1998?

MR. DUFFY: Yes.

THE MODERATOR: Okay, Chapter 134 of the Acts of 1998. Okay. Good call. Any further discussion on the main motion as amended? Yes, Ms. O'Connell.

MS. O'CONNELL: Just for clarification, Mr. Moderator. Maureen O'Connell, Precinct 4. So, in order to take a vote, we're allowing now that the chairman may or shall –

THE MODERATOR: Shall designate.

MS. O'CONNELL: I know. Shall designate an associate member. But if you only need four as a quorum. So, will we – and then further, in no case may a total of seven regular and associate. If you need four, is the chairman then going to appoint only to make a quorum of four? Or is –

THE MODERATOR: No. The reason for that was sometimes these hearings go on and

on and on, so they wanted them to have a full seven complement at the beginning of a hearing, so that if they should lose an individual, they don't lose the quorum for their hearing. So it would be up to seven. That's what he said earlier.

MS. O'CONNELL: Okay. All right.

THE MODERATOR: I mean, unless you want to change your mind, Mr. Duffy.

MR. DUFFY: Okay.

MS. O'CONNELL: Thank you.

THE MODERATOR: Article 14 as amended. Any further discussion? Hearing none, the motion will come on the main motion as amended. 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 15, to see if the Town will vote to authorize the Board of Selectmen to file a Special Act of the legislature for the purpose of establishing a property tax exemption. The Chairman of the Finance Committee for the main motion. Excuse me, for the recommendation.

CHAIRMAN LEMOINE: I move indefinite postponement of Article 15.

THE MODERATOR: Okay, the recommendation is going to be indefinite postponement. Mr. Murphy, would you like to put a positive motion on the floor?

MR. MURPHY: No, I would not, Mr. Chairman.

THE MODERATOR: Okay, so the main motion is then indefinite postponement. Mr. Murphy.

MR. MURPHY: Mr. Chairman, I would be remiss if I didn't talk to Town Meeting tonight about this. This particular tax incentive program that is published in Article 15 promises to be a key part of the puzzle in solving our affordable housing crisis in the future of this town. We wanted to get it as a Board of Selectmen to the Town Meeting and to the voters at large a bite of the apple. Let you know that we're trying to use more than one piece of the puzzle to solve our affordable housing crisis.

When in fact we're able to come up with funding, which will be the key issue for this, this will provide owner-occupied affordable apartments in neighborhoods throughout the town. The owners

would deed restrict their affordable apartments for at least a 15 year period; for that in return they would get a tax incentive for deed restricting and taking a lower rent. I would hope that we would be able to come back at future town meeting to provide the funding source for this, as well as to provide to you the key language in this for it to pass.

The Towns of Provincetown and Attleboro currently have this type of affordable housing accessory apartment and tax incentive plan already on the books. I would hope that we could come back to you at some other time. Thank you, Mr. Chairman.

THE MODERATOR: Okay, the main motion is indefinite postponement. Any further discussion on Article 15? Hearing none, the question will come on the main motion: 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 16. Madame Chairman for the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I move indefinite postponement of Article 16.

THE MODERATOR: Okay, Article 16, the main motion is indefinite postponement.  
Mr. Clarkson. Oh, we've got to move that mic down.

MR. CLARKSON: Mr. Moderator, Troy Clarkson, Precinct 5. I would like to move the article as printed and have some explanation, please.

THE MODERATOR: Okay, I'm sorry, I thought you were just going to do an explanation like we did on the last one. So the main motion will be as printed. And the recommendation is indefinite postponement. Mr. Clarkson.

MR. CLARKSON: No, my recommendation is as printed.

THE MODERATOR: That's what I said.

MR. CLARKSON: Yeah –

THE MODERATOR: The recommendation is indefinite postponement, but the main motion is as printed.

MR. CLARKSON: All right, thank you. Thank you. Town Meeting Members, this article was supported unanimously by the Selectmen, and I'd just like to point out a couple of items.

This program is part of the Massachusetts General Laws and is actually – it's being used by many towns across the Commonwealth right now. And it's an opportunity for seniors, people over the age of 60, to get up to a \$750 credit on their property taxes for work they do for the town.

I think the Finance Committee misunderstood the article a little bit. In their explanation, they say there's no procedure set as to who will administer the program and exactly what volunteer services would be used. The purpose of this article is not to give tax breaks to volunteers. So, for instance, seniors who serve on committees in town would not be eligible for this. This is for actual work that seniors in town would do.

We've talked about monitoring out hauls in our harbors. So, things like that, that we've talked about recently. The purpose of this article is for actual jobs that otherwise we would pay people to do that we would get seniors to do and we would thereby give them a break on their taxes. So, this actually would save the town money. It would also help save our seniors some money.

So, I think this is a program that's very successful in the Town of Sandwich, very successful in the Town of Bourne, and a program that I think could be very successful here. As I said, it could not only save our seniors some, you know, important money on their taxes, but it would also provide the Town some direct services, some work that we might otherwise have to pay people to do, we could get done for that consideration. So, I think it's a great program and I hope the Town Meeting supports it.

THE MODERATOR: Okay, discussion on Article 16. Ms. Lemoine. Mr. Kirwin?

MR. KIRWIN: Peter Kirwin, Precinct 5, to you, Mr. Moderator to Mr. Clarkson. Mr. Clarkson, the number 33, is there a reason for that specific restriction?

THE MODERATOR: We need to get cordless mics up here on the podium next time.

MR. CLARKSON: Peter, that's a good question. Actually, when the Selectmen discussed it, there was some debate as to whether or not we should do this now or do it later, and this was one of the actually a program that I had proposed to the Board and I had suggested ten. Just to get it started, to see how it worked at 7500. And my friend and colleague Selectman Valiela suggested rather than 7500 we should try it out at \$25,000. And so that number was sort of arbitrary. I mean, we need to start the program at some level to see how it works. And so I had suggested 7500 and Virginia suggested \$25,000 and that's where that number came up. I think if Town Meeting decides any number,

it would be okay with me. I think we need to try it out to see how it works. I know it's going to work, because it's worked just wonderfully in other communities. There really are no negatives to this and if you ask folks in any other town that has implemented it, it's a great benefit.

THE MODERATOR: Ms. Lemoine.

CHAIRMAN LEMOINE: Thank you, Joanne Lemoine, Chairman of the Finance Committee and Town Meeting Member from Precinct 9. I happen to have been at the Selectmen's Meeting when they voted, and it went from ten to 33 people. But it was discussed that these were volunteered positions at the present time, for the most part. These are not clearly defined jobs at this time. They are not established positions at this time. They are jobs that we hope we can do in the future. And the only thing the Finance Committee requests that they do is clearly delineate exactly what the 25 or 33 jobs will be prior to Town Meeting voting on them. Because if we vote this as it is, it will cost the Town \$25,000.

We haven't had our presentation from the Administrator yet this evening, but Town finances are very, very limited, and we're expecting to have to cut things from the budget coming into the April Spring Town Meeting if things don't change. Adding a new project when there are not clearly defined positions and ways to spend this money is just not good fiscal planning. So I urge you to vote against this article at this time and ask the Selectmen to come back with clearly defined positions. Thank you.

THE MODERATOR: Okay, further discussion on Article 16? Mr. Crocker in the back. And then Mr. Clarkson.

MR. CLARKSON: What this does is it allows us up to \$25,000. It does not mandate that we would spend all of that. And again, I would just reiterate that what this would do would be to get us jobs that we would potentially have to pay for out of the Town funds and get them done for some small consideration for our seniors, many of whom struggle to pay their property taxes. I mean, you folks out there know me; I've been a fiscal hawk for 12 years. I think this is a great program that will actually save us money and get us a better bang for the buck. And the Board of Selectmen agrees, unanimously.

THE MODERATOR: Okay, let's quell some of the undercurrent, here. Mr. Crocker.

MR. CROCKER: Yes, Mr. Moderator, question to Mr. Clarkson, please, Selectman

Clarkson. How will the people be voted to receive this 25, 30 retirees? How are you going to pick these people? Are they going to be random or are they going – if there's a lot of people out here, if this does pass in the future, would like to get involved. Are there going to be certain people chosen to do this or are you going to send out letters to everybody in the Town?

THE MODERATOR: Mr. Clarkson?

