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COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

ANNUAL TOWN MEETING

**Lawrence School
Lakeview Avenue
Falmouth, Massachusetts**

MODERATOR: David T. Vieira

TOWN CLERK: Michael C. Palmer

Monday, November 13, 2006

7:00 p.m.

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

ANNUAL TOWN MEETING

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P R O C E E D I N G S

THE MODERATOR: I want to remind all Town Meeting Members to check in. Attendance will be published in the Falmouth Enterprise. I want to thank FCTV-13 for their live broadcast of Town Meeting; thank Carol Tinkham, our transcriber this evening, for the official record of Town Meeting; and I want to recognize Teri Gibson, with our CART sign language interpretation tonight. You'll see it come up on the screen to my left.

The tellers this evening in the first division will be Mrs. Tashiro; in the second division will be Mr. Dufresne; and in the third division will be Mr. Hampson.

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

[Pause.]

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

MRS. TASHIRO: 53.

THE MODERATOR: 53 in the first division.

In the third division, Mr. Hampson?

MR. HAMPSON: 52.

THE MODERATOR: 52.

And in the second division, Mr. Dufresne?

MR. DUFRESNE: 114.

THE MODERATOR: 114. By a counted vote of 219, we have a quorum and I call this annual Town Meeting to Session.

All Town Meeting Members please rise for the presentation of the colors.

[Colors presented. Pledge of Allegiance taken.]

THE MODERATOR: At this point, the Town Band will play the Star Spangled Banner, the brass choir of the Town Band.

[Star Spangled Banner played.]

THE MODERATOR: At this time, I'll introduce Superintendent of Schools Dr. Richards for our invocation.

DR. RICHARDS: Heavenly father, may our meeting this evening

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

Amen.

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

[Whereupon, Amazing Grace played.]

THE MODERATOR: Girl Scout Troop 793 post the colors.

[Colors posted.]

THE MODERATOR: Ladies and gentlemen, the Brian Baru Pipe Band and Girl Scout Troop 793 and the Town Band Brass Choir.

[Applause.]

THE MODERATOR: I'll now read the Officers Return of our Warrant. By virtue of this warrant, I have this day notified and summonsed the inhabitants of the Town of Falmouth qualified to vote on town affairs as said warrant directs, by posting an attested copy thereof in Town Hall and every precinct in the town. Signed, Constable George Morse.

George is our new constable. He's in the middle -- George, if you could wave to the crowd. Welcome. George is one of our new town constables. He'll be serving this town meeting.

At this time I'd like to recognize Marguerite McElroy for an announcement.

MS. MCELROY: Hello. Once again, I'd like to ask on behalf of

the Service Center we have Thanksgiving coming up next week. We're hoping that people will bring food tomorrow night. We've got a bin out in the lobby. We particularly need pie fillings: blueberry, cherry, apple, pumpkin. And so if you can bring anything for Thanksgiving tomorrow, especially pie fillings, and if you'd like to drop your turkey off at the Service Center, we'll be doing intake on turkeys on Sunday from about 9:00 most of the day.

So, we thank you very much. Our local families need your support. And greatly appreciated, thank you.

THE MODERATOR: Thank you, Margo.

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

CHAIRMAN MURPHY: I move to dispense with the reading of the warrant except for the constable's return.

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The ayes have it unanimous. Mr. Clerk, I ask that the warrant become an official part of the record.

At this time, the Chair would entertain a motion to allow non-town meeting members that are members of boards and committees to sit up front.

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 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'd like to recognize the Planning Board for notification of public hearing.

MS. RABESA: In accordance with Chapter 40A, Section 5, Massachusetts General Law, and Article 43 of the Falmouth Zoning Bylaw, a public hearing was held on October 3rd, 2006 on Articles 2 through 10 of the November 13, 2006 Annual Town Meeting and all those who wished to speak were heard.

THE MODERATOR: Thank you. At this time, I'll recognize the Town Clerk for the swearing in of new Town Meeting Members that were elected at our last Town Election in May. Mr. Clerk.

CLERK PALMER: Will the following people please rise: Arthur Calfee, Douglas Cooper, George DeMello, Kenneth Foreman, Paul Ketchum,

David Martin, Jean McCluskey, Diane Slater, John Waterbury, Stanley Bazycki, Wendi Buessler, Annie Dean, Robert Dugan, Richard MacDonald, Thomas McManamon, Peter Richardson, Noah Totten, Fred Ravens, Dayle Carroll-Teal, William Collins, Robert DeMont, Elizabeth Marley, Laura Peterson, Greg Pinto, Catherine Ravens, John Weir, Cheryl Williams, Robert Curtis, Mary Ellen Alwardt, Brian Grozier, Helen Kennedy, Richard Maclone, Helen Martin, Michael Martin, Priscilla Moore, Grace O’Gorman, Linda Tobey, Mary Bunker Ryther, John Elliott, Caleb Fraser, Leonard Johnson, Thomas Kirkman, Jamie MacDonald, Peter Nielsen, Diane Richards, Heidi Walz, Stephen Baker, Michael Bishop, Boyd DeMello, Patrick Gonsalves, Suzanne Gonsalves, Gardner Lewis, James Nidositko, Deborah Siegal, Marilyn Zacks, Joseph Apicella, Bruce Lancaster, Wayne Lewis, Herbert Luther, Matthew Murphy, Ramon Rodriguez, Brendan Smith, Mary Swain, Lisa Asendorf, Bruce Barrow, Sean Brock, Laurie Clayton, Ralph Herbst, Maria Jones, Leslie Lichtenstein, Julie MacConnell, Ronald Smolowitz, David Dubois, Michael Netto, Adam Perry, Diane Poole, Rebecca Putnam, Virginia Rabesa, David Smith, Brenda Swain and Mark Waugaman.

All rise and repeat after me: I -- state your name -- do solemnly swear that I will faithfully perform the duties incumbent upon me as a Town Meeting Member, according to the best of my abilities, and agreeable to the Constitution and the laws of the Commonwealth of Massachusetts so help me God.

Thank you.

[Applause.]

THE MODERATOR: I’ve seen many of you the last few weeks at

precinct meetings. I just want to mention this evening that the effort spearheaded by the Chairman of the Board of Selectmen Carey Murphy and the Town Clerk Mike Palmer and involvement from Deb Siegal from the League of Women Voters to bring together our precincts and to organize precinct meetings before Town Meeting, this is something that was new as far as the Town sort of endorsing it and trying to move it forward, and I know precincts in the past, some of them have had very strong precinct meetings and we want to use their experiences to move forward. So, within the next week or so in the Enterprise we will have a listing of all the new precinct captains and the way that you can contact your precinct captain.

But I want to urge all Town Meeting members that, before Town Meeting, please attend your precinct meeting. It's an opportunity to get some questions answered. If there are some things that are changed on the warrant booklet we can make announcements of those changes at the precinct meetings, but it's also an opportunity for your constituents to come to the meeting and to meet who their elected representatives are. And therefore I also urge residents to follow their precinct meetings, and if there's an issue on the warrant that's of interest of them to attend the precinct meetings and let their precinct members know how they want them to vote and how they feel on those issues.

So, we look forward to growing and learning as we continue with the precinct organization.

At this time, if you would look the back page of your warrant booklet, we'll review the rules of the meeting .

Speaking and Voting. Registered voters, residents and taxpayers of the town may speak on any

article in the warrant. Persons who are not voters, residents or taxpayers of the town may address the Meeting only with the consent of the majority of those present.

Only Town Meeting members may vote.

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

Two amendments will be accepted on any article.

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

Reconsideration. Reconsideration will be allowed at any times 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.

Section C is new in the warrant book, but it's a practice that I've had since becoming Moderator, and the Rules Committee asked that we include it in the written procedures. The Moderator shall determine if the Motion to Reconsider is in Order. Motions for reconsideration must be based on substantially new information not available to the meeting at the time of the original debate. The Motion to Reconsider is not debatable.

Our Hours of Operation. The first night, p.m..

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

At this time, we'll commence with a blanket vote.

On the blanket vote, I'll go through the entire warrant article by article. The motion on the blanket vote will be to accept the articles as recommended. So, if you'd like to speak on an article or you don't like the recommendation, you want to stand up and yell, "Hold" and we'll hold that article for you. I'll go through and give a brief description of each article on the first run. The second run-through, I'll just call them out by number. And then we'll take a Motion to accept all of the articles not held as recommended.

Article 1, Unpaid Bills. Article 2, to see if the Town will vote to amend the **General District Use Regulations of the Zoning Bylaw**, the recommendation is as printed. Article 3, to amend Article VII, Public Use Districts of the Zoning Bylaw. Article 4, amend Section 240-33G (1)(b) and 340-38G (1)(b) of the Zoning Bylaw by deleting from each section the number 800 and inserting in its place the number 900.

Article 5 --

FROM THE FLOOR: Hold.

THE MODERATOR: -- is a hold by the Planning Board.

Article 6, vote to amend the Official Zoning Map by re-zoning from single Residence C to Business 3, property located at 100 Dillingham Avenue.

Article 7, to amend the Official Zoning Map to rezone properties located on Nathan Ellis Highway, Route 151 zoning Agricultural AA to Business B2; the recommendation is indefinite postponement.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 8, to see if the Town will vote to amend the Official Zoning Map re-zoning properties located on Route 151 zoned Agricultural AA to Light Industrial A; the recommendation is indefinite postponement.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 9, to see if the Town will vote to rezone properties located on Route 151 Agricultural AA to Light Industrial A; the recommendation is indefinite postponement.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 10, planned residential developments; the recommendation is indefinite postponement. Article 11 --

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 12 --

FROM THE FLOOR: Hold.

THE MODERATOR: -- is a hold.

Article 13 --

FROM THE FLOOR: 13.

THE MODERATOR: -- is a hold. Article 14.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 15 is a hold by the Finance Committee.

Article 16, to amend the Code of Falmouth for Disaster and Emergency Management. This is codifying that in the event the Town Manager is not present the Assistant Town Manager assumes those duties.

Article 17, to appropriate \$356,830 under Chapter 122 of the Acts of 2006 as the State's share of work done under Chapter 90. Article 18, to appropriate \$774,252 under Chapter 291C, Acts of 2004, as the State's share of work under Chapter 90.

Article 19 is a hold by the Finance Committee. Article 20 is a hold by the Finance Committee. Article 21, to see if the Town will transfer the amount of \$125,000 from Certified Free Cash for the purpose of funding hospital, medical and related expenses incurred by employees of the Fire and Police Departments.

Article 22 --

FROM THE FLOOR: Hold.

THE MODERATOR: Who held that one? Oh, Mr. [inaudible.]

Article 23 is a hold by the Finance Committee. Article 24 is a hold by the Finance Committee.

Article 25, that the Town vote to appropriate the sum of \$6,201.33 from the Golf Reserve Receipts for the purpose of repairing the septic system at the Falmouth Country Club.

Article 25, the Town vote to change the Human Services Budget

Line Item 01599-52396, Cape Cod Council on Alcoholism to Gosnold, Incorporated.

FROM THE FLOOR: Article 26.

THE MODERATOR: Twenty-six, sorry.

Article 27 is our capital budget; that's a hold by the Finance Committee.

Article 28, see if the Town will vote to create a revolving fund known as the Emerald House Revolving Account. The fund shall be authorized annually, at which time the above-mentioned provisions would be -- could be amended by an Annual Town Meeting vote.

Article 29 is a hold by the Finance Committee. Article 30 is a hold by the Finance Committee.

Article 31, to amend the Town's position classification plan for the Wastewater Department to add one Assistant Wastewater Manager. Article 32, to amend the Town's position classification plan for the Treasurer's Department; the recommendation is indefinite postponement. Article 33, to amend the Town's classification plan for Falmouth Public Library; the recommendation is indefinite postponement.

Article 34, to see if the Town will appropriate the sum of \$60,000; \$15,633.69 from the Community Preservation Fund Balance Reserve for open space, and \$44,366.31 from the Community Preservation Fund Undesignated Balance to be made available for the purpose of a sand budget and flushing study of Wood Neck Beach, Little Sippewissett Marsh.

Article 35, this is \$50,000 from the Community Preservation Fund for the purpose of producing a Green Pond Management Plan to be used as a

model for other coastal ponds.

Article 36; this is to appropriate the sum of \$550,000; \$350,000 from the Community Preservation Fund Balance Reserve for Open Space and \$200,000 from the Community Preservation Fund Open Space Reserve appropriated at a prior Town Meeting for the purpose of purchasing 3.64 acres in Hatchville, to be under CPA category of Open Space.

Article 37, to appropriate the sum of \$130,000; 95,000 from the Community Preservation Fund Budgeted Reserve appropriated at a previous Town Meeting and \$35,000 from the Community Preservation Fund Undesignated Balance to fund an Historic Preservation Reserve Account.

Article 38, to appropriate the sum of \$40,000 from the Community Preservation Fund to be made available for the purpose of architectural services for restoring the School Administration Building.

Article 39, to appropriate the sum of \$370,000; \$365,633.69 from the Community Preservation Fund Balance Reserve for Historic Preservation, and \$4,366.31 from the Community Preservation Fund Undesignated Balance to be made available for the purpose of completing the restoration work on the Long Pond Pump Station.

Article 40, to appropriate the sum of \$150,297 from the Community Preservation Fund to be made available for the purpose of Climate Control for Town vaults and preservation of Town's historic documents.

Article 41, to appropriate the sum of \$40,000 from the Community Preservation Fund to be made available for the purpose of architectural services for renovation fo the second floor of the Edward Marks Office Building Poor House.

FROM THE FLOOR: Hold.

Article 42, to appropriate the sum of \$25,000 from the Community Preservation Fund to be made available for the purpose of architectural services for restoring Highfield Theater.

Article 43, to appropriate the sum of --

FROM THE FLOOR: Hold.

THE MODERATOR: Article 44, to appropriate the sum of \$16,300 from the Community Preservation Fund to be made available for the purpose of professional cleaning and preservation of gravestones at the Methodist Society Burying Ground, and refurbishing of the cemetery grounds.

FROM THE FLOOR: Did you hold 43?

THE MODERATOR: Yes, 43 was held. Anybody going to hold 44?

Article 45, to vote to establish an Affordable Reserve Fund.

Article 46, to appropriate the sum of \$170,000 from the Community Preservation Fund to be made available for the purpose of funding an Affordable Housing Development Program which will enable the town to support potential real estate transaction and affordable housing development opportunities.

Article 47, to appropriate the sum of \$203,617; \$195,633.69 from the Community Preservation Fund Balance Reserve for Affordable Housing, and \$7,983.31 from the Community Preservation Fund Undesignated Balance, to be made available for the purpose of funding an Affordable Housing Retention Program to protect affordable housing units by creating permanent deed restrictions.

Article 48, to appropriate the sum of \$45,000 from the Community

Preservation Fund to be made available for the purpose of professional contract and building material costs associated with an affordable home ownership project at 88 Sippewissett Road.

Article 49, to appropriate a sum of \$125,000 from the Community Preservation Fund to be made available for the purpose of updating the Guv Fuller Field lighting system.

Article 50, to appropriate a sum of \$50,000 from the Community Preservation fund to be made available for the purpose of purchasing playground equipment for the construction of the Village Science Playground.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 51, to appropriate the sum of \$26,000 from the Community Preservation Fund for the purpose of purchasing playground equipment and a picnic pavilion for the improvements to Nye Park.

Article 52, to appropriate the sum of \$10,000 from the Community Preservation Budgeted Reserve set aside at a previous town meeting, for the purpose of administrative expenses of the Community Preservation Committee.

Article 53.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 54.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 55, the Right to Farm Bylaw. The recommendation is indefinite postponement.

Article 56, to change the Wetlands Protection Bylaw, Chapter 235,

the recommendation is indefinite postponement.

Article 57, to change the Falmouth Wetlands Protection Bylaw Chapter 235; the recommendation is indefinite postponement.

Article 58, authorize the Board of Selectmen to acquire by deed without cost of the town a parcel of land by Little Pond.