MR. CLARKSON: Well, I think Eddie Marks will be the first person we choose. No, actually, this is something that we set as when the Selectmen had our goal-setting session a few months ago, and this is one of the things that we came up with. You know, the nuts and bolts of it obviously will be determined by the Administrator's Office with Bob and Heather. You know, it's the Selectmen's goal – the Selectmen's job to come up with these goals and these programs and to bring them to you and to get your approval or disapproval. And then the implementation of them obviously rests with the Administrator's Office. So, I think they would come up with specific recommendations about how to implement the program and then bring those recommendations to the Selectmen to see whether or not we agree with their recommendations.

So, the short answer to your question is, you know, at this point, we're looking to you as to whether or not you think the program is a good idea. If you do, then we will go forward and create a program that can be implemented. But, at this point, tonight we're voting a concept and the money to go along with that concept.

THE MODERATOR: Okay, Ms. Flynn and then Mr. Latimer.

MS. FLYNN: Thank you, Mr. Moderator. Pat Flynn, Precinct 6. I happen to administer this plan in the Town of Plymouth, and we've been doing it for the last five years. And we've had the opportunity to work through some of the good things about it and ways in which we can improve it and make it better. And there's no question that it can work very well for the town and it certainly works very well for the senior citizens. But I think it would be best tonight to vote indefinite postponement and let the Board of Selectmen come back with a plan that I think is better outlined and had the dollars and the implementation and how it will work come back in the spring. Thank you.

THE MODERATOR: Mr. Latimer and then Ms. Rabesa.

MR. LATIMER: Rich Latimer, Precinct 2. I totally accept the rationale for this as Mr. Clarkson has explained it, and I accept the fact that it needs to be somewhat flexible. I think what's

missing, and I think I heard it from Mr. Clarkson just now: who's going to administer it? I think that is what is missing from the article is some clear definition of the line of responsibility. I don't think anything else is missing. I mean, I don't think we have to go into overly great detail as to what positions and matters of that nature, because I think we should have someone clearly responsible for the program and allow that program to develop that way.

So, I don't know if that's something that can be done this evening by making the article clearer as to what the line of responsibility is, or if, as Pat Flynn says, maybe that has to come back.

MS. VALIELA: Mr. Moderator.

THE MODERATOR: Ms. Valiela.

MS. VALIELA: The article is for the town to accept the provisions of Mass. General Laws as amended, which authorizes us to establish the program. So we're really looking for a sense of Town Meeting of whether we should try to establish this program. We obviously don't have the details with us tonight. I'm familiar with it from the Town of Dartmouth, which has also had it for the past half-dozen years. And the Town Administrator is the one who decides, but it provides talent that is available to the Town for particular jobs that come up. You can't always say it's going to be this job or that job. And in reverse, the senior citizens do get help with paying their taxes. And so it's a cooperative and I think a community sensitive program that can work.

I will respect Town Meeting if you feel that we really have to develop a lot more detail before it's implemented, but this is really just authorizing us to go forward and develop such a plan. If 33 people, which is \$25,000, seems like too high an amount, we would certainly accept having that revised down to a lower number.

THE MODERATOR: Ms. Rabesa.

MS. RABESA: Virginia Rabesa, Precinct 9. I, too, was at the Selectmen's Meeting when they discussed this, and it may have been said in jest, but as they discussed it, a few names came up, and I did question them about the criteria for selecting people. I mean, if we really intend to give – you know, we're saying seniors that are lower income, having difficulty paying their real estate taxes, we're not guaranteeing those individuals these jobs, first of all. And there was a discussion about, you know, people who have some real skills that we could utilize their skills, and my general impression was that those individuals may not be at a lower income bracket if they have some real, you know, definite

skills.

The other thing is that I agree with the Finance Committee. I mean, we – I work for the School Department, and I am hearing constantly about the strains of the financial situation there; there's a potential of an override vote coming up in the spring. Here we are asking for more tax dollars to be deferred. We just had an article before this asking to defer real estate taxes for people who are giving affordable housing. Our redevelopment plan is also giving tax incentives to people. And we're pulling money away and then expecting people to vote for an override and I don't see how that can really be done. Thank you.

THE MODERATOR: Okay, any further discussion? Mr. Latimer.

MR. LATIMER: Yeah, Rich Latimer again, Precinct 2. I would like to propose an amendment by adding the language, "Such positions shall be created by vote of the Board of Selectmen upon recommendation of the Town Administrator who shall consider the needs expressed to him by the several department heads."

THE MODERATOR: We have that one in writing, right? Richard, can we have that in writing?

MR. LATIMER: Yes, if you'll give me a moment.

THE MODERATOR: Yes. We have a motion here, an amendment to -- to do three things, I guess. One is to have the Selectmen decide based on the recommendation of the Administrator after hearing from department heads, is that what it was? Department heads?

Mr. Dewitt.

MR. DEWITT: I'd just like to go back to a point that Mrs. Valiela made, and this is an acceptance of a state act. And we're starting to throw in a number of conditions upon that state act, and I think we're losing focus and that's one of the things that this amendment does. I think the 33 people also adds a condition that's not in the state act and perhaps that should be taken out. What this does is it allows the Board of Selectmen to go back and develop a program and if anything maybe what the Selectmen should do is commit to bringing that program back to Town Meeting, but merely accept the statute as written here tonight.

THE MODERATOR: Okay. That door seemed to be opened by whoever wrote this article initially because there's a lot of verbose things above and beyond the acceptance of the statute.

MR. DEWITT: [Without mic] Actually right now the statute [inaudible.]

THE MODERATOR: The 33 people?

MR. DEWITT: 33 – [Inaudible.]

THE MODERATOR: Oh, come on. Exactly. You opened the door when you wrote the article. Mr. Duffy.

MR. DUFFY: We're being asked to accept the state law, and we have to accept it as it's written. We can't amend it here.

THE MODERATOR: Well, the way I read this is that slippery slope that Mr. Dewitt said. I don't consider this amending the statute. It's putting all these little provisions like 33 people on how we're going to administer this program. So, yeah, it's going that slippery slope of making specific recommendations of how this program will be administered, but this amendment doesn't attempt to change the act of the legislature. So basically in essence we're looking at accepting the act of the legislature, limiting it to whatever it is, 33 people, \$750, and this is such position shall be created by a vote of the Board of Selectmen upon a recommendation of the Town Administrator, who shall consider the needs of the several department heads. Okay.

All those in favor of the amendment, adding this to the main motion, signify by saying "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No."

[No.]

THE MODERATOR: The No's have it and the amendment is not accepted. The question will come on the main motion. You've got one more crack at an amendment.

MR. JONES: Douglas Jones, Precinct 2. I support the idea of this, but I'm still very concerned about the plan. I guess I'd like to put an amendment that we strike the effective date of this. I just don't see how we're going to have this whole program in place by July 1st, 2005. So my amendment will be to strike that line, have the Town Meeting vote basically a straw vote tonight, saying yes, we support it. The Selectmen come back with a real plan and we can put an effective date after we actually have a plan with the amendment that's been suggested and have that all worked out with an effective date later.

THE MODERATOR: Okay, the amendment is to remove the effective date of the program of July 1st, 2005. All those in favor of removal of the effective date, signify by saying "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No."

[No.]

THE MODERATOR: The Ayes have it by a majority. The question will now come on the main motion as printed. All those in favor of the main motion, signify by saying "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No".

[No.]

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

[Pause.]

THE MODERATOR: Halt.

FROM THE FLOOR: Point of clarification.

THE MODERATOR: Go ahead. Point of order. Would you give her a microphone, please?

FROM THE FLOOR: I'm wondering, just for everyone's benefit, we're voting indefinite postponement as the main motion?

THE MODERATOR: No. We will never vote indefinite postponement on a motion in this town meeting as long as I'm moderator. Unless no one wants to move the article. So, unless there's no positive motion ever, we will never take indefinite postponement as the main motion as long as I'm the moderator.

So the main motion will come as printed on Article 16. All those in favor, signify by standing and the tellers will return a count.

[Pause.]

THE MODERATOR: Division two.

MR. DUFRESNE: 22.

THE MODERATOR: 22.

Division one, Mrs. Tashiro.

MS. TASHIRO: Ten.

THE MODERATOR: Ten.

Division three.

MR. HAMPSON: 13.

THE MODERATOR: 13.

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

[Pause.]

THE MODERATOR: Sounded a lot closer than that.

After the count, we'll take a break for about 15 minutes. We have refreshments downstairs.

Division three.

MR. HAMPSON: 43.

THE MODERATOR: 43.

Division one, Mrs. Tashiro.

MRS. TASHIRO: 48.

THE MODERATOR: And Division two, Mr. Dufresne.