Article 59, this is the intersection of Palmer Ave and Jones Road, this is the road layout for improvements which have already been completed.

Article 60 is another housekeeping article at the Palmer Ave and Jones Road layout for the improvements that were done.

Article 61.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 62, this is a comprehensive town-wide wastewater management plan; the recommendation is indefinite postponement.

Article 63, this is a District of Critical Planning Concern in Teaticket and East Falmouth; the recommendation is indefinite postponement.

Article 64, resolution on Cape Cares; the recommendation is indefinite postponement.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

And Article 65 is a hold by the Finance Committee.

All right, one more shot at this. Article 1, Article 2, Article 3, Article 4.

Article 5 was held.

Article 6.

Article 7 was held. Article 8 was held. Article 9 was held.

Article 10.

Article 11 was held. Article 12 was held. Article 13 was held.

Article 14 was held. Article 15 was held.

Article 16, Article 17, Article 18.

Article 19 was held. Article 20 was held.

Article 21.

Article 22 was held. Article 23 was held. Article 24 was held.

Article 25. Article 26.

Article 27 was held.

Article 28.

Article 29 was held. Article 30 was held.

Article 31. Article 32.

Article 33 was held.

Article 34. Article 35. Article 36. Article 37.

Article 38.

FROM THE FLOOR: Hold.

THE MODERATOR: Yes, 38 is being held.

Article 39. Article 40.

Article 41 was held.

Article 42.

Article 43 was held.

Article 44. Article 45. Article 46. Article 47.

Article 48.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 48 is being held.

Article 49.

Article 50 was held.

Article 51. Article 52.

Article 53 was held. Article 54 was held.

Article 55.

Article 56.

FROM THE FLOOR: Hold.

THE MODERATOR: 56 is being held.

Article 57. Article 58. Article 59. Article 60.

Article 61 was held.

Article 62. Article 63.

And 64 and 65 were held.

At this time, the Chair would entertain a motion from the Finance Committee for the main motion on the blanket vote.

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

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Mr. Chairman for notification of reconsideration.

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

THE MODERATOR: Okay. We passed a number of articles this evening on the blanket vote and we're still learning and growing with our Community Preservation Committee and the Community Preservation Fund, and there are some general wording that we need to have read into the record for bond counsel, and this type of wording will appear in future articles individually, but this was something that after we went to print with the articles we need to have in the record.

At this time, the Chair would entertain the chairman of the new Community Preservation Committee for a statement.

DR. CLARK: Mr. Moderator, Peter Clark, precinct 1. I'd like to read this for the record, please. The Community Preservation Committee's recommendations for Articles 37 through 44 refer to the Community Preservation Act category of Historic Preservation. The CPA legislation refers to this category as Historic Resources. The CPC would like it to be understood for accounting purposes that the CPC's recommendation for Historic Preservation projects shall be funded under the CPA category of Historic Resources. And where it is indicated that funds shall be appropriated from the fund balance reserved for Historic Preservation, it should be understood that the funds shall be appropriated from the funds balance reserved for Historic Resources.

Similarly, the CPC's recommendations in Articles 45 through 48 refer to the CPA category of affordable housing; the CPA legislation refers to this

category as Community Housing. The CPC would like it to be understood for accounting purposes that the CPC's recommendation for affordable housing projects shall be funded under the CPA category of Community Housing. And where it is indicated that funds shall be appropriated from the fund balance reserved for Affordable Housing, it shall be understood that the funds shall be appropriated from the fund balance reserved for Community Housing.

That announcement brought to you thanks to the Department of Revenue at the state level.

THE MODERATOR: Thank you, Dr. Clark.

Okay, our first article that was held is Article 5. This is a vote to change the zoning bylaw. Madame Chairman of the Planning Board for the main motion.

CHAIRMAN KERFOOT: The Planning Board held this for further explanation. The Planning Board still recommends the article as printed, but it must be qualified by this disclosure: the fact that there is a procedural defect. Abutters did not receive notice of this article. And for a reason for that, I would ask the Moderator to either refer to our Town Planner or to Town Counsel, but let me continue with the explanation on this.

The reasons for the Planning Board decision are, one, the Planning Board believes that marinas are an important part of our local economy and our culture. This change allows for an expansion of a local business, a marina business, subject to all permitting requirements. It does not allow it to just expand without going through the permitting process.

Two, this is not a stand-alone parcel, so it is not spot zoning. It is an extension and contiguous to an already existing marina. And three, at our

hearing, there was a great deal of expression for the need for additional marina space and additional slips in this town. No opposition was expressed at the hearing.

[General talking from the floor.]

THE MODERATOR: Okay. All right, let's go. Ms. Davis. Can we have a microphone from Ms. Davis up here.

MS. DAVIS: Good evening, my name is Linda Davis from Precinct 4, and I would like town Moderator and members of Town Meeting to recognize a group of citizens, residents who have come here this evening, to express their concern over this article. And I would like them to come forward and address the body.

THE MODERATOR: One at a time, if they're residents, they have the right to speak.

MS. DAVIS: Yes, would they all step forward, please?

We have Frank Grillo and Chris Hassett, Arthur Frazier, Leo Perrito, and Kristen Granger; would you please step forward?

THE MODERATOR: Ms. Davis, do we have one individual that's going to be the spokesperson for them, or?

MS. DAVIS: There are several who would like to speak on aspects of this development.

THE MODERATOR: Okay.

FROM THE FLOOR: Mr. Moderator, a point of order.

THE MODERATOR: Yes.

FROM THE FLOOR: I understand that we didn't follow the appropriate procedure; the neighbors weren't notified. Why are we talking about

this article at all?

FROM THE FLOOR: Right. [Applause.]

THE MODERATOR: Okay. Based on the point of order, the notification is with the Planning Board. Town Meeting still has the right to vote it, although it will get knocked out later on. So, at this time, the Chair is going to entertain a voice vote as to whether or not we should go for the main vote on this without going any further since the body knows that notification wasn't made.

All those in favor of closing discussion on this article, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed?

[No.]

THE MODERATOR: It is the opinion of the Chair that the Ayes have it by a two-thirds majority; I so declare. Is there a challenge to the Chair?

[No response.]

THE MODERATOR: Hearing none, the question will come on the main motion as printed for Article 5. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The opinion of the Chair is that the No's have it and the article fails.

[Applause.]

THE MODERATOR: Article 7. Okay, here we go, Article 7.

Article 7 is to see if the Town will vote to amend the Official Zoning Map to rezone properties located on Route 151 zoned Agricultural AA to Business B-2.

The recommendation by the Planning Board is indefinite postponement. Is there someone that would put a positive motion on the floor?

Go ahead. You're going to put a positive motion on the floor?

Can we get a microphone over here to my left.

MR. MCDONALD: Yes, Richard McDonald, Precinct 2. I received the literature from the developments that –

THE MODERATOR: Whoa, whoa, whoa, are you going to put a positive motion on the floor?

MR. MCDONALD: I did.

THE MODERATOR: Oh, okay, as printed –

MR. MCDONALD: And I recommend that this pass. And furthermore, I'd like to see the Planning Board discuss more why they're postponing this for six months. These developers have certainly spent an awful lot of time and money explaining this and I don't think indefinite postponement is an answer for them. You should have had the answer by now. So I recommend that the Planning Board explain more thoroughly why they're postponing this indefinitely. And if they can explain it in a way that the Town Meeting Members accept, I recommend we pass this motion.

THE MODERATOR: Okay, so the main motion as printed?

MR. MCDONALD: As printed.

THE MODERATOR: Okay, as printed. Discussion is now open. Ms. Thompson. Does the Planning Board want to respond or no?

CHAIRMAN KERFOOT: Yes.

THE MODERATOR: Okay, Ms. Kerfoot.

CHAIRMAN KERFOOT: Definitely. This was first brought in spring Town Meeting, and it was turned down by you all. We thought again towards the first of September and there were a few changes made. Since then, there has been some back and forth with the Planning Board to try to work through this with the developer. At this point in time, there is no development agreement in place. Therefore, if Town Meeting voted this change in zoning, it would be similar to giving a blank check, because we have no controls in place over what might happen on this property once it is zoned B-2. It is only governed by the zoning bylaw.

Now, over time, millions of dollars have been spent on the road, on open space along Route 151, and Town Meeting has consistently rejected more intense use of the land in this area. There have been a number of previous filings that Town Meeting has rejected because of the desire to keep this an open thoroughfare without commercial development. There are many more parcels. We have been told that there are only four parcels, three of which are covered in tonight's warrant articles, that could be available for re-zoning. That's only up to Sandwich Road.

If you go to the Mashpee line, which is what we are talking about with the whole of Route 151, there are many candidates for potential re-zoning that have significant acreage. It constitutes a total of 155 acres that could potentially be re-zoned if we are going to be looking at a snowballing effect along 151. There is still a lot of work to be done before any zoning change should be considered. We have to look at traffic patterns. We've gotten no report on what the increased traffic may be, what that would mean for potential signalization

along the interchange – which is state controlled – of the Route 28/151 interchange. It's going to mean signalization and maybe widening of 151. We haven't considered that. There are safety issues. We don't know what the implication for town services might be: fire, school, police.

So we want to have more time. We are not shutting the door on this, but we want to have more time to look at all of the implications of this particular rezoning article. That includes, and I'm sure you'll hear it, the local comprehensive plan, which again you all voted, and how this fits into it or how it can be made to fit into it. Based on all of those reasons, we have requested an indefinite postponement on this article. Not to shut the door, but to keep it open for further discussion and further refinement.

THE MODERATOR: Ms. Thompson.

MS. THOMPSON: Good evening, my name is Diane Thompson, Precinct 2. I represent CLSV. As you probably noticed, we did not hold the article. It is our intent to continue working with the community for this proposed zoning change and therefore we did not intend to take up any time of Town Meeting this evening, thank you.

FROM THE FLOOR: Question, question.

[Applause.]

THE MODERATOR: Mr. Latimer. Mr. Latimer.

FROM THE FLOOR: Question.

THE MODERATOR: Wait a second, here. Mr. Latimer.

MR. LATIMER: Thank you, Richard Latimer, Precinct 2, I'm a member of the Planning Board to answer Mr. McDonald's question, to re-emphasize what Ms. Kerfoot just said. We have a local comprehensive plan

which this body has adopted. The town has adopted it. It is for the future development of the town. It focuses all new commercial development, either by new building or redevelopment, in our existing villages. This project is completely at odds with that. We are aware on the Planning Board that there is a need for a hockey facility and a swimming pool, an ice rink and a swimming pool, but this is not a good reason to disregard our existing planning standards and allow a commercial development to go into an area where it is not appropriate.

Now, Mr. McDonald referred to the fact the developer may have spent a good bit of time and money on this, but there's a good reason for that. The way this land is zoned now, it has much less value than it would, perhaps by a factor of ten, if this rezoning is put into place. Meanwhile, we as a community have the right of first refusal on this property at whatever price is going to be a fair price. If we just simply allow this to go forward without having really good controls over what happens there, we would be giving away a lot of equity in the form of that right of first refusal which we now possess. So, indefinite postponement at this time is really the only sane way to deal with this article. Thank you.

[Applause.]

THE MODERATOR: Okay, quick statement from the local planning committee and then I think we're going to take a vote. Come on down. Can you give her the mic?

MS. MILKMAN: I'm Mary Ann Milkman, Precinct 1, and the Chair of the Local Plan Committee, and I would just like to make a comment, which was in part made by the previous speaker, but I would like to just read to Town

Meeting Members the Falmouth Community Vision, which is listed in the 2005 update of the Local Comprehensive Plan, just to remind you what you have voted for previously in this area.

[Reading:] “Falmouth is a scenic, resort-oriented community, consisting of historic villages and harbors, fragile beaches, coastal ponds and landscapes, with an economy dependent in scientific research and technology, seasonal residents, trades and services, education and retired persons. The vision of the community is to protect and promote the distinctive natural, cultural, historic and economic attributes that define Falmouth and make it an attractive and appealing place to reside and visit.

The vision of the future is to preserve and maintain the community’s semi-rural character and village settlement pattern; to preserve and protect the town’s beaches, coastal ponds, scenic views, and valued natural features; to protect and distribute the vulnerable drinking water supply; to maintain and promote the diverse economy and to build upon its spirit of citizen involvement.

The Local Comprehensive Plan recognizes the assets and characteristics of Falmouth and is destined to promote and advance the community’s vision through coordinated goals, policies and actions intended to guide the future growth and development of the town.”

That is in the introduction to the Local Comprehensive Plan. And you have all received a green sheet which shows just some of the goals that are in the plan in land use and growth management, also open space, that make this particular project inconsistent with the plan. Thank you.

THE MODERATOR: Okay, the question will come on the main –

Mr. Calfee, you got something new?

MR. CALFEE: Thank you, Mr. Moderator. Art Calfee, Precinct 1.

I believe there's a wildlife corridor that goes along Route 28 here, and I see that on the western end, the left-hand side of this parcel, there's no consideration for continuing with the wildlife corridor. So, when this comes back at a future town meeting, I would appreciate it if the proponents would allow that corridor to exist.

Thank you very much.

THE MODERATOR: Okay, the question will come on the main motion of Article 7 as printed. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

Article 8. Article 8 is to amend the zoning bylaw on Route 151, a parcel zoned Agricultural AA to Light Industrial A. Ms. Thompson, would you like to put a positive motion on the floor? As printed, or?

MS. THOMPSON: [Inaudible.]

THE MODERATOR: Yes? As printed? The main motion for Article 8, as printed.

MS. THOMPSON: Mr. Moderator, Diane Thompson, Precinct 2. I'd like to make a motion that Town Meeting adopt Article 8 as printed. Dr. Delinks will speak to Town Meeting, but I would like to tell Town Meeting that he has created a very limited development agreement, which he signed and it was notarized and he delivered it to the Selectmen's Office this afternoon. In the

development agreement, Dr. Delinks would be entitled to very limited use which would allow retail sales associated with his animal hospital, business and professional offices, medical clinic and a bank. And Mr. Moderator, Dr. Delinks would like to say something on his behalf.

THE MODERATOR: Dr. Delinks. Do you want to run him a mic up there, please?

DR. DELINKS: Good evening, everyone. My name is Don Delinks, Precinct 5. And I'd just like to give you a real brief history, here, of my land. In 1972 – I'm a veterinarian, and I was looking around for land to buy to build an animal hospital. I was very fortunate that I found some land on Route 151; it was zoned light industrial. It was adequate for zoning for an animal hospital. It was also in a very good locality because there was nobody around me, so nobody could complain if I had barking dogs or any commotion occurring.

For nine years, I had light industrial zoning. In 1982, the town was concerned about future water supply for the Town of Falmouth, and here in Town Meeting it was voted – although it took two votes – that the land, my land, adjacent land across the street, would be rezoned from light industrial to agricultural.

Now, obviously this was a big blow to me and presently right now I am semi-retired. I have the animal hospital. I sold the practice five years ago, and I now lease it to a veterinary corporation called Vet Corp which is located in Hingham, Massachusetts, that buys veterinary practices. I am now a landlord and an employee. I work three days a week. I am obviously also getting to the age where I would like to retire and maybe work one day a week. A dilemma that could happen down the road is Vet Corp could decide, "We don't want to have a veterinary practice on the Cape anymore and we're going to give you

back your building. And that could be a dilemma with my present zoning because now I have a building, I've lost my veterinary practice because they've left, and with the present zoning agricultural I have very little that I can do with that building.

You know, the zoning was taken away from me primarily because there was thoughts about the water supply. This was prior to anybody knowing what was going on at Otis and their water supply. So, my feeling is, you know, that I had – I bought the land; it was zoned Light Industrial. It was, you know, I bought it for a very specific reason, it was Light Industrial. I had it for nine years, it was taken away. The reason that it was taken away I don't feel is a valid reason anymore because I don't think anyone's going to put a well in on my land or adjacent to my land to be used for a town water supply. And, you know, for these reasons I feel that I am justified in asking that I get back my zoning that I originally had and I – because of getting near retirement age now -- also I have to think of my family, and these are the reasons that I would like you to consider giving me back my zoning.

I do have a development agreement. I've eliminated three-quarters, if not more than that, of the uses that I could have had with Light Industrial zoned land. You know, so basically, you know, that's where I'm coming from. I had something I think it was taken away, you know, justifiably possibly because of the reason that those years, in 1982, what has transpired because of the water supply has now changed, and because I have a development agreement, I'm only two acres, I'm not a lot of land. I would like you to consider my article positively. Thank you very much.

THE MODERATOR: Okay, Mr. Latimer. And then ms. Kerfoot.

MR. LATIMER: Richard Latimer, Precinct 2. I am a member of the Planning Board but I'm speaking as a Town Meeting Member against the Planning Board's recommendation of indefinite postponement on this article. This is a very different article from the one we just voted on previously. As Dr. Delinks has said, he has a business there. This isn't about extending anything because the business already is there. The business was created under a prior zoning status which was changed, and the reason for that change never occurred. To me, I'm looking at this as a Town Meeting Member just in terms of being fair and equitable to Dr. Delinks. He had something of value taken away from him for a town purpose that never came to fruition and never will come to fruition. And, again, this doesn't do any violence to our Local Comprehensive Plan because his business is already there and he has agreed to sign a fairly restrictive covenant with the town as to what he can do under the new zoning. So, I'm going to support Dr. Delinks on this article, thank you.

THE MODERATOR: Ms. Kerfoot.

CHAIRMAN KERFOOT: Thank you. Again, the Planning Board in discussion, when we looked at this, looked at it somewhat as a blank check. A development agreement was not in place and accepted at that point in time. As you just heard, it was delivered to the Selectmen today. So, we kind of looked at it as a blank check in rezoning. We'd also like the opportunity to look at this in relationship to potential rezoning of that whole area. It is right across the street from the CLSV property. And I remind you that you have kept that commerce-free. If this is passed tonight, there are strip zoning implications here.

It's a very small parcel of land. Dr. Delinks has said his zoning was

taken away from him. The implication is it was the whole property. In fact, point eight five acres, 40,000 square feet, was zoned LIA; the balance, over one acre, was zoned public use. So, less than half the property was LIA.

There is no pressing need to rezone the property since the owner has a pre-existing non-conforming protection for the current usage. The town really should not be asked to go backwards in time prior to zoning to right a perceived downgrading of value. I'm sure many of you know people that that has happened to by up-zoning, where they have lost some value, perceived value. And that is the gist of the Planning Board's basis for recommending indefinite postponement on this article.

THE MODERATOR: Mr. Delinks.

MR. DELINKS: That statement was totally false. When I bought that land, it was 2.05 acres Light Industrial zoned land, and the proof is right here in my hand if you'd like to look at it. And I got it from Town Hall. So, you're wrong in that statement.

THE MODERATOR: Okay, Mr. Boyer.

MR. BOYER: Thank you, Mr. Moderator. Peter Boyer, Precinct 5. I think I have the answer to the question but I want to ask it again to make sure. The document that was delivered to the Selectmen's Office was a proposed development agreement that was generated by Dr. Delinks; it was not a process of negotiating with the Planning Board or with any other town agency for the purposes of reaching an agreement about what the limitations might be or what the opportunity might be on that parcel, is that correct or am I misunderstanding?

THE MODERATOR: Ms. Thompson, are you going to answer that one?

MS. THOMPSON: The development agreement that was delivered to Town Hall today was given to the Planning Board in one or two forms over a month ago, and it was during the public hearing process on the zoning article that the first development agreement was submitted to the Planning Board. What was delivered to the town today was no longer a draft because it was signed by Dr. Delinks and notarized. It was delivered to Town Hall today in the event that Town Meeting adopted his proposed article there would be a document on file at Town Hall. It is my understanding that what it would take would be for the Selectmen and Bob Whritenour to sign that development agreement tomorrow.

In other words, if Town Meeting voted to adopt the Light Industrial Zone zoning that limited Dr. Delinks to his medical and professional office and retail sales, Mr. Whritenour could sign I believe on behalf of the Selectmen tomorrow the document that was delivered, and give Town Meeting the guarantee that it needs. Thank you.

THE MODERATOR: Mr. Curry, then Mr. Marks.

MR. CURRY: To answer your question, Peter, the document that was delivered today I have not seen, no member of the Planning Board has seen. We have had several drafts over the months, but I have no idea what that document says and if Mr. Whritenour wants to sign it, I would advise him not to do so at this time. He could always overrule me, of course.

THE MODERATOR: Mr. Marks. Microphone up here way up in the back on the left.

MR. MARKS: Mr. Moderator, Ed Marks, Precinct 3. Everybody's speaking here tonight, and I'd like to know what's in the letter and what are the

restrictions.

THE MODERATOR: Is that going to come from the podium or is that going to come from the floor? Mr. Whritenour.

MR. WHRITENOUR: Robert Whritenour, Town Administrator. I can confirm that a document was left in the office of the Selectmen this afternoon.

[Laughter.]

THE MODERATOR: Okay, folks, come on.

MR. WHRITENOUR: I retrieved the document; I have it with me. It was left off this afternoon. I have not been a party to any of the negotiations or discussions with respect to the zoning. I think it's a little out of the ordinary for the process to leave the Planning Board and, immediately prior to Town Meeting, be placed under the jurisdiction of the Board of Selectmen. If the Moderator would like to inspect the document that was dropped off, I can pass it down to the Moderator. But, aside from that, I'm really just not prepared to get into the details of it.

THE MODERATOR: Okay, Ms. Thompson.

I can't sign it, so you can have it back, Mr. Whritenour.

[Laughter.]

MS. THOMPSON: I'm just here to answer Mr. Marks' question. I believe Mr. Marks asked what's in the development agreement, and I have the agreement here and when I delivered it I asked Diane in your office, Bob, to sign so that it was clear that it was delivered. But, what it states is that the property shall be used for the purposes as follows: by right, retail sales in conjunction with the animal hospital; business or professional offices, bank, medical clinic,

computer center, and accessory uses that are incidental to what's permitted or specially permitted. And then the document, Mr. Marks, goes into great deal about what is prohibited that I could read as well, if Town Meeting wants.

THE MODERATOR: Okay, Ms. Hayward, did you still want the floor, up there to my right?

MS. HAYWARD: Mr. Moderator, I don't want to muddy this up, but through you, I would like to know from the Planning Board – I don't know what's going to happen here – does such an agreement go with the property indefinitely, no matter who owns it?

THE MODERATOR: Mr. Curry?

MR. CURRY: Yes, Nancy, we would require the document that I haven't seen to be a covenant that runs with the land and the title. So, and we also ask for it to be more than 30 years.

THE MODERATOR: Ms. Lowell, back there on the left. I got ya, I got a list.

MS. LOWELL: Vicky Lowell, Precinct 1. I just wanted to clarify for Town Meeting Members that even without the rezoning, Dr. Delinks would not be condemned to having it only an animal hospital there. Because he's now a pre-existing non-conforming use, he could go to the Board of Appeals and seek relief and probably switch. All he has to show is that the new use would not be substantially more detrimental than the use he has now, and it's a procedure that's used all the time, so if we wanted to wait on this rezoning, he would still have a chance to seek relief if he needed to change his business, thank you.

THE MODERATOR: Mr. Hampson. You're all set? Can I have a mic down here in the center? Go ahead, can you stand up so he can see.

Right down here up front in the center.

MR. WOODS: Mark Woods, Precinct 4.

THE MODERATOR: You're on my list.

MR. WOODS: Through you, Mr. Moderator, to someone on the Planning Board or the Town Planner, if I understand it correctly, the reason for the change in the zoning of this particular parcel of land was for the well water or the protection of the water, and I now, through conversation here tonight understand that that is not able to be done. That protection is no longer necessary. So that was the reason for the change in the zoning. I think that the contract is a little moot at this point. It's whether the reason why it was changed in zoning and can it be used for that change, and if it can't, I do believe that this gentleman should get the zoning that he originally purchased that property for, back.

THE MODERATOR: Okay. My next one is Mr. Duffy.

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: Well, if he doesn't want to answer it. Do you want to answer it, or not?

MR. CURRY: Mark, I've been your Town Planner since 1989, but I wasn't here in 1982. So I can't really speak with any direct knowledge as to what was the thinking of the Town Meeting at the time. In reading the transcripts, there was some discussion with regards to water resource protection. I think back at that time maybe you all remember we had some discussions about industrial zoning and IT Corporation was the hazardous waste incinerator issues that came forward in the very early '80's were by right uses in industrial zones. But if in fact you wanted to preserve this area for water resource protection

issues, that issue typically is moot today given the issues surrounding the base.

THE MODERATOR: Mr. Duffy.

MR. DUFFY: Just a point that we have previously gone through this exercise where a zoning agreement was delivered before Town Meeting and then you voted to change the zoning, but in those cases the agreement was signed before you voted it, so we could then go down to the Registry of Deeds the next day and record it. This time it has not been signed so if you change the zoning tonight and the Selectmen or somebody decides not to sign the agreement, then you've essentially given the blank check that Mrs. Kerfoot has referred to.

THE MODERATOR: Okay, the woman in the aisle.

FROM THE FLOOR: Question, question.

THE MODERATOR: You know my policy: no yelling "question" from the crowd. Woman in the aisle has the floor.

MS. JENSEN: My name's Tina Jensen and I'm in Precinct 5. And my concern about this article and the following article about being rezoned is once they're rezoned commercial zoning across the street, doesn't that open the door for CLSV to come in and later get rezoned commercial because they're exactly across the street? And my question is what interest does CLSV have in Delinks' and Cavossa's property across the street? Because it seems like they're all three working together there.

THE MODERATOR: Okay. Any response? Mr. Cavossa.

MR. SHAW: Thank you, I'm Jody Shaw for CLSV. We have no interest in Mr. Cavossa or Mr. Delinks' businesses or property. We're neighbors that have worked together over the years and have been cooperative, but there's

no relationship beyond that. Thank you.

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

MR. MACLONE: thank you, Mr. Moderator, Richard Maclone, Precinct 4. Could someone describe for us the other parcels in the area that also lost their Light Industrial zoning at the same time? Because I believe at the Precinct meeting in 3, 4 and 7, they said that CLSV used to have it also, Cavossa used to have it, and I just want to know how far up that road the pre-existing Light Industrial Zoning was. Thank you.

THE MODERATOR: Mr. Curry.

MR. CURRY: All right. Back in 1982, the Town Meeting rezoned an area, and forgive me if it's not absolutely precise. But my recollection is the zoning went from Mr. Cavossa's property right here, a straight line down towards the entrance to Ballymeade, here, and zipped over to right about here, and then back up to Dr. Delinks's property right here. [Indicating.] So, it was a rectangle or a piece of property something along that. [Indicating.]

I don't have the exact acreages, but I suggest, let's see, Mr. Cavossa's about eight acres, Dr. Delinks was about an acre, somewhere in the vicinity of 25 to 30 acres.

THE MODERATOR: Okay, are we ready to vote? Ms. Siegel, do you have something? Microphone for Ms. Siegal if you could stand.

MS. SIEGAL: Debra Siegal, Precinct 6. I'd like to point out that rezoning for any reason is very serious, which is why we require two-thirds vote of Town Meeting. And we once had a Town Meeting Member, I believe it was Betty Littner, who said, "Vote the zoning, not the person." And I think we should keep that in mind tonight, and this does open up the land around it for the same

kind of problems that we would have had with the previous article, thank you.

THE MODERATOR: Mr. Kirwin.

MR. KIRWIN: Peter Kirwin, Precinct 5. I just want to make a comment in regard to Dr. Delinks having served on the School Committee for 18 years. Somebody who's been a very respected and honorable member of our community for over 35 years. Who, in this instance, it appears from what we've heard tonight, has been denied a development right that he had, the reason for which is no longer extant, and therefore it seems appropriate that Town Meeting return his rights to him. Thank you.

THE MODERATOR: The question will come on the main motion, Article 8. The main motion is to amend the zoning map for the Delinks parcel from Agricultural AA to Light Industrial A. This requires a two-thirds vote. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

[Pause.]

THE MODERATOR: Division three, Mr. Hampson.

MR. HAMPSON: 23.

THE MODERATOR: 23.

Division two.

MR. DUFRESNE: 29.

THE MODERATOR: 29.

Division one.

MRS. TASHIRO: 37.

THE MODERATOR: 37.

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

[Pause.]

THE MODERATOR: Division one.

MRS. TASHIRO: 20.

THE MODERATOR: Division three.

MR. HAMPSON: 33.

THE MODERATOR: 33.

Division two.

MR. DUFRESNE: 66.

THE MODERATOR: 66. By a counted vote of 89 in favor and 119 opposed, the article fails.

Article 9, to see if the town will vote to amend the map, another parcel on Route 151, from Agricultural AA to Light Industrial A, Ms. Thompson.

MS. THOMPSON: I'd like to release my hold on that.

THE MODERATOR: All right, is there anyone who would like to put a positive motion on the floor for Article 9? Hearing none, the Chair will entertain a motion of indefinite postponement from the Planning Board. All those in favor of indefinite postponement, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it by a majority.

Article 11, to see if the Town Meeting will authorize the Board of Selectmen to enter into an agreement to transfer a parcel of land on the Assessor's Map, Map 6, Section 1, Parcel 6, Lot 000, located at the corner of Route 151 and Route 28 to the Falmouth Youth Hockey. The recommendation was indefinite postponement. Mr. Murphy, you held this?

MR. MURPHY: I want to move that Town Meeting vote Article 11 as printed, and I'd like to offer a brief explanation.

THE MODERATOR: Okay, our main motion now is as printed. Mr. Murphy.

MR. MURPHY: I ask that you move this article as pertained to allow Architect Joel Bargmann, of Bargmann, Henry and Archetype, to present a very brief report on the pool/rink feasibility study. This presentation will provide Town Meeting Members with a brief understanding of the site assessment and prioritization was accomplished during the feasibility study and how this particular parcel ranked in that process. Following the presentation, we would ask that Town Meeting Members vote No on this article.

THE MODERATOR: Okay. The main motion is as printed so that we can have a presentation. They want you to vote against it, but without a positive motion on the floor we don't hear reports. So, let's – who's the gentleman that's presenting?

MR. MURPHY: Joel Bargmann.

THE MODERATOR: Yeah, where is he? Come on down.

Sir, are you a resident, citizen or taxpayer in the town?

MR. BARGMANN: No.

THE MODERATOR: Okay, all those in favor of hearing the report, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The gentleman has the floor by a majority.

[Laughter.]

MR. BARGMANN: I'd like to make a quick presentation. Once again, my name is Joel Bargmann; I'm an architect. I represent one-third of the team that put together this feasibility study. Next slide.

The feasibility study was put together for three groups, partly funded by the Town of Falmouth, equally done by the Falmouth Youth Hockey and Together We Can representing the swimming portion of the feasibility study. Next.

The request that was put on the consulting team was to look at a public/private partnership for a hockey rink and a swimming pool, based on the fact that the Town of Falmouth has a strong desire to support recreational facilities. The idea that the Town would assist in acquisition of land and the Falmouth Youth Hockey and Together We Can would facilitate the construction of the building and the operation of the facility. So, in other words, the new rink would be a privately owned facility but built on land that would be facilitated by the Town.

Our goal was to develop a self-supporting business plan that would put no burden on the tax rolls of the community. The feasibility study looked at the service area of the project, looking at Hyannis, Bourne, other hockey rinks on

Cape Cod and other facilities, they came up with a ten mile radius as the service area for the project. With that radius – next slide.

They then began to identify the demographics in the community that would support a hockey rink. I won't go into great detail, but I mention that a lot of people said Falmouth was an older and the population is getting older in the community. What the demographers found is that that's true, but there is a great growing youth group, an 18 to 24 segment, and younger adult segments were growing at a healthy clip as you can see on the right-hand side of that chart. Next.

What justifies feasibility of a study is the population and the economics. The median income for Falmouth is quite positive for this kind of a project. The median age is equally positive. So, we came to the conclusion – next slide.