MR. DUFRESNE: 80.

THE MODERATOR: 80. By a counted vote of 45 in favor and 171 opposed, the Article 16 fails. The meeting will stand adjourned for 15 minutes. Refreshments downstairs.

[Whereupon, town meeting recessed.]

[Whereupon, town meeting resumed.]

THE MODERATOR: Okay, would all Town Meeting Members please stand and the tellers will return a quorum count.

[Pause.]

THE MODERATOR: We'll be returning to Article 13, the Community Preservation Act.

Division one, Mrs. Tashiro.

MRS. TASHIRO: 57.

THE MODERATOR: 57.

Division three, Mr. Hampson.

MR. HAMPSON: 55.

THE MODERATOR: 55.

Division two?

MR. DUFRESNE: 96.

THE MODERATOR: 96. By a counted vote of 208, we have a quorum and the Town Meeting is back in session.

Article 13. Mr. Boyer for the main motion.

MR. BOYER: Mr. Moderator, Peter Boyer, Precinct 5. As a means of simplifying the motion under Article 13, we have reduced it to the advisory provided to all Cape communities by the Department of Revenue. Some of this text is in the warrant booklet under Article 13, but this is a much slimmed-down version and is the motion advised by the Department of Revenue. I'll read it now.

I move that the Town adopt Section 298 of Chapter 149 of the Acts of 2004, which allows the Town to replace the Cape Cod Open Space Land Acquisition program with the Community Preservation Act and dedicate the 3 percent property tax surcharge currently being assessed through Fiscal Year 2020, along with state matching funds that will be available to the Town under the Community Preservation Act to a special Community Preservation Fund that may be appropriated and spent for certain open space, historic resources, and affordable housing purposes, effective for the Fiscal Year beginning on July 1, 2005.

THE MODERATOR: Okay, you've all heard the main motion. Mr. Boyer.

MR. BOYER: Mr. Moderator, I have a short slide presentation, and although I claim virtually no expertise on the Community Preservation Act, I will try to answer questions certainly in its relationship to the Land Bank.

The particular slide show and most of its generalities was prepared by a group, a state-wide organization called the Coalition for Community Preservation, an advocacy group that helps on some of the technical issues that communities may face.

So here is the presentation and I'll have some other comments to make. Next slide, please.

Clearly the three issues under the Community Preservation Act are open space preservation, historic preservation and affordable housing. These are the communities statewide that

have passed or on the upcoming ballot as of September 16th. There are some 65 communities statewide that have passed the Community Preservation Act. Note that Provincetown and Chatham are two that not only have Land Bank 3 percent but also added an extra 3 percent for the Community Preservation Act. That is not what is before you tonight, but those communities chose the two surtaxes. Next please.

Local adoption is needed. In the first instance, you must vote positively for the Community Preservation Act. It doesn't really establish, it continues the existing three percent surcharge on local property taxes. And each category of open space, historic preservation and affordable housing, ten percent of the monies must be allocated to each of those three categories. The remaining 70 percent in each category is the discretion of the Community Preservation Committee to be established that then makes recommendations to Town Meeting. The issue really before us tonight is the opportunity to provide state matching funds. And that's the key to this whole program for the Town of Falmouth and for many of the other Cape towns. Land Bank revenues are virtually all encumbered, and I'll show you a little bit of that later.

A new Community Preservation Committee will be established and that committee is established by bylaw. The CPA funds may go towards bonds approved under the Land Bank Act.

Now, as Town Meeting has approved over the past years, there have been some 27 or 28 million dollars' worth of principal charges encumbered from Land Bank funds. In addition, some ten or eleven million dollars of interest payments over the ensuing 20 years will be paid from the Land Bank funds. That is what has encumbered our Land Bank local appropriation, our local levy, of the three percent surcharge for the next 20 – or the next 15 years, from five years ago and 15 years forward to 2020. So, all of our local revenues have been committed. Next slide.

In the CPA revenue, the basis is our FY '05 Land Bank surcharge revenue. And that you've just gotten on your tax bills for the entire town of Falmouth. That's \$1,750,000. We expect in FY '06 if you vote positively for this, and if the ballot vote in May also votes for this, that there will be available for distribution to Falmouth in FY '06, specifically on or about October 15th of 2005, there will be another \$1,750,000 distributed from those state funds. Those funds are in a pool of money that's provided from fees generated at the Registry of Deeds for mortgages and deed transfers. A fixed fee of \$20 and others.

So the annual revenue that we can anticipate for next year will be three and a half million dollars. Next slide please.

That describes some of the order of magnitude statewide in the earliest years of the Community Preservation Act distribution. The fund balance is somewhere around \$100 million right now in the state Community Preservation Fund. The actual annual take statewide from all the Registry of Deeds is somewhere between 40 and 50 million dollars a year. The actual draw down from that state fund, as you see it matched for '03, was \$27 million, and probably \$30 million or more in FY '04. FY '05, it will be higher. But the reasons why this is an important point is that that reservoir of funds is available for future years for draw down by all of the communities that are involved in the Community Preservation Fund.

You've seen perhaps reports that Mashpee and Barnstable have voted to proceed, and so there will be additions to the communities involved in that. And, as the years go by, the implication of that is that each town will receive a somewhat smaller share of the statewide pool of matching funds. At present, however, it is 100 percent of that raised by the communities, and so that's why I've used the number of a \$1,750,000 as the first year that Falmouth would receive based on its levy of this current year. Next, please.

CPA must remain in effect to 2020. And then it's repealed in the same way as adopted. In this case, it's a difference from Land Bank and, as the Selectmen noted in their explanation, there is unlike the Land Bank automatic termination in 2020. It must be – it may be repealed the same way it was adopted: Town Meeting vote followed by a ballot vote to discontinue. But it has to remain in place until 2020, and largely that is, I'm sure, the rationale just what we have done, we've encumbered money up until 2020 through the land bank. So we need our source of revenue for that period of time. Next.

Again, open space, historic preservation and affordable housing. I won't read these, but those are clearly some of the open space initiatives that would be acceptable. Next. And recreation.

Here's where I exercise the disclaimer about not knowing everything about the Community Preservation Act, because I can't really explain these particular features of the Housing component of this. These are features that are requirements for affordability definitions. But certainly the local Community Preservation Committee would need to follow any such guidelines that are promulgated under the law. And historic preservation likewise needs to be – fall under the Historic

Preservation guidelines. Next.

Now, the Community Preservation Committee, unlike the Land Bank Committee, has some statutory required membership. In this case, one member as designated by each of these boards, one member designated from the membership designated by the Conservation Commission, Historic Commission, Planning Board, Board of Park Commissioners, and Housing Authority. Board of Park Commissioners I'd read that in our case to mean Recreation Committee. In the statutory language, it sort of says those responsible for maintaining and operating parks. So it could arguably be the DPW. But in our case, I think in terms of the definition under the bylaw that we would specify Recreation Committee because the recreation needs of the Town need to be incorporated into the deliberations of this group. And up to four additional members could be established under that bylaw. So perhaps a committee of nine members. Land Bank Committee has 15 members from all parts of town. So the composition is slightly different. Those additional members would be appointed by the Board of Selectmen. Next.

This gives you a sense of how monies statewide have been spent. And the distribution in the aggregate. Next.

Once again, from the Coalition, this is their information about statewide activity. Yes, ten more communities in November of '04, and then perhaps more of our Cape communities which are eligible now by virtue of the amendment passed this past summer through the efforts of Eric Turkington, Senator O'Leary and Senator Murray and others, that the Cape communities are eligible for this without having to add another three percent, but merely converting the existing three percent to the eligibility under the Community Preservation Act. Next. Next.

This was done by us that represents two potential sample income streams that could be the state match. But it has some assumptions in it. The column two says that it would be a state match that's the same amount every year from 2006 to 2020. Unchanging. That really isn't what I would expect to happen, but it would produce an income of some \$26 million. For the Land Bank and the Land Bank projections, and the amount available prospectively for the life of the Land Bank, we have used a three percent per year annual increase of funds available, and in fact that has panned out over the first five years. In fact, more than that. Closer to five percent. But, using a three percent growth per year, if the state were to match the entire amount, then you can see that the match would be significantly higher.

I think the answer's going to fall somewhere a variation between these two. From the information given to me, it is very likely that for the next four to five years, maybe six, the Community Preservation Fund in the state will have sufficient funds to provide 100 percent of the match to all the participating communities. However, as perhaps activity at the Registry of Deeds were to slow down, and as more communities are participants in the Community Preservation Fund draw-down, then the amount available to each community becomes a smaller segment of the whole.