That there was a significant demand for specifically ice hockey, based on the demographics, the women's hockey, the high school hockey, youth hockey and figure skating, which are four groups that are currently underserved by the existing facility in town. The studies came to the conclusion that the service area could support two ice sheets and that would significantly expand the offerings available on the hockey side of the program.

To justify the operations, a year by year, month by month chart was done for the expenses and the revenues on the facility. Next slide. And what was found is that on the hockey side alone, there was a very beneficial revenue recovery of 125 percent. In other words, after expenses, the revenue exceeded the expenses by \$283,000 on average year three.

The next thing we did is we tried to look at these items separately.

So we studied then the swimming pool, looking at the entire Cape from Plymouth out to the end of the Cape, the relatively few indoor pool facilities. We narrowed in, again, on that service area, found that between swimming teams, therapy needs, swim lessons, life safety, lifeguard training, all the uses that go in a swimming pool are vastly underserved in the area, and through the community outreach program we found a great response and demand for a swimming pool.

What we did find -- the surveys we have found in other communities we found on Cape Cod, looking at other pools such as Sandwich, that the existing pools do not create a profit, although there is a side benefit for swimming pools: as you have swim meets, it brings teams into town, so there is somewhat of a trickle-down benefit in terms of restaurant and hotels that comes out of a pool.

We did a similar cost analysis of the swimming pool that was done for the hockey rink looking at it on four different options. Next slide.

The four options have to do with what kind of pool would go into the swimming pool – into the aquatic facility, and they range from a family aquatic pool to a competition pool, which is shown in the next slide. In the upper right you see the typical six or eight lane competition pool. The other two slides show what the trend is on indoor community pools is for much more of a fun, family aquatic environment, and the study committee came to the conclusion that there would be a facility that combined these two pools that would result in the highest revenue on the swimming pool facility. Next.

So, as you can see, the study came to the conclusion with an aquatic facility on the top, there's an eight lane competition pool flanked by a family pool that has a kids' area, a therapy pool, a training pool, and then on the

lower section there are two hockey rinks and various public amenities such as a café that lead to a positive revenue stream on the hockey side. Next.

The combined facility is a profitable venture of the four pool options and the rink facility. All of them have a positive cash flow, but what you see on the next slide is that the cash flow is funded by the Falmouth Youth Hockey, the ice skating and the ice arena programs. So, what you're really – we came to the conclusion is that you don't want to burden Falmouth Youth Hockey that's taking the lead in developing, building and operating this facility and require them to support the aquatic center which actually does very well in the revenues, and people may laugh, but it's 75 percent recoverable of its expenses. So, the pool on a conservative baseline itself, only loses about \$171,000 a year; that's very strong. Typically in a community, 50 to 60 percent that you would recover. So that's quite a good number. And, as I mentioned, the combined facility will break even or generate a profit, but we looked at this as a combined facility with a separate hockey and a separate aquatic center, and as a separate aquatic center you don't quite break even.

We looked at ten different sites in the community as what might make sense for this facility. Next. We went through and ranked the sites as shown on the next slide. Tier three were unacceptable because they were either landlocked or quite poor sites. Tier two were inadequate. They would work, but they weren't necessarily desirable. And we came out with four sites that were workable for the facility. Next slide.

We looked at each one of these sites. The first one was Sandwich Road. We looked at them from traffic, different criteria, and whether the facility would fit onto the site. We also looked at the next slide, which is two options at

the high school. The School Committee gave us permission to study this site without any commitment that it would be a viable site. Their one condition was that any study that we look at was on the periphery of the school. So there was one on the lower southern portion of the site and there's a study on the right-hand side of the upper portion of the site and how such a facility might fit onto the school. You can see each one of those sites requires the replacement of some existing athletic fields or other amenities that are at the school today.

Next. The third site that was looked at and found to be adequate in certain ways was Brick Kiln Road and Route 28. Brick Kiln Road is on the right side of that slide. The one difficulty we – it's a nice site size-wise and access-wise, but there is a relatively dense neighborhood there; the traffic's complicated and it's not as desirable as the other sites.

The fourth site we looked at was the previous discussed Ballymeade site. We only took their site plan and showed how an aquatic/ice arena could fit onto that site and what the graphic would be using their existing site plan.

From a cost point of view, the next slide shows that the price for the total development ranges between 15.3 and 18.3 million dollars. The least expensive site is the Ballymeade site and that has to do with the fact that they were willing to contribute to some of the infrastructure costs on the site. The most expensive site is the high school site, and that has to do with the fact that certain ball fields have to be relocated on the property so there's a surcharge for that. This isn't an \$18 million or \$15 million price that the Youth Hockey or the aquatic facility is looking for from the community. The Falmouth Youth Hockey's vision was that they would take the lead in the development and construction and

getting the building up and running, the fund-raising, and that the only search was for a community site. And at this point the hockey group and the aquatic group Together We Can and the Town has come up with the four sites and that's the status of the report today. There's not really an advocacy for anyone of the sites.

THE MODERATOR: Mr. Murphy, Kevin Murphy.

MR. MURPHY: Kevin Murphy, Selectman but also chairman of the Pool Rink Study Committee and I thank you for your indulgence this evening. But we wanted to get this before Town Meeting.

As you see, there is good news to be heard from the Pool/Rink Study Committee, and that good news is that this town could support two sheets of ice on a n ongoing basis as well as the possibility of an aquatic facility. Now, the Pool/Rink Committee, which is comprised of both people from the Planning Board, the School Committee, Together We Can, as well as people from Falmouth Youth Hockey, have had a commitment from Falmouth Youth Hockey that they will build and fund-raise and use their own assets to build any one of these facilities. That would mean that there would be no cost for the construction of these facilities to the town. Granted, we would be in a public-private partnership because we'd be looking to give them an opportunity for some town property.

However, this Town Meeting will eventually be faced with some serious questions, and those questions will be the site locations. As you've seen, there's four site locations. All of those site locations have features and benefits and every one of them has a challenge. And we'll continue to work through those challenges, including the challenges that might possibly be with

the School Committee, with CLSV, or with the Augusta property or as well as the Sandwich Road property. But there is good news to be heard and the good news is that this town could get a first class facility that would have potentially two sheets of ice and an aquatics facility for both competitive swimming as well as therapeutic and family swimming.

The Town Meeting will also then have faced a challenge, however.

And that challenge would be that if we were to go forward with an aquatic facility, Town Meeting and the voters would be asked to help supplement the day to day operations. Not the five to six million dollars it would cost to build the facility, because Youth Hockey and Together We Can have committed using their own assets as well as fund-raising to build the nuts and bolts and bricks of that facility. But they have been honest and candid and don't think that they can absorb \$170,000 of loss year in and year out.

Pool/Rink Committee will continue to work to come to a conclusion.

We'll bring back options to Town Meeting, and Town Meeting, you will have your say on whether you'd want to see both, one, or none of these facilities moved forward.

I thank you for your indulgence and I thank you very much from our consultants. Thank you.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct 2. This is a very informative and worthwhile presentation, I think. I'm in total agreement and I think everyone else should be that a facility like this needs to be located somewhere in the Town of Falmouth, but this article is about transferring a small piece of land out on 151 that is landlocked and the point of the article I think has

been mooted by the defeat of Article 7 and therefore this is really a moot discussion at this point. Indefinite postponement of the article before us is warranted despite the real true merits of finding someplace to locate this really nice ice and swimming facility. Thank you.

THE MODERATOR: Okay, any other questions or comments about the report? Okay, the question comes on the main motion as printed, and the Chairman of the Board of Selectmen recommended you vote No on this. All those in favor signify by saying Aye.

[No audible response.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The No's have it by a majority.

Article 12, this is to see if the Town will vote to authorize the Board of Selectmen to purchase or take by eminent domain temporary construction easements of two years' duration and ten feet in width. This is for the high school project. The Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MURPHY: I move that the Town vote to authorize the Board of Selectmen to purchase or take by eminent domain temporary construction easements of two years duration and ten feet in width adjoining the traveled way of Blacksmith's Shop Road for the purposes of constructing and installing a sewer line within the traveled portion of the way from the following property:

(A) Mark and Deanna Broadley at 267 Blacksmith Shop Road, Book 17302, Page 314; and

(B) David and Gina-Marie Bousfield, 173

Blacksmith Shop Road, Book 9828, Page 237;

That said temporary construction easement be acquired for nominal, non-monetary consideration and that the Board of Selectmen is authorized to do all things necessary and incidental thereto.

THE MODERATOR: Okay, that's basically what was B and C in the article? Okay, so the main motion is as printed, except for we're only doing parcels B and C of what's printed in the Article 12.

Yes, Mr. Duffy.

MR. DUFFY: This article originally asked for a taking from five parcels; we have three under agreement. The fourth has promised to give us the easement but we haven't received it, and the fifth we simply haven't heard from despite the fact that both Mark Dupuis and myself have written them several times and have gone out to the property to try and locate them. But these are temporary construction easements that are necessitated by the fact that Blacksmith Shop Road is not where it's supposed to be. So we need to go on the first ten feet of their property to locate equipment during construction. Once the construction is over, the road will be fixed, it'll be repaved and we'll be gone, and we'll be done. We had the property appraised, they'll be -- there's no necessity to raise any money because there will be no monetary damages.

THE MODERATOR: Okay, discussion on Article 12?

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 13, Mr. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MURPHY: I move that the Town will vote to authorize the Board of Selectmen to purchase or take by eminent domain a permanent easement for the purposes of constructing, installing and maintaining a sewer line together with a temporary construction easement two years duration and ten feet in width adjoining the traveled way of Blacksmith Shop Road for the purpose of constructing and installing a sewer line in the traveled portion of the way from D.T.B., Incorporated for 5 and 22A, 6 and 226, 7 and 7A, 8 and 8A and 9 and 9A, all as shown on a plan recorded in the BARNSTABLE County Registry Book of Deeds, Plan Book 445, Page 39 et seq. Said easements to be acquired for nominal, non-monetary consideration; that the Board of Selectmen is authorized to do all things necessary and incidental thereto.

THE MODERATOR: Okay, Article 13, Mr. Duffy.

MR. DUFFY: The situation here is pretty much the same. We have acquired all of these easements. We have them, but we do need a vote to record because this is a permanent easement so we're just asking for the vote to record in the Registry of Deeds.

THE MODERATOR: Okay. Any discussion on Article 13?

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 14, Mr. Chairman of the Finance Committee for the main motion and then this was held by Mr. Alves.

MR. ALVES: I release 14.

THE MODERATOR: Mr. Alves is going to release his hold. Mr. Chairman for the main motion.

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

THE MODERATOR: As recommended. Is there any further discussion? Mr. Alves is releasing his hold.

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 15, this was held by the Finance Committee. Mr. Chairman.

CHAIRMAN ANDERSON: I move that the town authorize the Board of Selectmen to sell or transfer a parcel of land together with the buildings thereon, located at 90 Teaticket Highway, and formerly belonging to Edward Hooper Gardiner, VFW Post 2569, to the Falmouth Housing Authority or its nominee, upon such terms and conditions as the Board deems fit and proper for an intended use for the development of affordable housing, and that the Board of Selectmen is authorized to do all things necessary and incidental thereto.

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

Chairman.

CHAIRMAN ANDERSON: At the time we went to print, we did not have a signed purchase and sale agreement. As of today, we do have a signed purchase and sale agreement for this and so the Finance Committee put forth that positive motion.

THE MODERATOR: Any discussion on Article 15?

Microphone to my right. Ms. O'Connell.

MS. O'CONNELL: Maureen O'Connell, Precinct 4. Mr. Moderator, through you I'm wondering what the scope of a possible building project would be on that site, or the potential or what potentially could be built on that site. Thank you.

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: Yes, thank you, that's an excellent question and I very much appreciate the opportunity for just a little bit of brief background.

The development of this property was the subject of a task force that met for over a year to evaluate some of the various options, and obviously a parcel like this on the open market would be open to enormously dense type of development. What our task force, working directly in conjunction with the Board of Selectmen, had decided to do is to use this property for a tribute to the Teaticket neighborhood in order to achieve some community character items.

And I can just go through: we have it in a written agreement specifically what we hope to achieve at that parcel, and we've also involved the Teaticket Village Association and they've endorsed our plan. Which we've tried to limit housing development of affordable housing of not less than 30 but not more than 40 units of one and two bedroom for residents with a range of

incomes. We also are providing for a historic preservation component that will create the historic renovation of the former Teaticket School Building to reflect the original architecture of that structure. And we also have incorporated into the plan some traffic improvements that include the consolidation and closing of four existing curb cuts on Route 28 that will improve the traffic flow in the area of the project and that the access to the housing units is going to be made through the existing entrance to the Tatakiet Apartments.

Also through this purchase we're leveraging the purchase by the Housing Authority of the adjoining 7500 square foot parcel of land that's currently owned by the VFW that will help create an open space park in the neighborhood for the benefit of local residents and the residents of the housing unit.

Also, this project, we're going to provide meeting space for the Veterans of Foreign War Post 2569, and this is the group that worked directly along with us to provide this property back to the Town. And also, in addition to this, the Board of Selectmen is going to have the final approval over any of the site plans to make sure that it is a positive benefit to the neighborhood.

And we're very proud of the efforts of a broad-based task force that included the neighborhood that brought a lot of people together, and we think it's a great plan.

THE MODERATOR: Okay, further discussion on Article 15? Mr. Alves?

MR. ALVES: John Alves, Precinct 3. By selling this particular piece of property to HUD, would it be feasible to put five to ten units in perpetuity for the Veterans of Foreign Wars, handicapped veterans, who, for the past 60 years have belonged to the club?

THE MODERATOR: As far as scope, I'll just say that that could be something that you would discuss with the Board of Selectmen as far as their terms on the agreement, but that's just procedural.

Mr. Whritenour, did you want to comment?

MR. WHRITENOUR: Yes, exactly. I would state that this project does, as it's currently planned, provide permanent meeting space for the veterans, but we haven't reached any agreements that provide specific housing units for veterans.

THE MODERATOR: Mr. Krajewski. Microphone to my left, here, Mr. Krajewski.

MR. KRAJEWSKI: Chet Krajewski, Precinct 3. A couple of questions, through you, Mr. Moderator, to the Town Administrator. What is the amount of the purchase price included in this purchase and sales agreement, please?

THE MODERATOR: Ms. Perry, you're on my list, if you want to have a seat.

MR. KRAJEWSKI: Pardon me?

THE MODERATOR: Mr. Whritenour.

I was just telling Ms. Perry she could sit down, she's on the list.

Mr. Whritenour.

MR. WHRITENOUR: The purchase price is that the Town will be made whole for all of our costs for acquiring the property back from the VFW Post, which includes the disposition of their current mortgage for \$25,000, and the real value to the town is the improvements that are going to be made to the historic renovation, the consolidation of the traffic and the development of these

units that otherwise wouldn't be possible. So, the cash transaction part of it is approximately 25,000 to recoup all of the town's costs for acquiring the property.

MR. KRAJEWSKI: What will be the net proceeds from all the transactions to the town after all considerations are made?

MR. WHRITENOUR: The way the deal is currently structured, on a cash basis the Town breaks even and what we get from the Town's side, is we get the affordable housing; we get the historic renovation and to have the Teaticket School Building reflecting its original character; we get the consolidation of the existing curb cuts and we also leverage the purchase of the neighboring parcel to create a park.

MR. KRAJEWSKI: This affordable housing is not going to be owned the Town, is it? It's going to be under the Housing Authority. Now, I posed the question at the precinct -- the Teaticket Association meeting; we were given two plans. In my mind, they were conceptual plans, nothing definite, nothing on the amount of units going in. When the first information was released from Town Hall, there were 20 units. At that precinct -- that association meeting, I posed the question to Mr. Murray, "How many units?" "Thirty units." In one of the press releases a couple of weeks ago Friday, 40 units. Now, the P&S is stating between 30 and 40 units. These are two bedroom condominiums. That is going to take up an awful lot of area. And I have a very good idea of what's going to take place -- oh, and this question was also asked: the news releases through the Enterprise was stating that the Falmouth Housing Authority is going to have these affordable units. I posed that question to Mr. Murray and his answer was the Falmouth Corporation, which are two separate units, a lot of the public is not aware of that.

Now, further, I feel as though he will have to purchase, or somebody, and this is not factual and I don't have the facts. It's either the Housing Corporation or the Housing Authority is going to be purchasing land from HUD that the present Tatakiet Apartments are located on. Now, in my mind once again, I could not get a purchase and sale agreement when that purchase was made by HUD from the Town for the initial Tatakiet Apartments. I would think the Town would have first refusal on that. And, believe me, if that is being purchased from HUD, it's going to be cheap money. Why couldn't the Town do something like that? And, believe me, when I don't see any definite plans, I'm rather skeptical about that.

And for 40 units being placed on that property using that driveway to Tatakiet Apartments, that is going to be a dangerous task. I can see the purpose of the four curb cuts being cut off, fine. I fully agree that the veterans having a place to do what they -- they like to carry out their duties there. Thank you very much.

THE MODERATOR: Mr. Crocker in the back.

MR. CROCKER: Mr. Moderator, ladies and gentlemen. I have one question on this affordable housing. Are they going to -- would the architect that's going to be doing this or whoever is going to do this, I wish they would take it into consideration of the area of Teaticket on what I mean is, when they go up with the building, how high are they going to go with the building? I would not like to see another place like across from John's Liquor Store, the height. I would like to have it in prospect with the rest of Teaticket and not ruin Teaticket, thank you.

THE MODERATOR: Ms. Perry.

MS. PERRY: Thank you, Mr. Moderator. Good evening, ladies and gentlemen. I'm Jane F. Perry, Precinct 8. I rise to ask you to support this article for several reasons. First of all, our good friends in the Teaticket Association support this article, which is usually a first when it comes to affordable housing and issues in their neighborhood. I want to thank them for supporting this.

Also, on behalf of the visually impaired and the disabled people, I think it's great -- and also the Mass. Highways will also think it's great that you're going to get rid of four curb cuts, because for us who have to go in a wheelchair or a white cane or a walker, and walk the sidewalks, in the wintertime when you put snow and ice, it's very difficult to travel against the frost heaves.

Affordable housing is a must in our neighborhood. However, you are in the center of town where access to grocery stores, for pharmacies, within walking distance. And people talk about traffic. I'm going to switch hats. Go in my transportation management hat and an advocate for transportation. I'm the vice-chair of the Falmouth Transportation Management Commission and I have used public transportation for the last 19 years. And that area is on public transportation, which in my mind solves traffic. So, when you say there's going to be 40 more houses or units and will constitute traffic, I highly beg to differ with you.

Because I was very instrumental not only in getting the crosswalk at the Tatakiet Apartments -- my fellow committee members have named that the Jane F. Perry light because I have been instrumental in getting that light. It does work. I hear and talk to people in the Stop and Shop, in Shaws, in Wal-Mart, and they say that is great. And also, right in front of the Post Office, there is a

Sea Line stop and on the other side in front of the new Andy's Market, Teaticket Market, there is a stop going to Hyannis.

So, if you say there's traffic in Teaticket, I beg to differ with you because this will not constitute more traffic.

I ask you to stand with me and support this to go forward for a positive issue in our town. Thank you very much.

THE MODERATOR: Ms. Palmer. No? Okay.

Mr. Dufresne.

MR. DUFRESNE: Adrian Dufresne, Precinct 2. I am a life member of the VFW Post 2569, and I would ask that you strongly support the passage of this article. I've been in several contacted with Mr. Murray. I've talked with Mr. Whritenour. I think the green strip proposal, the whole development proposal and the beautification of that particular corner is in the best interest of the Teaticket section. The provision of a VFW complex for VFW/DAV will provide a continuity for the meeting hall for the veterans. The VFW currently has an agreement with the Housing Authority to sell that little parcel of land. And I could probably go on and on, but I think it's just in the best interest of everybody in that area. Thank you. I would hope you support it and vote it and I would call for the question right now.

THE MODERATOR: Mrs. Botelho. Bring a mic up to Mrs. Botelho, please.

MRS. BOTELHO: I'm just rising for a point of information. What is the difference between the Falmouth Housing Authority and the Falmouth Coop -- was the --

THE MODERATOR: Housing Corporation.

MRS. BOTELHO: Housing Corporation.

THE MODERATOR: One is a non-profit entity, another one's a government entity that you elect the members of the Authority.

MRS. BOTELHO: And it's a corporation, who owns the stocks and who will get the –

THE MODERATOR: It's a non-profit corporation, there are no stocks. It's a public entity, am I correct?

MRS. BOTELHO: Is it?

THE MODERATOR: No? If I'm wrong, somebody tell me. Yeah, it's a non-profit.

MRS. BOTELHO: It's a non-profit?

THE MODERATOR: It's a non-profit housing entity. So the corporation doesn't have any stockholders; it's for public benefit.

MRS. BOTELHO: It's for public benefit, but who collects rents? Who gets the money?

THE MODERATOR: The non-profit corporation. MRS. BOTELHO: The non-profit organization. Why do we have to have two? Why can't we just have the Falmouth Housing?

THE MODERATOR: Mr. Murray, do you want to take that? I'm not going to get in the middle of that.

[Laughter.]

MR. MURRAY: The Falmouth Housing Corporation was formed back in 1996 and bought its first house in 1998, and the reason for that is that the corporation is not under any government control in terms of asking permission for things. For instance, the Housing Authority can't do anything without the

permission of the Department of Housing and Community Development. So, when we started buying housing to help families be housed back in 1998, we could do that because we were a non-profit. We didn't have to go and ask permission.

Now, some housing authorities do their development with the Housing Authority, some do it with an affiliated non-profit. Falmouth chose to do it with the affiliated non-profit, and in that time we have now bought and built 150 units of housing in Falmouth. We are probably the largest producer of affordable housing in the town, the non-profit. The Housing Authority then manages that property under a contract with the non-profit.

I probably totally confused you now.

The other thing I'd like to say while I have the floor is that somebody asked about the leveraging of the VFW. The major part of the development of these 35 or so units will be on Housing Authority land. The amassing of the front parcels are really to create the park and close up the curb cuts. But we don't need them, that land, to create the housing. We can create the housing on our own land because most of the housing is going to be built on our own land. It's the amenities that you need the other pieces for.

THE MODERATOR: Mrs. Botelho, you had a follow-up or?

Can we get the mic up there for Mrs. Botelho again. You might want to stay down there, Mr. Murray, for a little while. All the way back, the woman that had the mic before. If you could stand up so the mic carrier knows where he's going.

MRS. BOTELHO: Something's worrying me here. The Tatakot is under the Falmouth Housing, is that not correct?

THE MODERATOR: Mr. Murray.

MR. MURRAY: Yes, Tataketa Apartments are a federally subsidized development that's operated by the Falmouth Housing Authority.

MR. BOTELHO: Well, then, if that's the case, and we're going to tie up driveways and roads and everything else together here on those two pieces of property, why isn't this property being taken over by the same entity? It doesn't make sense to me.

MR. MURRAY: What doesn't make sense?

THE MODERATOR: The main motion is to give it to the Falmouth Housing Authority or its nominee upon terms and conditions that the Board of Selectmen.

MRS. BOTELHO: Well, the Falmouth Housing Authority built Tataketa –

THE MODERATOR: That was in the main motion that's before you.

MRS. BOTELHO: I know. But it's going to be tied in with -- the driveways and things are going to be tied in together. Why isn't this project just being an expansion of that and why do we have to have this other non-profit entity come in that Mr. Murray just said the reason it was there is because it doesn't have to be quite as accountable to the Town. It doesn't seem right.

THE MODERATOR: Mr. Murray.

MR. MURRAY: You can't build housing without financing it, and you can't build housing on Tataketa land without separating out a portion of that land, because otherwise you can't get it financed because the contract with HUD, at any time that HUD doesn't like the way we're managing the property, they can

come in and take it back. So no financial institution will finance new construction on that site unless you separate the land out that's under that new construction. That's part of what the process is going to have to be, here, is to separate out a portion of that land out so you can build this new housing.

MRS. BOTELHO: But how did we build Tatakot, then? The Tatakot housing?

THE MODERATOR: It's outside the scope. HUD doesn't own any land. They gave the money the Authority –

MRS. BOTELHO: Who's going to supervise one from the other? You know, plowing from one to the other –

THE MODERATOR: Okay, those are details that –

MRS. BOTELHO: -- and things like that?

THE MODERATOR: Those are details that will be worked out by the Board of Selectmen, the actual condition of the transfer of land. We're deciding whether or not to authorize the Board of Selectmen to be able to enter into discussion of those details for the transfer of the land.

Mr. Maclone, did you still want the floor?

Remember, we're only authorizing the Board of Selectmen to do that; they're going to have a series of meetings that are going to come up with the details for this. Mr. Maclone.

MR. MACLONE: Mr. Moderator. In part of the discussions with the Selectmen, is there a way that we can make these affordable apartments for Falmouth residents or for a main amount of these for residents of this town? We know there's a big need for it, and as our taxes go higher and higher, there's a lot of elderly people that like to stay here. I'd like to see if the Selectmen are able to

do that for us.

THE MODERATOR: Mr. Murray, do you want to comment on that? And then Ms. Rabesa.

MR. MURRAY: Yes, there'll be a Falmouth preference, yes. And just to keep in mind that the 704 Main Street that has 58 units in it, 93.2 percent of the original occupants of that building had Falmouth connections.

THE MODERATOR: Ms. Rabesa.

MS. RABESA: I apologize for getting up. I wasn't going to say anything, but I'm a member of the Tatakot Civic Association. I'm probably maybe one of the few that was opposed to this. But the reason I was opposed to it was because the only option we were given were two different variations of a development; that's it. I was at a Selectmen's meeting earlier this year and, you know, suggested a couple of options that we might investigate. There was never any other option on the board, and I think it's heinous to give this away for \$25,000 when two years ago this week we spent \$300,000 for Odd Fellows Hall that's still sitting unused with nothing to do. And so, to give this building away for \$25,000, I don't care who it's to, I think is ridiculous.

THE MODERATOR: Mr. Krajewski, something new? Then Mr. Marks.

MR. KRAJEWSKI: Mr. Chet Krajewski, Precinct 3. Mr. Crocker reminded me of another point I wanted to bring up, and Mr. Murray brought up the part of it. There are 58 units on Main Street. This unit is going to have possibly 40, which is unknown to us. No site plans, nothing but conceptual. That's pretty close to the building that's down on Main Street; please consider that. Thank you.

THE MODERATOR: Mr. Marks then Mr. Pinto, then Dr. Clark.

Mr. Marks.

MR. MARKS: Ed Marks, Precinct 3. Mr. Moderator, ladies and gentlemen, five years ago, when I sat on the Board of Selectmen, I devised a plan, and I met with Mr. Morey, and at that time, if I recall, John L's building was up for sale, the grey house that sits right on top of the sidewalk was up for sale, and the VFW was the only one that was holding us up for creating something that I visioned for many, many years, and I've lived in Teaticket all my life.

Now, I look at this curve, and I relate it as close to Reeny's [sp?] corner, and we can see all the traffic problems we have there. With this plan, the buildings are going to be built on the Authority's land and the front is going to be created a park, which the town would probably have to do if they maintain this land. They're going to build a park: benches, shrubs, flowers. The buildings are going to go to the rear. We're going to restore the old Teaticket school building, they're keeping its original shape.

Now, Mrs. Rabesa just said that she wouldn't give \$25,000 away. Well, \$25,000, they're going to build a park for the town. So you're not giving \$25,000 away. It's for a good project and I'd like to see this corner taken down, the bank taken down so we can have vision. That is a bad corner. Everybody that travels that road knows it's a bad corner. So, please, vote for this article.

THE MODERATOR: Mr. Pinto, if you could stand.

MR. PINTO: Thank you, Mr. Moderator. Greg Pinto, Precinct 3. I believe I heard several minutes ago Mr. Dufresne call for the vote. I don't know if you missed that or what.

THE MODERATOR: No, my policy is after you give a long speech,

you don't move the question. You rise with the purpose of moving the question.

MR. PINTO: Well, then, I'm not giving a long speech. I would like to --

THE MODERATOR: You want to move the question. All those in favor of moving the question, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

The question will come on the main motion Article 15, to authorize the Board of Selectmen to sell the parcel of land known as the VFW Hall. All those in favor of the main motion, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It is the opinion of the Chair that the Ayes have it by a two-thirds majority and I so declare. Is there a challenge to the Chair? Hearing no challenge, this meeting will be in recess for 15 minutes. Grab some refreshments and let's come back up.

[Whereupon, the meeting recessed.]

[Whereupon, the meeting resumed.]

THE MODERATOR: If you haven't checked in, you'll appear as an unexcused absence in the newspaper; you don't want that.

We left on Article 15. So we'll be starting on Article 19, which is

the next article that was held. The article was held by the Finance Committee.

Okay, folks, let's go.

I remind all Town Meeting Members if anyone has not checked in for the evening, please make sure you do so in the back aisle of the center section, a representative of the League has the check-in list. Okay, folks, let's reestablish the quorum.

All righty, here we go. At this time, we'll reestablish the quorum. Would all Town Meeting Members present please stand and the tellers return a quorum count.

[Pause.]

THE MODERATOR: Division 3, Mr. Hampson.

MR. HAMPSON: 54.

THE MODERATOR: 54.

Division 1, Mrs. Tashiro.

MRS. TASHIRO: 54.

THE MODERATOR: 54.

Division 2, Mr. Dufresne.

MR. DUFRESNE: 98.

THE MODERATOR: 98. By a counted vote of 206, we have a quorum and we're back in session.

Article 19. Article 19 was held by the Finance Committee, Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move that the Town vote Article 19 as printed.

THE MODERATOR: Okay, you hear the main motion: as printed.

You'll notice the recommendation only had section one and the article has sections one and two, so the main motion is as printed.

Mr. Chairman.

CHAIRMAN ANDERSON: The original legislation passed in 1945 provided a benefit to employees who took a regular retirement who were also veterans. This act, the act of '05, provides a benefit for employees who took a disability retirement who are also veterans.

Article 19 adopts the provisions of the 2005 act. Section one provides an ongoing additional allowance as stated. Section two provides for a retroactive benefit. There are 14 disabled employees who are retired who are also veterans. The current benefit for these 14 veterans is \$2,865. The retroactive benefits are \$67,920. The new piece of information that we recently received is that these benefits will come out of the retirement system as opposed to Free Cash or the available assets of the Town. The Retirement Board has looked at this and recommended adoption of Sections one and two of the Chapter 157.

THE MODERATOR: Okay, you've all heard the main motion. Any discussion on Article 19? 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 by a majority.

Article 20, Mr. Chairman.

CHAIRMAN ANDERSON: I move that the Town vote indefinite

postponement on Article 20.

THE MODERATOR: Okay, you all heard the main motion on Article 20: indefinite postponement. 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 22. This was held by Mr. Netto.

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

CHAIRMAN MURPHY: I move Article 22 as printed.

THE MODERATOR: Article 22 as printed. Mr. Netto.

MR. NETTO: Good evening, Joe Netto, Precinct 9. I have a slight presentation to make here and this article was just asking us to change the use of property that the Town of Falmouth bought in 1995. I was one of a few people who were appointed by the Board of Selectmen to be a member of the Emerald House Committee, and what I have to say tonight comes from what the committee voted on, what the committee brought back to the political group in the Town of Falmouth, this body here, Town Meeting, and then we had votes in 1995, 1997 and the year 2000 which basically said all the same thing.

Let's start with the Fall Town Meeting articles. Fall Town Meeting 1995, Article 17, where we voted to buy the Emerald property which consisted of 4.67 acres. By a counted vote of 137 in favor and 46 opposed, a quorum being present on Monday, November 6th, 1995, that this land be purchased for the purpose of public recreation, said land to be under the jurisdiction and control of the Selectmen and the Conservation Commission.