So, actually, my guess is we will get the percent increases for five years and then drop off to pick a number: 95%, 90% and so on and so forth for perhaps the last ten years. I think, or my guess and my wish is that that will end up probably averaging about column two, about the same amount as if we were to hold steady for all 15 years to 2020. So, I believe that there will be something like \$25 million available under this added state match over the course of the next 15 years. Next.

One of the other ways of illustrating what might happen if Town Meeting were to vote this, and if the ballot vote next spring were to also approve conversion to the Community Preservation Act, then the amounts of money available for the coming fiscal year would be – and I've used the number three and a half million dollars. You'll recall we had a million seven fifty local revenues and a million seven fifty state match revenues to reach \$3.5 million. Well, the key feature here perhaps to understand how we would continue to deal with the Land Bank debt is that you would take – and I've used the number \$2 million of prospective Land Bank debt service in the coming fiscal year – that would be '06 – to pay off the existing debt. We don't quite know what the exact amount will be yet because the permanent borrowing as arranged by the Town Administrator won't happen until January of next year when the golf course closing will occur and the permanent financing for the Allen parcel will occur. So, we're not quite sure, but \$2 million is a representative number about the total cost of paying off the Land Bank debt in that fiscal year.

Then, ten percent of the total set aside for historic preservation: 350,000, ten percent set aside for affordable housing, and then the remaining \$800,000 under the three and a half million scenario would be available for the Community Preservation Committee to decide on any one of the three categories, or one of them or some combination thereof to either spend -- or recommend at town meeting, rather, to spend, or to set aside for future expenses.

So those deliberations would occur following the establishment of that committee and the

first chore of the committee has to be assessing community-wide needs and then ultimately getting to priorities to recommend to Town Meeting.

I think that's it. Have I got any more?

I will try to answer questions if there are any, but as I say, I disclaim having expertise in the Community Preservation Act. Thank you, Mr. Moderator.

THE MODERATOR: Okay, discussion on Article 13. Microphone down here. Mr. Fox and then Mr. Ayres.

MR. FOX: Jim Fox, Precinct 2. Question for Peter through you, Mr. Moderator. If I understood you correctly, Peter, would it be possible for 80 percent of these funds to go to housing if the ten percent minimum was there and the 70 percent discretionary could it be possible that 80 percent of this act could be poured into affordable housing?

MR. BOYER: I think the answer is yes, but ten percent – or the 70 percent of what? Because, pre-empted would be paying off the Land Bank debt. So, sort of the first two million goes to pay the Land Bank debt. Then subsequently there would be the remaining availability of discretionary money; in '06 case, 800,000. That could all go to affordable housing.

MR. FOX: So the discretionary is limited by commitments already made by the Land Bank?

MR. BOYER: Yes.

MR. FOX: Okay, thank you.

THE MODERATOR: Mr. Ayres

MR. AYRES: Dean Ayres, Precinct 7, through you, Mr. Moderator to Mr. Boyer. I'm not sure you can answer this question. It seems to me that buying land is a simple thing. We pick out a parcel, we buy it. Preservation of a building, we pick out a building, we rehab it. I have some problems with the affordable housing issue in how that money's going to be disbursed and through whom. That's a little more complicated. Would it be the Falmouth Housing Authority that would build these units? I would assume it wouldn't increase 40 B units. I don't think we'd be spending money when only 20 percent of them would be affordable and the other 80 percent will be for profit. So, I'm a little concerned about who's going to build the buildings and who's going to be eligible for those funds in particular.

MR. BOYER: I think I can't really definitely answer that question, but I can give you an opinion. I believe that the Community Preservation Committee would have to craft a particular project or disbursement plan. And that could be with the advice of the Housing Authority or any other entity. That would have to be appropriated and approved by Town Meeting. Excuse me. [coughs.] It would have to be approved by Town Meeting, but I think there could be many different ways in which affordable housing could be done. I need water. You're driving me to drink.

[Laughter.]

MR. BOYER: I think there are probably a lot of creative potential for not just affordable housing but historic preservation as well. I think I agree by and large that the open space component is relatively straightforward and uncomplicated. But I think there could be some very imaginative ways of dealing with those other two components. But you're right in the sense that there's nothing been established for Falmouth. I'm sure that either the Community Preservation Coalition or the Housing Authority, remember, has a member on this, or other groups could propose ways in which other towns have done it or Falmouth might want to do it. Excuse me.

THE MODERATOR: Mr. Duffy? Peter, do you want to yield the floor to Mr. Duffy, or?

MR. BOYER: Sure.

MR. DUFFY: I just assumed that you were about to be finished. But, just a reminder that when money is spent for affordable housing purposes, it has to be secured in perpetuity by a deed restriction on the property.

THE MODERATOR: Okay. Mrs. Tashiro and then Mr. Netto.

MRS. TASHIRO: Mr. Moderator through you to Mr. Boyer. I'm a little concerned also about the affordable housing aspect of this program. I feel that it should be written down, the whole thing should be in writing before we accept any program like this. For example, where are they going to put this affordable housing? Are we going to use up our open space that we're supposedly saving for the Town's future? Because it just looks like it's an open-ended situation and I would like to see something a little bit more certain.

MR. BOYER: Mr. Moderator.

THE MODERATOR: Mr. Boyer.

MR. BOYER: I think that I would ask you to focus on this as being a funding

mechanism and not a program design mechanism. Because certainly there will be a million questions about whether it's affordable housing or historic preservation or buying another piece of open space. And this vote tonight does not answer those questions. It merely provides a funding resource and says that funds will be available for in this case at least ten percent affordable housing, and my estimate is \$350,000 for '06. It doesn't say how that money will be spent. It doesn't say whether Town Meeting will approve that. It simply says, "Here's a funding resource that is available for those purposes."

So, I mean, you're right to question all of that and I think future Town Meetings will expect to have the details of a program design of: "Community Preservation Committee, how are you going to spend that affordable housing money? Before we vote yes in appropriating that money, you tell us how you're going to spend it."

THE MODERATOR: Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9. Mr. Boyer, could you put your last slide up, the pie shaped pie. I have some questions as to who is the authority on the spending. And, Mr. Boyer, I know what you just said about design and funding, but if you paid attention to the vote on the last vote when Selectman Clarkson spoke, I think this group here does want to know both answers before they give anyone the authority.

And I'd like to remind Town Meeting that this is again an article to put it on the ballot, and I think that our purpose here is maybe to ask questions and start discussion, but as a Town Meeting Member I've always felt that any article like this should always be put on the ballot for the members of the Town of Falmouth in an open election to vote for.

But my question, and if you don't know the answer I think we have our two representatives from Boston who probably designed this or maybe know something about it, Representative Patrick and Turkington I think are here. And if you feel free and have an answer that's factual, I'd appreciate it.

Obviously the green pie is already spoken for. That's what Town Meeting has already voted. And if I'm not mistaken, the Land Bank that was passed and supported is always a piece of the property to purchase by the Town of Falmouth have been decided by this political body, correct?

MR. BOYER: Yes.

MR. NETTO: Okay. We have \$350,000 for historic preservation, the same amount for affordable housing. My question, sir, is what group decides those two expenditures? Town Meeting or

another group?

MR. BOYER: Town Meeting decides based on recommendations from the Community Preservation Committee. They say yes or no.

MR. NETTO: Okay. So, that's very similar then to the Land Bank, the current Land Bank that we have now.

MR. BOYER: In that sense, it certainly is.

MR. NETTO: Okay. The purple, \$800,000, does that come under Town Meeting? Or, the way I read there –

MR. BOYER: Yes.

MR. NETTO: Oh, that all –

MR. BOYER: Same decisions.

MR. NETTO: Okay –

MR. BOYER: Same, Community Preservation Committee recommends. But, in the case of the \$800,000 segment of the pie, that could be spent on any one of the three or a combination of the three segments.

MR. NETTO: Okay, very good. So, the whole bill does change as far as this group decides where the money is going to go. Town Meeting has the final authority.

MR. BOYER: Yes.

MR. NETTO: And the minimums are 10,000 for historic, 10,000 –

MR. BOYER: Ten percent.

MR. Netto: Ten percent, excuse me, ten percent. Okay. And then we have discretionary funds so that if something comes along, it's a golden opportunity, the purchase of a lifetime, then they would do it that way. Thank you very much, sir, for your answers.

THE MODERATOR: Any further discussion? Hearing none, the question will come on the main motion as read by Mr. Boyer, Article 13, the acceptance of the Massachusetts Community Preservation Act. 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 20. Article 20, to see if the Town will vote to amend Chapter 184 of the Town sign code, dealing with wall and roof signs. Mr. Chairman of the Board of Selectmen for the main motion

CHAIRMAN MUSTAFA: I recommend the article as printed.

THE MODERATOR: As printed. Article 20. Discussion on Article 20. Who held this article? Oh, okay, microphone, please.

MS. TOBEY: Linda Tobey, Precinct 4. When I read this article, I wasn't sure of the current regulations for the sign code, so I got a copy of it, just to get so I could decide how much larger this was going to make the signs. And the sign code now reads that five percent of the wall area to which it's attached would be the size of the sign. This article increases it to: not exceeding five percent of the wall length over 50 feet times ten, plus 50 square feet. I think that's a significant enlargement. And I was thinking about this when I was driving through town over the weekend. And I was noticing how much the town has changed over the years.

It seems like we've made a lot of concessions to businesses. So many of the small, family-owned businesses are now gone and they've been replaced by corporations. However, these corporations have had to erect signs and they've had to conform to our sign code so we don't have the large signs in front of these buildings. I for one don't want to see signs permitted in proportion to the size of some of the enormous buildings that have recently been erected on Main Street.

If we pass this article, the sign will be enlarged. And some people might say, "Well, that's good for business", but the main source of business in Falmouth is tourism and I feel that a lot of our charm would be lost. We would just become one of the communities with stores with huge signs over them. And, if people want to go shopping, they'll find the stores, large or small, large sign or small sign. I don't know anybody who doesn't know where the Christmas Tree Shop is.

We've all been in towns with these large signs and I really feel that you lose a piece of the character of the community and I don't want to see that happen to Falmouth. Thank you.

THE MODERATOR: Mr. Calfee.

MR. CALFEE: Art Calfee, Precinct 1, Design Review Committee. The intent of this bylaw was to correct an injustice of walls that were just beyond the 50 foot mark, where the allowed

signage dropped from ten percent to a sudden five percent. And many walls we had were just over 50 feet, and the people were quite shocked to find out that they could only have half the ten percent rule if they had 53 feet for a wall length, and that's happened several times. This would allow those people to have the same 50 square foot sign that they would have if the wall was 50 feet, but then an additional five percent of the overage. To us, that did not seem to be a great sum, but it gradually increased the size of the sign up to 75 foot length of wall.

So, we're actually talking between 50 feet and 75 feet of a wall where the increased size is graduated. Now, when it reaches 75 feet for a wall, you've reached the maximum size allowed here of 75 square feet. So some of these massive walls we have in town now could have a much greater size sign. This, for the first time, establishes a maximum for a wall sign, at 75 square feet. So, I hope that might help explain. We were trying to correct a problem that we've had with the 50 foot distance of a wall.

THE MODERATOR: Further discussion on Article 20? Ms. O'Connell.

MS. O'CONNELL: Okay, I'm – this is Maureen O'Connell, Precinct 4, just here doing a little math. So, if you have a wall that this italicized sentence: "For walls between 50 and 100 feet in length." So I took a wall that was 60 feet in length and I multiplied it by five percent, which gives me three. I multiply that by ten and I get 30, I add 50, I have 80 square feet. So, with a wall – am I – so, if I'm doing this or reading this, at 60 feet in length, you've already surpassed the maximum area of 75 square feet for the sign? Is that – am I understanding this correctly, Mr. Moderator? Thank you.

THE MODERATOR: Mr. Calfee.

MR. CALFEE: No, the 60 foot wall would be determined by 50 square feet plus five percent of 10, which is two. So, it's two plus 50. They would have a 52 square foot sign, at 60, I believe.

MS. O'CONNELL: Thank you.

THE MODERATOR: Okay, further discussion on Article 20? Hearing none, the question will come on the main motion as printed. All those in favor, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No."

[None opposed.]

THE MODERATOR: The Ayes have it unanimous. Article 21, to see if the Town will vote to amend Chapter 184 of the Town Sign Code Bylaw, measurement of sign area. Mr. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MUSTAFA: I recommend the article as printed.

THE MODERATOR: As printed. Article 21. Microphone down here, please. Ms. Tobey, the same person who spoke on the last one. Could you stand up? They're having trouble figuring out where you're at. Thanks.

MS. TOBEY: I have the same concerns with this article, but maybe they're unfounded. I hope they are. It did read previously that the sign area was eight square feet or less, and the commission now has the discretion of adding eight square feet. I just don't want to see large signs and, you know, I mean, I'm sure the committee's studied it and hopefully we won't have large signs.

FROM THE FLOOR: [Inaudible.]

MS. TOBEY: You're sure of that?

FROM THE FLOOR: [Inaudible.]

MS. TOBEY: Okay.

THE MODERATOR: Mr. Calfee.

MR. CALFEE: This bylaw concerns the support structure around the sign. And most of our freestanding signs are limited to 16 square feet. We're suggesting a limit of eight square feet for the posts that hold it up. Right now, if you figure it out, that would allow for posts that are six inches square on each end of the sign that would show four feet above grade. So, that's what eight square feet would do for the two posts that would hold up a 16 square foot sign.

Now, there are many signs that we like the aesthetics of that might have some other decoration to it. Around the top of the sign might be attractive scrolling board of some sort or something else. And they would wind up being greater than the current bylaw. Right now we're limited to 20 percent of the sign for the structure that holds it up. This bylaw would allow the design review committee an additional eight square feet of discretion, provided we liked the aesthetics of the proposed sign.

THE MODERATOR: Okay, any further discussion of Article 21? Hearing none, the question will come on the main motion as printed. All those in favor, signify by saying, "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No."

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 22, to see if the Town will vote to adopt the scenic roads bylaw. Mr. Chairman for the main motion.

CHAIRMAN MUSTAFA: I move the town vote Article 22 as printed in the warrant booklet.

THE MODERATOR: Okay the main motion is as printed. Mr. Murphy.

MR. MURPHY: Mr. Moderator, I'd like to propose an amendment to this article. Under Repair, Maintenance, Reconstruction, or Paving Work, I'd like to delete the words on the last line, delete the word "or roads" and in its place – pardon me, delete the word "or roads" and then also delete the words "is included" and in its place put "are excluded". And the wording would be for the last sentence, "Construction of new driveways or alterations of existing driveways within the right of way are excluded under this bylaw." And if I may speak on that amendment.

THE MODERATOR: Okay, so this is Section 3, removing "or roads" and removing "is included under this bylaw"; replacing it with "are excluded under this bylaw". Mr. Murphy.

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: Is. Existing driveways.

MR. MURPHY: The word is "are excluded", I believe.

THE MODERATOR: Are. It's plural, right? "Driveways" is plural. Driveways is excluded?

FROM THE FLOOR: No, "construction".

THE MODERATOR: Oh, construction of driveways, okay.

MR. MURPHY: Is excluded.

THE MODERATOR: Okay, is excluded in this bylaw.

MR. MURPHY: Okay.

THE MODERATOR: Mr. Murphy.

MR. MURPHY: Mr. Moderator, the intent of this bylaw is well thought out and it will really protect the beauty of the Town of Falmouth as we know it. My amendment to this bylaw protects

the homeowner and protects the intent of this bylaw. If you have a driveway and you wanted to move it over a few feet and you had a tree, you would have to go through a lengthy process which could in fact cost upwards to \$1,000 to go to the Planning Board.

I've spoken to Brian Curry and the Planning Board between getting a certified plot plan, providing a plan of what you would be doing there, as well as obtaining the necessary permits, just for a mere factor of moving a tree to put a driveway in would put you in a vulnerable position as a homeowner and a taxpayer. I believe the intent of this bylaw is to restrict road development. It's not intended to go after the ordinary citizen. But I have spoken to the people who are petitioners of this article, the Historical Commission, and I'd like to turn the floor over to them as well in regard to this.

THE MODERATOR: Okay. Use one of the mics up front, there.