So, in 1995, eleven years ago at this Town Meeting, we voted to take over this land. The history behind this is that the house was in some rough shape. The family that owned it was willing to sell it to the town, and the house almost was torn down. Through the efforts of Selectman Marks, this article was put onto the warrant and a committee was formed, chaired by Dick Kendall, which I was a member of. From there, we went around to the community and obviously we got the house restored for very little taxpayer money, and a thrift shop run by Falmouth Service Center is thriving there today.

Some of the land that's associated with the Emerald House, because it was supposed to perpetuate the historical importance of the Portuguese community and strawberry growing in East Falmouth, was done behind the house by students of the East Falmouth School.

To make all this possible, we had many public meetings, we brought back other articles to you here at Town Meeting, and we had open meetings with the neighborhood. At that time, the neighborhood of Davisville Road was afraid of municipal use of that property. The amendment regulating recreational use for this property was made by a resident of East Falmouth who lives on Davisville Road.

As we progressed, we held an open house on Sunday, October 19th, 1997. At that open house, members of the community, the neighborhood, came in. Again, we heard the same tone, the same concern of the neighborhood, "Is this is all you're going to do here?" And we promised them that it was going to remain a low-key operation, a thrift shop was one of the key elements that we had in the design because of the income that could be derived, and that's exactly what's happened there today.

After that public meeting, we sent out a questionnaire, so that we could have documentation of what the neighborhood wanted. The very first question of that questionnaire is, "What uses of the Emerald property best responds to the public recreational uses authorized by Falmouth's Town Meeting?" This body directed, in 1995, that this land be used for nothing more than recreational use.

In August 15th of 1997, the committee sent a program report to the Board of Selectmen. One paragraph of that: "The Committee will recommend property uses to the Town which are in harmony with the property's heritage, and will be particularly concerned with the agricultural contributions of the early Portuguese residents of Falmouth dating back to the late 1800's."

I'm standing up here tonight with the unenviable task of trying -- of asking you to vote no of placing this senior citizen's center in the neighborhood on Davisville Road. The current plan is totally out of concept. But I don't want to dwell on that. I want to dwell on what the word of Town Meeting means when we vote and rezone property. We've heard it numerous times here tonight. On previous zoning articles. I think it's a disservice for us to consider changing the use of this property. I'm sure other people will point out that the project isn't even large enough to fit on this piece of property; we've got to buy an adjoining piece of property.

But my argument that I will put to you and the facts that I'll put to you come from previous Town Meeting votes and I know what my word means as a lifelong resident of the Town of Falmouth. I spent time knocking on the doors of Davisville Road and Fisherman's Cove asking those residents and promising them what we would use this property for. Some of them have come

back of me as early as this morning. I had no idea about this project. I didn't know anything about it.

But I'd also like to point out to you a statement in the warrant article that we passed, Article 17, that gives the jurisdiction of this property both to the Board of Selectmen and the Conservation Commission; through you, Mr. Moderator, I know the Chairman of the Conservation Commission is here; could I ask him a question?

THE MODERATOR: Sure.

MR. NETTO: Has the Conservation Commission been contacted legally? Has there been any public meetings on the Conservation Commission with regard to this property known as the Emerald property on Davisville Road, Mr. Grozier?

MR. GROZIER: Pertaining to this article, no.

MR. NETTO: Thank you. Well, if the answer to that question is "No", then I have to ask Mr. Duffy the legality, Mr. Duffy, through you, Mr. Moderator, of this article that is only sponsored by the Board of Selectmen and the ownership of the land comes from two political groups within the government, sir?

THE MODERATOR: Mr. Duffy.

MR. DUFFY: Under the provisions of Chapter 40, Section 15A, in order to transfer the jurisdiction of this land out of the Conservation Commission, you need their affirmative vote first.

MR. NETTO: Well, then I think we got the answer. So, should the question be before us tonight, then, Mr. Moderator, after hearing what Mr. Duffy just said?

THE MODERATOR: Mr. Duffy?

MR. DUFFY: However, you could tonight change the purpose without their vote.

MR. NETTO: Okay, we got the legal opinion. Now I'll try to bring up some of the other points and I know I've talked for a while and there's other people that will speak on this.

Now I speak as a resident of East Falmouth who belongs to the East Falmouth Village Association. Before the break, we had a lengthy discussion on the Edward Hooper Gardiner VFW Post. Numerous people from the community of Teaticket spoke. We heard from the Teaticket Village Association. I thought I might have missed something. I saw Mrs. Botelho who's very active in the association, and she assured me no one has come in front of the East Falmouth Village Association with this project. The first inkling of this, I have to say and I apologize, I got from a letter to the editor that Mrs. Hand wrote. And I have to thank her for that letter.

I don't think there's been any planning in this. I see a legal technicality in the two boards not getting together. And again we have some information that's been brought to Town Meeting that we don't have all the facts.

I thank you for your time and I wish you would defeat this Article 22. Thank you very much.

THE MODERATOR: Article 22. Mr. Whritenour.

MR. WHRITENOUR: Mr. Moderator, the previous speaker spoke to some of the planning involving a senior center for the community and I know there has been a committee that's been actively studying this and a feasibility has been performed for this. The architect is with us this evening that I think

would like to have an opportunity to bring the Town Meeting up to speed. And we've been carrying the Senior Center issue in our Capital Improvement program for many years now, and it's getting to the time that that project is ready to move forward and a large part of the analysis for a senior center is the analysis of what available sites, what the pros and cons of those sites are, and I do believe that there was a plan to combine that piece of property that's on the screen with the adjoining parcel to create the potential for a senior center with an open space concept.

And I think before making a final decision or recommendation on a yes or no on the site, it may benefit Town Meeting just from hearing the overall discussion on what the planning has been done to date for a senior center, and if nothing else I think it would be instructive for, you know, the committees working on this to hear from Town Meeting, and that way, when we come back, that, you know, we'll you know have the Town Meeting's wishes met.

MR. BOYER: Mr. Moderator.

THE MODERATOR: Mr. Boyer.

MR. BOYER: Point of order.

THE MODERATOR: Yes. Mr. Boyer.

MR. BOYER: Mr. Moderator, Peter Boyer, Precinct 5. I hesitated to do this, but I'm unclear as to whether this is a zoning change and therefore a two-thirds majority vote, or is it simply a vote by majority as a change in use that somehow shortcuts a vote on the zoning.

THE MODERATOR: Mr. Duffy.

MR. BOYER: It's clear that the Planning Board has not evidently heard this.

THE MODERATOR: Mr. Duffy.

MR. DUFFY: It's not a change in zoning, it's a change of use. But they both require a two-thirds vote. So, to add municipal purposes will require a two-thirds vote.

THE MODERATOR: Okay. Are we going to have this general presentation or?

MR. NETTO: Point of order.

THE MODERATOR: Mr. Netto. No, you have to hold it in. The button on the bottom. It's not just an on/off switch. You have to hold it in until it comes on. That should do it. Once you hold it for a second it should come on. It takes about a second for it to come on.

MR. NETTO: Mr. Moderator, through you to the Chairman of the Planning Board. If it's a change of use, Ms. Kerfoot, do you people need to have a hearing on it?

CHAIRMAN KERFOOT: I don't know.

MR. NETTO: These are the answers to questions that we get when we deal with public planning in Falmouth?

THE MODERATOR: Okay. Mr. Curry. Mr. Curry.

MR. CURRY: Yes, sir, Joe, we're going to have to have a hearing.

[Laughter and applause.]

THE MODERATOR: Okay. All right, Ms. O'Connell.

MS. O'CONNELL: Maureen O'Connell, Precinct 4. I would like to move indefinite postponement on this article, and if that doesn't pass –

THE MODERATOR: You would just vote No.

MS. O'CONNELL: Just vote no?

THE MODERATOR: Just vote No.

MS. O'CONNELL: Well, then, I'd like to say a couple of things about this concept. I too sort of learned about this from Mrs. Hand, a neighbor of mine, and I was very much involved with the first discussion of this property at the end of the street where I live and an important part of our neighborhood.

I really don't understand, with all of the discussion that went into where we might be siting hockey rinks and so on why there wasn't more discussion of, from what I understand, a 25,000 square foot building in a residential neighborhood on one of the -- right -- and, you know, looking at the map that accompanies this article, I noticed that it doesn't extend far enough north to show that it -- that this intersection that would be affected is one of the worst in Falmouth. I would think we would need feasibility studies for traffic alone with that kind of a huge building. And then I guess the anticipated crowds -- hordes -- that would be coming to fill it up.

[Laughter and talking.]

MS. O'CONNELL: On that corner we have every day, twice a day, a big problem with the congestion --

THE MODERATOR: Okay, folks, quell the undercurrent.

MS. O'CONNELL: Pardon me?

THE MODERATOR: I'm asking the folks to allow you to speak and quell the undercurrent.

MS. O'CONNELL: I think everyone's relating to that corner. We've got the CVS, we've got four or five restaurants, we've got a bank, we've got a drive-through gasoline station, we've got a couple of doughnut shops, Jake's, Family Foods, a library, the post office, and all day long there's traffic just

streaming by, and in the summer time that area kind of looks like the Southeast Expressway for a good part of two days a week, at least.

I would urge everyone to please vote No. I thank Mr. Netto for his historical review and again I'm kind of disappointed that, like Joe mentioned that the Conservation wasn't involved in this, and for that matter the Planning Board. Thank you.

THE MODERATOR: Okay, on my left. The gentleman to my left and then Ms. Fidel and Ms. Putnam.

MR. THRASHER: Scott Thrasher, Precinct 4. My family's been lifelong residents of Davisville and supporters of the Emerald House from the onset. My mother volunteers there; we wired the residence. And it was always our understanding that it would be maintained in the manner for the historic preservation for the strawberry growers that used to live on Davisville. And I'd be opposed to any changes to this. I would urge the Town Meeting Members to vote No.

It was also the committee was charged with looking at parcels that would be suitable for a senior center. And this senior center they deem suitable conditional upon the purchase of another parcel next to it for \$550,000. And we still have to build the senior center. I think the senior center's a worthy project, but that to me says the senior center isn't suitable on that parcel that they were supposed to look at. Thank you.

THE MODERATOR: Okay, Ms. Videl.

MS. VIDEL: Pam Videl, Precinct 4. I went to a precinct meeting I think it was last week and I found out that there more seniors in the East Falmouth area of town than others. So I do agree that it probably needs to be

there. But, as Mr. Netto brought out, that is not what this property at Emerald is to be used for, so I'm angry that it even came to Town Meeting without the discussion beforehand to possibly change it, rather than just try to shove this through.

I hope that we will think about this and be wise in our vote and vote down this article. Thank you.

THE MODERATOR: Okay, Ms. Putnam.

MS. PUTNAM: Rebecca Putnam, Precinct 9. I agree that we should vote No on this. There's too many issues with that particular area. We have a very large elementary school there and it is dangerous enough with the amount of traffic that goes through there on a daily basis of children being dropped off, picked up. And to add to that more folks from in town coming into that area, it's just too dangerous. As well as the fact that the Con Com has not been advised on this, Planning Board has not been advised on this. It just seems like we're just trying to push something through without really looking into all of the issues that are surrounding this one particular piece of property. Thank you.

THE MODERATOR: The gentleman in the center section there, if you could stand for the microphone. There's one on your left, there.

Then Mr. Dick, you're going to be next.

MR. KEATING: Mike Keating, Precinct 4. I concur with the speakers who had previously mentioned the fact that this is not an appropriate site, but I also -- when I learned about this, I attended the Selectmen meeting when the presentation was made by the architect, fully expecting that there would be an opportunity for me to make some comments or ask some questions,

and that was not appropriate, evidently, at that point. So, therefore, we have not really had a forum to be able to discuss this other than at the precinct meetings and this Town Meeting, and I just don't think that that is the appropriate way to deal with this kind of issue. Thank you.

THE MODERATOR: Okay, Mr. Dick down here on my left. And then Ms. O'Gorman.

MR. DICK: Henry Dick, Precinct 8. I for once agree with Mr. Netto. I think that preserving the traditional use of a piece of property is very important when that property is sold with that intent, and I think we should definitely turn this down.

THE MODERATOR: Ms. O'Gorman.

MS. O'GORMAN: Can you hear me?

THE MODERATOR: Yes, we can.

MS. O'GORMAN: I'm just asking a question. We have that piece

—

THE MODERATOR: You have to speak into the mic.

MS. O'GORMAN: We have that piece of land behind the house, and that was bought for some kind of purpose, to preserve the strawberry growers or whatever. What exactly is being done with that property behind the Emerald House?

THE MODERATOR: Currently? Nothing.

MS. O'GORMAN: No strawberries being grown there?

THE MODERATOR: Well, they had a little parcel there. Are you still working the lot? Somebody from the Emerald House Committee, are they still working the little lot out back? No.

Okay, any further discussion?

MR. MCMANAMON: Tom McManamon, Precinct 2. The present Senior Center is located in my precinct. And, you talk about traffic, you can talk about traffic by the Dillingham Ave intersection. There's traffic there. And they say that the use of the land is supposed to be for recreation. Well, at my age, I certainly hope that there's a senior center that I can find some recreation at. So I would suggest that we vote this article up. Thank you.

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

MR. KRAJEWSKI: Chet Krajewski, Precinct 3. I'd like to bring to the attention of the Town Meeting Members this was brought up at the 3-4-7 precinct meeting; 50 percent of the mailings go to East Falmouth. But with that zip code, I would certainly expect that. You have Teaticket, you have East Falmouth, you have Waquoit, you have Hatchville with the same zip code. There's your 50 percent. Thank you.

THE MODERATOR: Any further discussion? Okay, hearing none, the question will come on the main motion, Article 22 as printed. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It is the opinion of the Chair that the No's have it by a majority and there is no two-thirds.

Article 23, Mr. Chairman of the Finance Committee for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I move that the town vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$175,000 under the provisions of General Law Chapter 44, Section 7(21), or any other enabling authority, and to issue bonds or notes of the town therefore, said sum to be expended under the jurisdiction of the Board of Selectmen for the purposes of Article 23.

THE MODERATOR: Okay, Article 23, you'll see the difference in your – from what's recommended is subsection #3A should be changed to subsection 21, and then the language "appropriate authority", we're changing that to "enabling authority".

Mr. Chairman. All set?

Any discussion on Article 23? Mr. Dufresne.

MR. DUFRESNE: I speak against this article as a representative of Precinct 2. I was not at the discussion of the Finance Committee when they approved this article. First of all, I like the Senior Center exactly where it is, and evidently we took care of that a little earlier.

Last year or the year before, if you recall, we spent something like \$150,000 to bring the entire Senior Center up to grade. My main concern in speaking against it is for this project to be moving forward at a critical time in the town's advancement for infrastructure. Currently we have a \$63 million plus high school on the plate. We've got a public library that we voted last year of I believe \$9 million. We have the North Falmouth Sewer System, which I think we will be discussing, in a partnership with the residents of North Falmouth that we will be discussing in a later article. We have a band shell that we bought for 400,000; we haven't done that one yet. We've got the Odd Fellows Hall for

400,000; we haven't done anything with that one yet. And we have several smaller projects that we discussed on the Finance Committee that we were looking for funds for, such as to fix up some of the structural deficiencies of the second floor of Town Hall.

So, my main concern is not that we don't build the seniors a new building at some later time, but I have some serious concerns as a long time 20 year member of the Fin Com and a conservative of overextending the taxpayers' dollars, and for that reason I personally will vote against this project at this particular time.

THE MODERATOR: Ms. LeMoine.

MS. LEMOINE: Joanne LeMoine, Precinct 9 and member of the Finance Committee. I'm at a loss. We voted to IP Article 22; shouldn't we be voting to IP Article 23? Because this is for design services and engineering for the location in Article 22. Am I the only one confused here?

[Applause.]

THE MODERATOR: The main motion is to fund some design; whether or not it's going to be on that parcel is – obviously it's not going to be on that parcel, after the last vote. Is the Finance Committee changing its recommendation or does it want to fund the design?

[Pause.]

THE MODERATOR: Evidently they didn't talk about contingencies at the Finance Committee. Mr. Anderson.

MR. ANDERSON: Brian Anderson, also the Finance Committee. I can't see spending money for a site specific study. I mean, if we IP'd the other article, we have to IP this one. It will come back when we've decided on what

site it's going to be on. Unlike Andy, I will support the senior citizens center. I think most of us on the Finance Committee supported it and our recommendation tonight isn't because we don't want to vote on the senior citizen's center, but we don't have a location chosen yet. Thank you.

THE MODERATOR: Mr. Whritenour, did you want to make a statement?

MR. WHRITENOUR: I just would state to clarify: we will need to go back and perform an additional analysis of the sites and the sentiment of the meeting tonight is very instructive for the process. But I would also remind the Town Meeting Members that we have performed a pretty good planning study that shows some of the issues associated with – a lot has been mentioned about the existing Senior Center facility, is that going to be adequate? What do we need for the seniors in the town? And there has been a feasibility study performed and we are fortunate to have the architect that performed that feasibility study with us that could present some information that might make it easier the next time this comes around. And it's up to, you know, the Members of the Town Meeting, but I want to make that just offer.

THE MODERATOR: Okay. I've got a sense that we don't want to hear that, and that the Administration should include the neighborhoods when you're going to go plot a municipal use in it.

Any further discussion? Mr. Putnam. No. Mr. Clark. No. Mrs. O'Connell. No. Mrs. McElroy. No. Any further discussion? Ms. Flynn, then Dr. Antonucci.

MS. FLYNN: Thank you, Mr. Moderator. Pat Flynn, Precinct 6. We are being asked on this Town Meeting to take a look at four facilities. We've

already talked about three of them: the two ice sheets, the aqua center, now the senior center. And we have yet to take a look at a proposal for a new fire station.

When I think about this, it seems to me that, in looking at these individually, even though there are many dedicated people who work on these committees, there really isn't a facilities master plan for this. And one facility we haven't even talked about yet is a Community Center. So, it would seem to me that it would be very helpful for the community and for Town Meeting if the Selectmen, through the Town Administrator, would take a look at all of these facilities together, and come back to Town Meeting with a Planning Article for the facility so that we could take a look at them in their entirety and in their specifics, as well. And I think another priority that ought to be considered for all the facilities is access to public transportation. That's one thing that really hasn't been emphasized too much tonight, because we know in the very near future we're going to have to have public transportation in the center of town and the more of these facilities can be located where people can access them without driving, I think would be of great benefit to the community.

THE MODERATOR: Dr. Antonucci.

DR. ANTONUCCI: Bob Antonucci, Precinct 6. I agree with everything that's been said, but however, if you look back historically in the Town, we talked about the senior citizen Center for a long time. What I don't want to lose tonight is the fact that we owe our seniors this center. I think the vote tonight is correct. I think the vote on this indefinite postponement is correct.

I would hope, however, in November, when we come back to discuss it, we would have all our questions answered. We'd have an appropriate site, we'd

have an appropriate cost estimate, and we would have an appropriate plan of when it would be constructed.

What I'm hearing tonight is I think the goal of a senior citizens center has been lost because of the location of the center in East Falmouth, and I hope we don't lose that. We owe our seniors a center. They're a significant voting block in this town. I've heard from a lot of them prior to this Town Meeting that they want a new Center. We're all getting up there in age. I'm looking forward, if I have to drive somewhere, that's fine. But there are a lot of people out there – and I won't hit anybody. There are a lot of people out there that deserve this senior center. Let's not lose the concept of the senior center because of the land issue. Thank you.

THE MODERATOR: Okay. The question will come on the main motion of Article 23 to fund the engineering services and design for the new senior Center. All those in favor, signify by saying Aye.

[No audible response.]

THE MODERATOR: All those opposed, No.

[No.]

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

Article 24. This was held by the Finance Committee, Mr. Chairman.

CHAIRMAN ANDERSON: I move that the town vote to appropriate the sum of \$300,000 for the purpose of completing construction of the Department of Public Works Maintenance Facility on Gifford Street, including costs incidental and related thereto, and to meet this appropriation the Town

Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under the provisions of General Law Chapter 44, Section 7 (3A), or another appropriate authority, and to issue bonds and notes of the Town therefore. Provided that no funds shall be expended under this appropriation unless the Massachusetts Department of Revenue shall approve the addition of \$160,000 to the Proposition 2 ½ debt exclusion approved by the voters in Question 1 of the May 18, 2004 Annual Town Election. Said sum to be expended under the jurisdiction of the Board of Selectmen.

THE MODERATOR: Okay, you've all heard the main motion. This is \$300,000 for the DPW facility, subject to approval of DOR for \$160,000 under the previous 2 ½ debt exclusion that we voted in May.

Mr. Chairman.

CHAIRMAN ANDERSON: The new DPW building was built around the old DPW building. The new portion has a sprinkler system and the old building does not, but it's been determined that it does need the sprinkler system, that is the old portion. Also, by approving this motion, it will allow the DPW to complete the second floor which was not included in the funding of the original plan.

THE MODERATOR: Mr. Murphy.

CHAIRMAN MURPHY: I'd like to add an amendment to that, to change from Massachusetts Department of Revenue shall approve the addition of \$300,000 to the Proposition 2 ½ debt exclusion.

THE MODERATOR: Okay, we have an amendment. Is this on behalf of the board or yourself as an individual?

CHAIRMAN MURPHY: As a board.

THE MODERATOR: As the board. So, the Board of Selectmen is moving to amend the main motion that the entire \$300,000 be subject to DOR approval under the previous 2 ½ debt exclusion. Any discussion on the amendment?

Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, the reason the Finance Committee originally recommended the \$160,000 be subject to the debt exclusion and added to the debt exclusion is when the presentation was made by the DPW to the Finance Committee in 2004, the plans did not include the finishing of the second floor. So, what we were told was that the amount that was to be submitted under the debt exclusion to the voters and was subsequently approved did not include the construction of the second floor. Thus we wanted to make it clear to the Town Meeting and to the voters that, without further disclosure, that the Finance Committee was going by what was originally proposed.

THE MODERATOR: Okay, discussion on the amendment. Mr. Lewis did you – I had Mr. Lewis first and then Mr. Murphy.

MR. LEWIS: Gardner Lewis, Precinct 6. Two things, Mr. Moderator. Do I understand you're going back and are going to amend the exclusion from two years ago?

THE MODERATOR: No, let me tell you how this works. The Department of Revenue allows a certain amount of leeway of the actual dollar figure, okay. The Finance Committee as they just stated wanted to be up-front with Town Meeting that they weren't going to ask for money that they told you they weren't going to ask for from that debt exclusion. And the Board of

Selectmen has made an amendment to seek that entire \$300,000 under the vote that was already taken.

So, it doesn't amend the vote. The Department of Revenue allows a leeway and they can approve up to a certain percentage, it changes depending on who the commissioner is, over what you voted on the debt exclusion. So, the question is do you want it all to go under the debt exclusion or do you want 160,000 of it and the rest of it to come –

MR. LEWIS: So what you're saying, when we vote a \$5 million exclusion, we're not really voting a \$5 million exclusion.

THE MODERATOR: Under the current administration, no. They're saying \$5 million give or take – I think they're about ten percent, now.

MR. LEWIS: No wonder they're out of office. But anyway. I think it would be really wonderful if we ever built a building for what the plans said we were going to pay for this building.

THE MODERATOR: Okay, Mr. Murphy. Oh, actually Mr. Whritenour, sorry.

MR. WHRITENOUR: Just that a word of clarification. What really is at issue is the difference on whether the \$160,000 to do the sprinkler system and the floor drains or the \$300,000 to do the sprinkler system, the floor drains and finish the offices upstairs is included under the debt exclusion. And what really the issue is is we've determined in the two or three years since the project has been ongoing that we absolutely need to do the offices upstairs. And it is consistent with the original purpose of the appropriation. And the Department of Revenue guidelines do allow those funds to be included under the original debt exclusion.

And what really is the question in front of Town Meeting is whether it's more appropriate to use that mechanism of the debt exclusion to finish off this project or are we going to take \$140,000 and finance that under the Proposition 2 ½ levy limit cap. And what our feeling was is that that cap is so squeezed right now that it would be a lot easier if we didn't have to add another project that was part of a debt exclusion underneath that cap.

So, what the real issue is is whether we'd like to take that \$140,000, include it with the debt exclusion, or else have it compete with all of the other items that are inside that Prop 2 ½ cap.

THE MODERATOR: Okay, Mr. Jones – you've got a follow-up?
Microphone.

MR. LEWIS: I guess I'm confused on the \$160,000, then.

THE MODERATOR: What are you confused about?

MR. LEWIS: Well, we're either going to do a \$5 million loan plus 160 or a \$5 million loan plus 300, is that – am I understanding –

THE MODERATOR: That's correct.

MR. LEWIS: – that, Mr. Murphy?

THE MODERATOR: If you do it with the 160, the other 140 is going to have to come out of underneath of the levy limit.

MR. LEWIS: And why did we come up with 160, then? Where did that come from?

THE MODERATOR: Based on the bifurcation of the project that Mr. Whritenour just mentioned, the second floor, furnishing that.

MR. LEWIS: Doing more than we were going to do.

THE MODERATOR: Go ahead, Mr. Whritenour, if you want to say

it again.

MR. LEWIS: Doing more than we voted for.

THE MODERATOR: Mr. Lewis, listen to Mr. Whritenour.

Go ahead, Mr. Whritenour. Do you want to explain the two parts, the 140 and the 160 again?

MR. WHRITENOUR: The 160 is for the sprinkler system and to complete the floor drains. That wasn't under the original base bid, either. And we always had hoped that we would be able to come back and finish the offices but it wasn't part of the original base bid on the project. And obviously we need 300,000 to finish the project. And what the idea is is whether 160,000 of that, which is the floor drains and the sprinkler, would be included under the debt exclusion that was previously voted, or would you like to put the 300,000, the total amount, under the debt exclusion and then spread that over the 20 years.

THE MODERATOR: Mr. Johnson. Microphone down here to the right.

MR. JOHNSON: Leonard Johnson, Precinct 5. I'd like to make two points. One is the point that Mr. Lewis just alluded to, and that is, Mr. Owen, when he proposed this to us made the unequivocal statement that he would never come back to Town Meeting to finish this building; that it was all in the original vote. So I second the notion that let's do it right sometime and get it all done.

Secondly, I'd like to support the Finance Committee. I thought we learned at the last Town Meeting that confusing people – I think we've got Water Tower Disease here and we ought to stop it.

THE MODERATOR: Okay, Ms. McElroy, you're next on my list.

MS. MCELROY: Two questions for I guess Mr. Whritenour or whomever. Is the sprinkler system required to make this building code compliant? And, if so, why wasn't it included in the original plan. And second, will the completion of the second floor be completely ADA compliant with your current plans?

MR. WHRITENOUR: The answer to your second question is Yes, the second floor will be ADA compliant. And my understanding was when the building permit was initially issued that the interpretation was that that existing portion of the old building, that garage in there, did not have to be sprinkled. And when that was subsequently reviewed by the Fire Chief, he brought up the point that that is where all of the equipment in the building is stored.

[Laughter.]

MR. WHRITENOUR: And I think from a common sense standpoint, that, you know, it was a mistake if that was not included in the original bid. That building should have been sprinkled from the start. And I think it's up to us now to rectify that error and have that main portion of the building sprinklered if nothing else.

THE MODERATOR: Okay, Mr. Boyer.

MR. BOYER: Mr. Moderator, Peter Boyer, Precinct 5. I understand and share some of the irritation of Town Meeting about this, but in fact I think we should get it done and get it over with. I don't want to hear about it anymore, and my good friend Leonard and I disagree, because I think we should get it all done now. In financial terms, it's almost nothing because, spread over X years, the actual tax impact will be absolutely invisible. And I think we should simply get this thing over with. Even though I share all of your

irritation.

THE MODERATOR: Mr. Latimer. Down here on the right.

MR. LATIMER: Richard Latimer, Precinct 2. I agree with Peter Boyer that this has to be done. I mean, this project is long overdue to get this facility completed. But my question on these two proposals is there has to be Department of Revenue approval. Does that mean that approval can be withheld? And if that is so, is it more likely that Department of Revenue will approve the \$160,000 that was originally included in that exclusion or is there a chance that they would equally likely approve all of it, or is there a chance that we might not get that approval for the extra \$140,000 which would mean we would have to come back here again? Can somebody clarify that for me, please?

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: My understanding is that both proposals meet the guidelines of the Department of Revenue.

THE MODERATOR: Okay, Mr. Shearer, in the center section, here.

MR. SHEARER: Dan Shearer, Precinct 6. I wonder what happens to that machine when I stutter? But anyway.

[Laughter.]

MR. SHEARER: No, I'll try not to. But here we go. But when we voted for this in the first place, I asked Bill Owens why we didn't put offices on the second floor or the third floor or whatever it is up there, because I wanted his office to be there because I thought that's where it belonged. And he said we needed it for storage; are we going to come back next year and say we need to

build a storage shed out back now for whatever he was going to store up on top that he said he needed that space for?

And, number two, what offices are going up there? I mean, why do we need them? Thank you.

THE MODERATOR: Anybody want to take that? I think Mr. Jack. You're not going to answer that question, are you, Andy?

MR. DUFRESNE: What's that?

THE MODERATOR: You're not going to answer Mr. Shearer's question. Let's let Mr. Jack answer it.

[Laughter.]

THE MODERATOR: Now, come on, Ray, you're not off the hook.

Get down here.

This is our new DPW Director Ray Jack, congratulations, Ray.

[Applause.]

MR. JACK: Thank you all. Thank you, Mr. Moderator. Raymond Jack, Precinct 9 and your new Director of Public Works. I very much appreciate the welcome, as much as I enjoy being here tonight, having been here for the last 12 years and hopefully going to be here for the next 24.

It was easier for Mr. Dufresne to answer the question; it's a shorter walk. It's a long walk from the back, there.

The facility, as you know, is nearing completion now. When it was originally intended and funded at five and a half million dollars two years ago, it was not intended at that time that the Director of Public Works at the present would not be here. This building has gone through three directorships, if you will. There was Mr. Owen, then it went under the auspices of Mr. George Calise,

and then finally I have it now.

The second floor is predominantly unfinished. It is valuable office space. Although it was not Mr. Owen's intent to move his office down there, it would be my intent to move the director's office down to that facility. It's very logical to me. We would also attempt to consolidate as many of the other departments down there as possible, which is also logical in order to try to unify the department more. It would also have the additional function of clearing up additional space at the Town Hall at the present time.

In order to try to make it a little more understandable, right now the project is under a bond, and you're being asked to increase the bond limit by \$300,000. In doing so, you do not have to take the money out of the general tax base right now, which is basically taking it out of the availability of funds for free cash if the whole 300,000 comes under DOR. If you choose not to do that, and you split the cost: 160 and 140, then DOR can approve one as a one time thing only. It cannot be increased again. Those are DOR rules. The additional funds would have to come under the general taxes, and that would provide an additional squeeze that's unnecessary at this time. So my recommendation would be to fund the entire 300,000 under a DOR request which would be a one time request.

To answer Mr. Shearer's second question which happens to be about the additional storage needs, I would not envision with a building that size we would have additional storage needs other than the building itself right now. The sprinkler system is of course important, needs to be done. The drainage system needs to be done. The drainage system happened to be in the old building as well. There was additional electrical which was necessary that was

not done.

So, for all intents and purposes, the building was built around the original building and very little was done to the original building.

So, I would hope that, in moving forward, it's a marvelous opportunity for myself, for the town, having a new director. We have a new direction. We have a DPW study underway which will be completed by the end of the year. And of course the building right now is nearing completion, so if we have this additional funds we would be able to proceed virtually immediately and have everything come together at one time so that hopefully when we come back in April we won't have any additional request for anything. Thank you.