MR. BOWERS: Good evening, I'm Jamie Bowers. I'm the chairman of the Historical Commission. We're sponsoring this article this evening. We've actually been working on this for a while in consultation with the Planning Board, the Selectmen, the Tree Warden, DPW, Transportation Management, Conservation, the Beautification Counsel, a lot of people in town have been talking about this for a long time; it goes back almost 15 years. In 1990, the Public Works Department adopted a similar rule to this as a regulation, but there was no specific list of roads was adopted and there was no public hearing procedure. In 1998, under the Local Comprehensive Plan, the town adopted – called for a Scenic Roads Bylaw as well. In 1999, this body identified 13 streets that make up the coastal route; that's the blue streets on the map, here, and voted them as scenic, but still there was no – there were no teeth to this, there was no provisions to actually protect these roads.

So, what we're proposing tonight is based on a state authorizing legislation, and it's to maintain the rural, natural, historic and scenic character of a number of roads here in town. The gist of it is that, as Mr. Murphy was explaining, it's not about private homeowners, it's really about the Town's own activities. There's already a shade tree act in town which protects trees from private development. Anytime you want to cut down a tree that's in the right of way in front of your house, you have to go to the Tree Warden, and in some cases that gets referred to the Selectmen.

The intent of this is for the Town's own road projects, when they involve a scenic road and they involve cutting trees or destroying stone walls on scenic roads, to require a public hearing. And really that works to everyone's advantage. It means that the DPW has a forum to hear people's concerns

before they have all their plans made and before they're mobilized to do the work, and it allows citizens the opportunity to find out what's going on and to comment to those plans in front of the Planning Board.

So, this only affects stone walls and trees – trees over eight inches in diameter that are within the layout of the Town roads. So anything that's on private property is not affected. It's also does not affect any road project that doesn't involve cutting roads – cutting trees or destroying walls. It doesn't affect any road project that's not on a scenic road. And it also doesn't affect work done on trees that isn't part of a road project. So when the utilities or the tree warden need to cut a tree or trim a tree, that's not what this is about.

There was concern because the way this was originally written and which was based on the state act, the private driveways were included, and that's the effect of the amendment that Mr. Murphy's offering which we support because it's really not the central purpose of this act.

Do you want to go to the next slide? I've brought you some images of some of the roads that are on the list. As I mentioned before, the list of 13 was adopted in 1999, and this article adds to that 27 more roads in the scenic category. So, again, this is really about getting public input before changes are made to particular roads in town and I'd be happy to answer any questions if anyone has them.

THE MODERATOR: Mr. Antonucci.

MR. ANTONUCCI: Yeah, Bob Antonucci, Precinct 6. I was requested by a resident to add two roads to this list, but before I do that I'd like to ask a question, is how did the list come to be? I'm not pushing these new roads, but when someone says they want something brought to Town Meeting floor, I'll do that. So, how did we come up with the list of roads? Because what they would like to have added, in the form of an amendment, is Maravista Ave. and Maravista Extension. Because Davisville now goes from 28 down to the water; they're perception was, "Well, why isn't Maravista the same way?" and I would wait until this amendment is acted on, but maybe can you answer the question? I don't know what I'm talking about.

THE MODERATOR: Dr. Antonucci, before we get an answer to the question, to add any roads to this list would be outside the scope. But to remove roads from the list would be permissible at this time. So, an answer to the question about how this list was created.

MR. BOWERS: The list was created over several years by the Historical Commission, as I mentioned in consultation with some other groups. We also held a public hearing last summer about this and did receive some feedback. But it's a list that can certainly be added to tonight, I guess, but –

THE MODERATOR: Not tonight. It's outside of the scope tonight. At future Town Meetings.

MR. BOWERS: At future Town Meetings.

THE MODERATOR: Microphone down here on the left.

MR. ANDERSON: Gary Anderson, Precinct 7. A couple of questions if I may through the Moderator to whomever would have the information. Who is currently responsible for making the decisions as it relates to repair or construction of the roads if it's not the Planning Board? Who currently is responsible?

THE MODERATOR: Ms. Valiela.

MS. VALIELA: The Selectmen through the DPW.

MR. ANDERSON: Selectmen, DPW, okay. Would they continue to have any involvement or does all of the authority then transfer to the Planning Board?

MS. VALIELA: I would expect that we would still have the authority to repair them.

MR. ANDERSON: Okay. I would like to speak in support of Selectman Murphy's amendment. I am on the Board of Directors for the Hamlin Point Homeowners' Association; we represent 37 lots. About 13 of them about Meadow Neck Road and we have four houses that have driveways that open onto Meadow Neck. And I think that Selectman Murphy's amendment which would exclude driveways from this would be very appropriate as we do have homeowners who have large trees that in some instances may, in the future as the trees grow, continue to grow, may obstruct their views. And I would like to put my support for what Selectman Murphy's amendment is. Thank you.

THE MODERATOR: Okay. Ms. Lowell.

MS. LOWELL: Vicky Lowell, Precinct 1. I was asked by the Sippewissett Association, which is 150 members living along Sippewissett Road, 150 households, that they've been working for years to try to get Sippewissett Road designated as scenic, so they very much support this article.

I just had a question about the private driveways. You still can't cut down a tree in a public right of way without going to Brian Dale and getting a permit, which but it would be less

paperwork required to get his approval or disapproval than having to go before the Planning Board?

Can someone answer that question, please, Mr. Moderator?

THE MODERATOR: Mr. Murphy.

MR. MURPHY: Currently the tree warden, Brian Dale, would review the tree and see whether it met the public shade tree criteria. If it did or it didn't, he would make that decision, you would have the right of appeal to go to the Board of Selectmen if he made a decision you didn't like. If this were to include driveways, you would have to go through the entire process to go to the Planning board to be able to remove a tree. So there still is a checks and balance except one is very cost effective, the other one is very costly. It could run upwards to \$1,000 for someone to be able to go to the Planning Board, a private individual and citizen to do that.

MS. LOWELL: Yes, I just want to make sure that the trees in the public way are protected, because as we know homeowners can do just as much or more damage than the town. Thank you.

THE MODERATOR: Mr. Ayres. Microphone down here.

MR. AYRES: I'd feel more comfortable with this if the public utilities also would fall under the purview of this article. Many times I drive around town and I look at trees that have totally been whacked, and maybe have two twigs left by the time they're done making room for their wires to run through the trees. I'd feel comfortable if the utilities were asked to take a tree down if they need to, and replace it with a tree that would be an asset. The utilities are not being asked to conform. I mean, it seems like homeowners are being asked to conform and a money-making corporation is getting by not having to do anything. Maybe I'm –

THE MODERATOR: Mr. Bowers.

MR. AYRES: – misunderstanding this, but I've seen trees in this town that, it amazes me they're still growing, there's no greenery left on them.

THE MODERATOR: Mr. Bowers.

MR. BOWERS: I think that is a valid point and an important issue, however this is based on state enabling legislation that specifically restricts it to road construction. So we're not able to make that change tonight.

MR. AYRES: Well, I think we ought to try.

THE MODERATOR: Okay.

MR. BOWERS: I would defer to Town Counsel on that.

THE MODERATOR: To the left.

MR. SELLERS: Paul Sellers, Precinct 6. I'm the arborist for N-Star Electric, the tree whacker.

[Laughter.]

THE MODERATOR: That's the quote of the night.

MR. SELLERS: Just a point of reference, for those of you who aren't aware. We actually have a very vibrant tree program that addresses many of the trees that are mentioned here tonight. Significantly, the number of trees that we do address are the volunteer growth that's within the road easement. Not necessarily the significant trees over eight inches in diameter that are referenced in the article. We do go through Chapter 87, which it outlines the Mass. General tree laws, as well as Chapter 40 of the Scenic Road Act. We, I can tentatively speak for N-Star, but we're very supportive of the Scenic Road Act. It works tremendously well in a number of communities and we're very active in it and we, myself, as far as a Town Meeting Member, would encourage you to vote for it.

THE MODERATOR: Okay, we've got the amendment here on Article 22 to remove the word "roads" from the definition section and "is included under this bylaw" should be "is excluded under this bylaw". Any further discussion on the amendment? Hearing none, the question will come on the amendment. 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.

And the question will now come on the main motion as amended, the main motion as amended. 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 23, to see if the town will authorize special legislation designating the section of Route 28A known as the West and North Falmouth Highways to the Quaker Road intersection as a Scenic Road. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MUSTAFA: I move the Town vote Article 23 as printed in the warrant booklet with the following correction: change "Quaker Road" to "Curley Boulevard".

THE MODERATOR: Okay, the main motion as printed, changing Quaker Road to Curley Boulevard. Is there any discussion on Article 23? Hearing none, the question will come on the main motion. All those in favor, signify by saying "Aye".

[Aye.]

THE MODERATOR: All those opposed "No."

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 24, to see if the Town will vote to transfer a certain parcel of land from the Board of Selectmen to the Conservation Commission. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MUSTAFA: As printed.

THE MODERATOR: As printed. Ms. Robb held this. Microphone in the back.

MS. ROBB: Alison Robb, Precint 1. I put a hold on this article. I had a question on it. The question has been answered and I withdraw the hold. Thank you.

THE MODERATOR: Okay. Any further discussion on Article 24? Hearing none, the question will come on the main motion as printed. All those in favor, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 25. This is to authorize the Board of Selectmen to purchase or take by eminent domain the land – Odd Fellow Hall. The recommendation by the Finance Committee was indefinite postponement. This was held by the Board of Selectmen.  
Mr. Chairman.

CHAIRMAN MUSTAFA: On Article 25, I move that the Town vote to authorize the Board of Selectmen to purchase or take by eminent domain the land with buildings thereon located on Town Hall Square in Falmouth, Barnstable County, Massachusetts, more commonly known as the Odd Fellows Hall, and being described as Lot 5 on Land Court Plan 17377-C, on Certificate of title No. 20396, said land to be under the jurisdiction of the Board of Selectmen, and further, to appropriate the sum of \$331,650 for the acquisition of the foregoing land, including costs incidental and related thereto, and further to authorize the Board of Selectmen or its designee to accept any further gifts of property, real, personal or otherwise, in relation to the foregoing acquisition and to enter into any agreements and to execute all documents it deems advantageous on behalf of the town, for partial or full reimbursements of the cost of the acquisition, and that, to meet this appropriation, the Town Treasurer, with the approval fo the Board of Selectmen, is authorized to borrow said sum or any part thereof pursuant to Chapter 44, Section 7, subsection (3) of the Massachusetts General Law, or any other enabling authority and to issue bonds or notes of the town therefore.

THE MODERATOR: Okay, you've all heard the main motion, Article 25, Odd Fellows Hall, \$331,650, including the authorization for borrowing. Mr. Whritenour.

MR. WRITENOUR: Yes, I can give just a brief explanation of some of the background of this project. First of all, I hope everyone's familiar with the Odd Fellows Hall building; it's located right on the corner of Chancery Lane on Town Hall Square. It's a 2,520 square foot Greek Revival, two story wood frame building, and it's quite an architectural historical resource in the community. It was originally constructed in 1856 and it's moved to its current point 116 acre site on Town Hall Square in 1906. And the property has recently been appraised and we have the professional appraisal for \$330,000, which is the current sale price. And the local Odd Fellows Chapter controls the property and right now they're a very motivated seller. We're told that if the Town doesn't purchase this that there are other private sellers that are interested in this building.

Now, a little bit of the background is last spring the Odd Fellows had decided that they were going to be merging with the Hyannis branch and this property became surplus and because it is historic architectural resource they came to the Town first and they offered the building to the Board of Selectmen. Now, I thought the Board of Selectmen showed good vision at this time; they asked me to put together a group to conduct a study of this building and make some recommendation, and we did just

that. We had some broad representation among the policy makers of the town and department heads, including the Chairman of the Board of Selectmen, the Chairman of the Finance Committee, the Town's Building Committee, the Building Commissioner, our Facilities Manager, the Town Engineer, our Director of Assessing, the Town Administrator and the Assistant Town Administrator and we conducted some tours of the facility, evaluated the condition of it, and we reviewed that in terms of not just what the current use that the Town could put this building to, but also its status as a historic resource of the community and very importantly we felt that strategic location right on Town Hall Square, and ultimately – and we'll hear this evening that there is, you know, some concern I think not as much about the \$330,000 price tag. For a historic building like that, I think everyone agrees that that is probably a good investment to make for the town, but what additional funds it will cost, whether it's \$750,000 or a million ultimately if the Town decides to renovate that building and use it for public use. But what the feeling of the committee was and the recommendation was that that is such an important property in terms of being a historical architectural resource occupying a critical location right at that corner in the heart of the Main Street Village area of the Town of Falmouth, that it was just too important of a structure to leave to open market forces as to what will become the ultimate use, and that if we did that, that that use might not be something that the Town was entirely proud of. Through this approach of controlling that property at this time, we're not committing to funding the full renovation, but it gives the Town an option to either have a developed joint public/private use for the parcel as we've done successfully with the Academy Lane Building, or else to consider the phased renovation of that building for some public uses. And it's been, you know, put out that some potential sources of funds may come from the Community Preservation Act or other funds. But currently, what the game plan for this building is is for the Town to control it for the \$330,000, and we could use it for storage and some other uses until such time you know we develop a plan whether it's going to be completely renovated and turned into a public use or develop it for a public/private partnership.

THE MODERATOR: Mr. Vieira.

MR. VIEIRA: Thank you, Mr. Moderator. Jim Vieira, Precinct 6. The Finance Committee voted unanimously to recommend indefinite postponement on this article. As you know, we're in the process of renovating several buildings and if you would take a minute with me, we'll just take a quick tour around Falmouth and see some of the buildings that we're working on and what kinds of commitments we're already made for renovations on some of our buildings.

This is the Senior Center. As you know, it's currently unoccupied. We are about to start renovations on it. Subsequent to the renovations being completed, as you know there is also a plan to build a new senior center afterwards. When that happens, this building will be available; this is about 4,000 square feet plus or minus that would be available for office space or other town use.

This, as you know, is the Department of Public Works that we're about to embark on a \$5 million renovation program on this building, and this also is going to have additional storage and office space.

This is actually my favorite building in town. This is a wonderful example of historic municipal architecture. Unfortunately, it's in pretty deplorable condition. I think this would be a good candidate for the Community Preservation Act monies and it's an example of some of the buildings that we need to take care of in town before we begin to take on additional ones.

This is the library. I think we're talking about – the figure I heard last was about a \$7 million renovation project on this. Next one.

The bandshell that we have funded, but actually I don't know what the status of this is, but I'm assuming that we're still going to be doing this project.

The Poor House. We renovated the first floor, the exterior needs substantial work and the second floor is slated for some renovation at some future time; additional office space will be available on the second floor there.

This is an interesting building. Some of you probably don't even know what this building is. This is the house that came with us at the Peterson Farm when we bought it. It actually looks better in the picture than what its actual condition is. You know, this is just another example of a building that we have in town that we haven't identified a long term use; it may be part of a management plan, I don't know. But, again, a building that needs substantial work and some attention with our town funds.

And this is the Lawrence Academy building that I think all you know about; work is going on there now in conjunction with the Chamber of Commerce.

And – we all know what that one is.

So, the Finance Committee's position is that we have our hands full right now. And we have significant office space. We are going to have additional space available as we complete these projects, and we think that taking on one more project is not wise at this time. Thank you.

THE MODERATOR: Further discussion on Article 25. Ms. Shepard.

MS. SHEPHERD: Susan Shepard, Precinct 1. Sometimes you have to be ruled by your heart as well as your head. Four years ago, this Town Meeting did the right thing and it took Highfield Hall by eminent domain. That is a project that is going very well and will be a great resource for the Town. This is your chance to save this building. And if you fund it with Community Preservation Act funds, you're also saving it as a historical structure and it'll have to remain that way.

You can't decide that you want to save that building ten years from now. It's now or never. I think it's something we should take on. I think the purchase price is reasonable, very reasonable, and we – you know, the other projects that Mr. Vieira mentioned are funded. This is something that we should do and we should do it now. Thank you.

THE MODERATOR: Yes, in the back.

MR. PUTNAM: The question, Mr. Moderator -- excuse me, Brent Putnam, I'm a resident of Precinct 9. Just a question about this property, where it was built in the 1850's, I'm assuming that one of the reasons for purchasing it is for preservation; because it is so old, would it qualify for any sort of historic preservation if a private developer decided to purchase it? The idea being that are there restrictions that would prevent it from being torn down, I guess is the question that I have, whether or not it's purchased by the town.

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: There's no restrictions currently in place on the property.

THE MODERATOR: Mr. Crocker.

MR. CROCKER: Mr. Moderator, through you may I speak to Mr. Wit -- um. I have a question. I'm a former lodge member of the Odd Fellows, and over the years we put a lot of money into the building. WE have a sewer system in there, we have a new heating system in there, the roof has been worked on. There's a lot of improvements have gone on. Over the years, they've had church services in there; they've also had Kim's Dance Studio in there. It's been very active over the years and the building is, to me, I think it's solid for purchasing and going ahead and using it for some town offices that you might have that you don't have enough space for right at the time until we can find out what we want to do with this building. Thank you.

MR. WHRITENOUR: Yes, thank you, sir. And, for the record, my name is Robert

Whritenour, your town administrator.

MR. CROCKER: It's hard to spit out.

MR. WRITENOUR: I know, it's a lot to spit out.

THE MODERATOR: Ms. Poole.

MR. Whritenour: I did want to agree, though, we've done a pretty thorough walk-through of the building, and although it is a very old building, it has been maintained with, you know, fairly tender loving care. The roof is in good shape and it does have heating. I think primarily the constraints that you have are the public access type, you know, regulations that we have in place, and it does have the two floors. And so, even though the building is in good shape, it would still take a fair amount of restoration if it were to be used for a municipal use. It could be – in it's current condition, again, very solid, it's got good heat, it doesn't have any leaks, it could be used for any number of types of storage and things, but we'd have to have a little work to make it fully accessible.

THE MODERATOR: Ms. Poole and then Mr. Crocker again. Ms. Poole first and then Mr. Crocker. Microphone coming down.

MS. POOLE: Oh. Diane Poole, Precinct 9. I think unlike a lot of the other buildings that we were shown, it's the location and the focal point that this particular building is in. And, even if we can't afford to restore it immediately, the town would own it, they would control it. And there are always things that could be done to earn money off of it if you wanted to until you had the opportunity to fix it up to the state that you felt it deserved. But I think that the important thing is that the town own and control that building because it is very outstanding.

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

MR. CROCKER: Mr. Moderator, ladies and gentlemen. If I didn't feel this building was secure I wouldn't be up here because I'm a taxpayer, too, and I've lived here all my life. But when I see a place that's solid, and we can use it to our advantage right now without putting a lot of money into it, to see what we want to do, and then if we want to re-sell this and bring money back into the Town of Falmouth, I think it's about time that we better look into this, thank you very much.

THE MODERATOR: Mr. Latimer, if you want to use that mic up front there, it'll be good.

MR. LATIMER: Richard Latimer, Precinct 2. I want to support Mr. Whritenour's

recommendation on this particular property, and I think it's important for everyone to realize that the zoning here is Business 1, and as Mr. Whritenour has said, there's no protection for this property under any preservation bylaw or anything else, so that means if we don't buy it, somebody's going to buy it, and it's not going to stay what it is. It's Business 1; that means something commercial's going to go in there and that's in our Town Hall Square. I think we want to control that. I know I do.

THE MODERATOR: Ms. Perry. Then the gentleman on the left. Ms. Perry's first. Go ahead, Jane, grab the mic.

MS. PERRY: Thank you, Mr. Moderator, Jane Perry, Precinct 8. I support this article and hopefully that we can do something with this historic building. However, what I'd like to add is that where can you find a building that has had activity but it's on public transportation? We seem to have a problem with traffic in our town; what better way to utilize and have a facility that's on public transportation that would be an added asset to our town. I ask that you vote for this article. Thank you.

THE MODERATOR: Okay, gentleman on the left.

MR. RODMAN: Mark Rodman, Precinct 9. My question is why can't the town impose or go through the process of imposing historical restrictions on this building and then in two years turn around and buy it with Mr. Boyer's money and be improved? Does that make sense? Why can't the Town make it historical where the age of this building is 150 years old, why can't the Town Historical Society work on making it an historical building and then in two years with Mr. Boyer's funds buy it with the money we have for historical buildings?

MR. WHRITENOUR: Well, I'll try to address that. It's a good suggestion, but the issues that you're confronting is, you know, first of all, the Town, I don't think could unilaterally impose restrictions on that property. I mean, the most you could do is try to nominate it for some type of designation which, you know, still wouldn't have a tremendous amount of teeth. And the problem with this building is since it's been offered to the Town, there's been a lot of commercial interest brewing in the property, and right now the Town has this building under contract. We have a purchase and sales agreement that's on this building and we've been informed that if the Town doesn't exercise that purchase and sales agreement at this Town Meeting, then the Town will lose its opportunity and it's going to be sold to a private party, and at that time, you know, the chances of the Town having an opportunity to purchase it again, even if we did get that opportunity, which, you know, you never know if you would, I

would dare to say that the price would probably be a lot higher.

THE MODERATOR: Further discussion, Mr. Dufresne? Want to use that mic right there.

MR. DUFRESNE: Adrian Dufresne, Precinct 2. Ultimately you people here will make the decision of whether we're going to spend roughly \$300,000 to buy it and probably another three-quarters of a million dollars to put it together to make it into a functional municipal building. I spoke very strongly against the purchase based on the presentation made by Mr. Vieira from the Finance Committee. Right now we've got our hands full with reconstruction and construction projects all over the town. The Selectmen have shown no future purpose for the building.

If we need office space, we've got office space being constructed at the Water Department; he outlined all of the buildings that are currently being fixed up that will provide the municipal office space that this town will need for the future.

As far as controlling Town Hall Square, we've done nothing, nothing in the last 15 years to control Town Hall Square. We had ample opportunities to buy other buildings and we neglected to buy the brick building on Main Street, the Pafford Building. All of these buildings were offered to us and we didn't buy them. The gloom that's being created here tonight is if the Town doesn't buy it, some guy is going to come knock it down. Well, I've seen some restoration projects; there's a nice one going on over there at Coonamessett Bypass where somebody moved a beautiful old historic building from Teaticket and he's sunk a lot of money into it; that was a private investor. A private investor may very well take that building and restore it to exactly what we all would like to see there. But for the Town to do it, I'm going to tell you right now, we have some real shortfalls coming up in the next few years, and next spring we're going to be faced with looking for dollars, and the building could continue in a state of deterioration if the Town owns it.

So, I have a very strong feeling against the purchase of the building. I don't think we've shown a purpose for it. In fact, I told a Selectmen at an earlier meeting here tonight 25 percent of the addition to the Town Hall, \$1.5 million – plus, because none of us know the exact figure of what it cost to remodel Town Hall, 25 percent of it is used for dead storage in a flood plain. You know, we can build a metal building somewhere and put our storage and convert some of that into office space.

So, anyway, the decision is going to be yours. I don't have a problem either way that it

goes, but I do see some real serious financial responsibilities that are going to be facing Town Meeting and the taxpayers of the Town of Falmouth and I ask you to seriously consider that we want to buy every old building that becomes available.

THE MODERATOR: Mr. Boyer.

MR. BOYER: Mr. Moderator, Peter Boyer, Precinct 5. I don't know if I'm going to inject a distraction or not. But I would like to offer a potential alternative that has not been really suggested, although I think one gentleman tried to get to that. And that is that the Town could conceivably purchase now, put a historic preservation restriction on it and resell it. That may or may not be the correct thing to do, but you can't do that if you haven't bought it yet. And while I generally like to follow the wisdom of the Finance Committee, in this case I think I would urge that you vote for it. But I would think of considering that option of a resale with a historic preservation restriction on the property. Then it gets privately developed, but under conditions that retain the historic qualities of that structure, thank you.

THE MODERATOR: Okay, the question will come on the main motion of Article 25. This is to purchase Odd Fellows Hall and to authorize the borrowing of \$331,650. All those in favor of Article 25, signify by saying "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No."

[No.]

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

[Pause.]

THE MODERATOR: Okay, Mr. Hampson, Division three.

MR. HAMPSON: 32.

THE MODERATOR: Division one, Mrs. Tashiro. Sorry, say that again?

MRS. TASHIRO: 20.

THE MODERATOR: 20.

Division two, Mr. Dufresne.

MR. DUFRESNE: 61.

THE MODERATOR: 61.

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

[Pause.]

THE MODERATOR: Division three, Mr. Hampson.

MR. HAMPSON: 20.

THE MODERATOR: Division two, Mr. Dufresne.

MR. DUFRESNE: 37.

THE MODERATOR: 37.

Division one, Mrs. Tashiro.

MRS. TASHIRO: 35.

THE MODERATOR: 35. By a counted vote of 113 in favor and 92 opposed, the necessary two-thirds does not pass and the article fails.

Do you want to try one more tonight?

FROM THE FLOOR: No, no.

THE MODERATOR: No? Okay. This meeting is adjourned until 7:00 tomorrow.

[Whereupon, Town Meeting adjourned.]

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE

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

foregoing transcript represents a complete, true and accurate transcription of my audiographic recordings taken in Falmouth Town Meeting, November 8, 2004 to the best of my knowledge, skill and ability.

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

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