[Applause.]

THE MODERATOR: Okay, Dr. Clark. Dr. Clark. Oh, no, you don't, okay. Mr. Maclone. Microphone here on the left for Mr. Maclone.

MR. MACLONE: Through you, Mr. Moderator. Article 23, we just saved \$175,000. Can that be used toward some of this? And also, on the sprinkler system, it's a storage area for vehicles. Is that going to be a conventional sprinkler system with fuel fire capability, as with gas stations, or is it just a water sprinkler system? That would be for the fire chief, I think. Thank you, Mr. Moderator.

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: Yeah, it is a water sprinkler system as per the code. It's not a fuel storage area.

MR. MACLONE: There are vehicles in there.

MR. WHRITENOUR: No, I understand that. That's a coded – the fire chief is here; he can read you the code.

THE MODERATOR: Chief, you want to read us the code? Ms. Perry, you're on my list, if you want to have a seat. Chief Brodeur.

CHIEF BRODEUR: Mr. Moderator, Paul Brodeur, Fire Chief, Precinct 4. Double ARP member in good standing.

To answer the question about the storage of the vehicles in the existing storage area of the DPW would be an NFPA 13 regulation code sprinkler system, and by the use group of vehicle storage it would just be the number of sprinkler heads per square foot, which would be calculated by the sprinkler company. That do it?

THE MODERATOR: So water meets the code; that was the question.

CHIEF BRODEUR: Excuse me?

THE MODERATOR: A water system meets the code. That was his question.

CHIEF BRODEUR: Oh, absolutely. Yes, it does.

THE MODERATOR: Okay. Mr. Murphy.

MR. MURPHY: Mr. Moderator, I'm Bill Murphy, Precinct 3, and I'm a member of the Finance Committee. And I think it's important to note that in our last meeting within the last two weeks when we were discussing the subject, we really had an issue about the 300,000 or the 160,000, and we all agreed with the 160,000 because we knew it was necessary to sprinkler the system.

I asked the question, and it's been asked tonight: who's moving into the top floor of the DPW building? And the plans are not developed. They're not developed and the DPW study is not finalized, which will be sometime probably within the next six months. I had a problem and I think some of us had

a problem allocating money when we didn't know the plan, when we didn't know what was going to happen, who was going to be there, et cetera. Someone mentioned earlier that it's a small amount of money, but from our viewpoint 140 or 160,000 dollars is certainly worth a discussion.

So, I just wanted to make sure everyone understood that there was a serious conversation that went on and the questions were asked and I didn't get a response and I didn't hear one tonight. Thank you.

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

MS. NEWTON: Shardell Newton; I'm the Facilities Manager for the Town of Falmouth. I think it's important that Town Meeting realizes how much work that the DPW has put into this facility in using their own in-house people to complete projects. I sat there today trying to come up with a tally of it, and we came up to approximately \$500,000 that the Town of Falmouth's DPW division has contributed towards this project without subbing work out.

For those of you who are familiar with the facility, when you drive in there to the right you'll see the big wall. That was constructed by the Parks Department. Our tower was just put up recently and the Parks Department did all the trenching, laying all the pipe, pouring the slab. Our DPW division on the other side helped with the excavation of it, and we put a lot of work into this. Our Facilities Department has gone through and taken all the existing areas in the Parks area and converted them into sign rooms, into storage areas. We've made an office for our mechanics to work out of. We have a new Electrician's Room. So I think it's important not to emphasize so much about the 160,000 that we're all talking about, but to think about the 5 or 600,000 that our own divisions have saved us. Thank you.

THE MODERATOR: Ms. Perry.

MS. PERRY: Thank you, Mr. Moderator. Ladies and gentlemen, Jane Perry, Precinct 8. First of all, I want to thank Mrs. McElroy for her question, because I was going to ask that question. But I have a follow-up question. And I tried to ask this question at the Precinct 8 and 9 meeting Thursday. My question is through the Moderator to Mr. Jack. If this building is near completion, what is going to be the handicap access to the second floor? Under the Americans Disability Act, any building with a second floor must be handicapped accessible and handicapped compliant. I believe when Mr. Owens brought this building concept before Town Meeting that there was going to be an elevator the second floor; is that still going to happen? And what is going to be the handicap access to the second floor? Thank you very much.

THE MODERATOR: Mr. Jack, there's a microcode to your left. The young man has a microphone right there.

MR. JACK: Thank you, I'll try to answer both question at once. It is handicap accessible. The elevator is already in place. So it would be ADA compliant. As far as what offices are going up there, it would be the Director's Office, the Administrative Assistant, Facilities Manager, Wastewater Superintendent; if it was approved, the Assistant Wastewater Superintendent; the Water Superintendent and Administrative support staff.

THE MODERATOR: Any further discussion on Article 24? Yes, right down in the front here. Our first vote when we do this is going to be on the amendment to put all 300,000 Under the waiver. And then, if that fails, we'll go back and vote the main motion, which was 160.

MR. ANDERSON: Brian Anderson from the Finance Committee.

I hope you vote in favor of this article this evening. We did have discussions on this and the majority of the Finance Committee recommended to you that you vote to finish this building. This evening there's been an amendment made. I'd like to speak to the amendment that we're going to vote on.

The amendment asks us to include this in the debt exclusion. We as the Finance Committee, the majority, asked you not to do that. We feel it's very important for you as the Town Meeting to keep the truth with the voters that voted that debt exclusion. At the time they voted for that debt exclusion, there was no talk of finishing the second floor.

Technically, somebody at the State House will allow us to tuck it into the ten percent. What's that going to cause the next time we go to the voters and ask for a debt exclusion? Please vote no on the amendment that's been proposed this evening. Thank you.

THE MODERATOR: Okay, any further discussion on the amendment? Hearing none, the question will come on the amendment made by the Chairman of the Board of Selectmen for the \$300,000 to come under the DOR waiver. All those in favor of the amendment, 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: Division 1.

MRS. TASHIRO: 22.

THE MODERATOR: 22.

Division 2.

MR. DUFRESNE: 44.

THE MODERATOR: 44.

Division 3.

MR. HAMPSON: 18.

THE MODERATOR: 18.

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

[Pause.]

THE MODERATOR: Division 3.

MR. HAMPSON: 35.

THE MODERATOR: 35.

Division 2.

MR. DUFRESNE: 45.

THE MODERATOR: 45.

Division 1.

MRS. TASHIRO: 32.

THE MODERATOR: 32.

By a counted vote of 84 in favor and 112 opposed, the majority
does not carry on the amendment and the question will come on the main
motion. The main motion was made by the Finance Committee: \$300,000;
\$160,000 of which would come under the DOR exemption.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

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

Article 27 is the capital budget. What we're going to do here is we'll go through line item by line item. It won't be a blanket vote. We'll actually discuss the line items. If you want to ask a question or make a change, we'll do it right as we get to that line item. This is going to be the green section in the middle of the book.

Mr. Chairman for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I move that the Town vote to transfer \$38,269 from Org Objective 01933-58018; \$11,500 from Org Objective 01935-58025; \$173,000 from the Reserve Waterways Fund; \$582,156 from the Overlay Surplus Fund; and One Million Dollars from Certified Free Cash to be expended under the jurisdiction of the Board of Selectmen, for the purposes of Article 27.

I also move Line Item 8 in the amount of \$5,000, and I move Line Item 33 in the amount of \$37,200.

THE MODERATOR: Okay, so you've got the main motion, which is basically what's printed in the Capital Budget except for those two changes, line 8 and line 33; and then the funding source does not include any money from Stabilization as was printed in your warrant booklet.

Mr. Chairman.

CHAIRMAN ANDERSON: On line item 8, the Town Hall 3rd Floor Expansion, we've

recommended \$5,000, and the purpose for that is to develop a plan for the third floor explanation. We met with the department head of the Planning Department and Information Technology and we asked that we get a plan to understand better what their renovation is going to be and they agreed.

On line item 33, the vehicles for the Assessing Department, at the time that we went to print on this, we had not been able to connect with the Department head in the Assessing Department. He subsequently made a representation to us and our feeling was that his presentation was consistent with the Town's vehicle use policy and his intent was – for the vehicles was made very clear to us. So, the Article 33 for \$37,200 is for the purchase of two vehicles for the Assessing Department.

The total amount of the Capital Budget, the new number is \$1,804,934.

THE MODERATOR: Okay, we have the main motion on the floor. Number 1, Sidewalks. Department of Public Works. Number 2, Repairs to the Existing Bikeway. Number 3, Bridge Maintenance. Number 4, Vehicles & Equipment. We have the Highway Division. Yes, microphone. Ms. Abbott.

MS. ABBOTT: Jane Abbott, Precinct 7. Just I don't believe that the Finance Committee meant to say Total Tree Wastewater Division. They got an extra word in there under "Wastewater".

THE MODERATOR: Wastewater.

MS. ABBOTT: Under Wastewater. It's the bottom of four.

THE MODERATOR: I'm on Highway Division. Where are you at?

MS. ABBOTT: Four – you said four.

THE MODERATOR: Number four, yes.

MS. ABBOTT: At the bottom of four.

THE MODERATOR: Okay, Wastewater –

MS. ABBOTT: Total Tree Wastewater. Just getting rid of a word.

THE MODERATOR: Oh, okay, yeah. We're only worried about the numbers. Okay, Total Wastewater Division. Remove the word Tree.

Okay, I was back up at Highway Division. Anybody on Highway Division? Yes, microphone here on my left.

MS. PETERSON: Laura Peterson, Precinct 3. The only question I had was the Tree Warden: an excavator? I don't know how they make decisions. I own heavy equipment in my business and an excavator is a big purchase. I don't know why you can't use the DPW's. Could a bobcat with a pick on the front do the same kind of job? What – just what's the purpose of the excavator?

THE MODERATOR: Who wants to handle this one? And then I'd ask Town Meeting Members to please stay within the section that I'm calling off as we go down. Mr. Jack.

MR. JACK: Hello? Oh. This is a mini excavator. The Highway Department only has one full excavator. They do have bobcats but the bobcats are pretty harsh on a lot of the turf areas that we have, so this was going to be a rubber-tracked vehicle that was much smaller and lighter but give them the ability to do scraping and plowing as well as excavation in tight areas. It also included the trailer and accessories.

THE MODERATOR: Okay, so we're finished with Highway

Division. Tree Warden, Parks Division, anything else on that? Yes, Mr. Gonsalves.

MR. GONSALVES: I just have a question on the ten foot plow for \$11,000. Are you replacing the whole truck, Mr. Jack, or what are we doing?

THE MODERATOR: The ten foot plow unit for 1996.

MR. GONSALVES: It seems like an awful lot of money for a snow plow.

MR. JACK: This was supposed to be a complete plow unit with power assist cylinders.

MR. GONSALVES: For the 1996 truck?

MR. JACK: I'm sorry?

MR. GONSALVES: It says for a 1996 truck. Are you putting a new plow on an old truck, is that what we're doing?

MR. JACK: Yes, it's a replacement plow.

MR. GONSALVES: Okay, thanks.

THE MODERATOR: Okay. Tree Warden, Parks Division, anything else on that?

Water Division. Mr. Shearer and then Ms. Aguiar.

MR. SHEARER: Dan Shearer, Precinct 6. In our local comprehensive plan which we have talked about tonight on other things, we're trying to get smaller cars throughout the town for vehicles and I'd like to know why we need a gas guzzler big car like this.

THE MODERATOR: Want to take a shot at it or? Ms. Aguiar. If you want to stand so they know where to go with the mic.

MS. AGUIAR: Deborah Aguiar, Precinct 9. I'm just curious as to

in the Water Division and the Wastewater Division why we are replacing them. I mean, is it high mileage, why? Because to me they're not that old. But I could be wrong. But I'm just curious.

THE MODERATOR: Mr. Jack.

MR. JACK: I'm not quite sure about Mr. Shearer's question. I don't think it was on Water, I think it was on Wastewater with respect to the Crown Victoria. That was one of the old police cars and that was for use by the Wastewater Superintendent. It's going to be replaced with a smaller, intermediate type vehicle.

As far as the other vehicles go, the utility truck happens to be a daily truck. It is one of the crew vehicles so it is manned by more than one person. It is one of the emergency vehicles whenever it comes to water repairs and emergencies, so it's on the road everyday, all the time, as well as any emergency situation. So they rack up a lot of mileage. They carry a lot of weight and a lot of tools and they're also used for plowing so they take a heavy beating. And the same thing is true with the truck below it.

THE MODERATOR: Okay, anything else on either the Water or the Wastewater Division?

Okay, Coastal Drainage. Maintenance for Rivers and Ponds. Facilities Maintenance, the Building Maintenance, number 7. Town Hall 3rd Floor Expansion, number 8. Beach Improvements, number 9. Number 10, Menahaunt Bathhouse Design. Number 11, Utilities Division - Water, for Meters and Fixtures.

Utilities Division, Collection System Repair & Maintenance, number 12. Building, number 13, the Digital Microfilm Scanner/Printer. Police

Department number 14, Body Armor. Police Department 15, Cruisers. Police Department 16, Cruiser Radio Replacement.

Fire Department, number 17. Consolidation Plan Hatchville. Mr. Shearer.

MR. SHEARER: My question is what are we going to do with the West Falmouth Fire Station. Are we going to sell this to hopefully pay for the new fire station or are we going to put it in mothballs like we have some of the other buildings in town? I think a decision should be made before we go ahead with the planning and the paying of this.

THE MODERATOR: Mr. Sellers, do you have –? And then Ms. Lowell.

MR. SELLERS: Hi, Paul Sellers, Precinct 6, and I've been fortunate to be involved with a group of people in West Falmouth trying to form a West Falmouth Village Association. We put out a number of surveys this past summer and through the fall. We've gotten about 200 or so back, and one of the top items on that survey that we've received concern about has been the West Falmouth Fire Station. So we hoped that the Fire Chief will afford us – saw an opportunity to come meet with us at some point, talk about a possibility of closing the West Falmouth Fire Station, how it's going to impact certainly the village of West Falmouth and North Falmouth and Hatchville, speak to us about response times, staffing. So, before we move forward with any solid, definitive plan, we'd certainly like to hear from you down on our side of town. Thank you.

THE MODERATOR: Okay, Ms. Lowell. Microphone in the back, there.

MS. LOWELL: Thank you. Obviously we've been talking about

having a Hatchville Fire Station for a long time, so I don't question that. I just want to know what this \$35,000 will buy and the process that's going to be undertaken to find a site and do the planning for the new fire station. Because we've had tonight some various examples of good and bad public process in trying to site something; the Teaticket VFW was a good example, and I think the Senior Center just showed it hadn't been out there in the community enough. And I know from when we were siting the Central Fire Station we had a consultant who talked about response times and mapped various response times. But I'm wondering is that what we're buying? Are we buying design or what are we buying with this 35,000? Thank you.

THE MODERATOR: Mr. Brodeur. Microphone right there. Give the Chief the microphone, please. Oh, he's going to go down front, okay. And then Mr. Jones. He's going to answer the question of what is this consolidation plan money for. That was the question.

CHIEF BRODEUR: Mr. Moderator, through you to Town Meeting Members. Paul Brodeur, Fire Chief Precinct 4. On the \$35,000 for the consolidation of the West Falmouth Hatchville Station, this was put off from last November's CIP because of the austere fiscal constraints of the town. I said, well, we can wait a year. And what this is is a preliminary plan; the key word in this is "preliminary plan", working with the Town Building Committee, Sally Giffen, Chairman, Dick Bowen, and others, people within the department, as well as the concerned citizens in the immediate response area of West Falmouth and Hatchville, and looking at the preliminary design of a station. Also the possibility of a compromise or a consolidation of the Hatchville station, which has been thought of since in the 1950's.

Chief Packard, rest his soul, said that where the Jewish Congregation church is today is where Hatchville station should have been. And then Chief Packish, when he was chief, you'll remember, station six up by the Medeiros softball field on the north side of 151.

What this \$35,000 is for is to get the preliminary plan and layout for response times within the West Falmouth District. Where the present West Falmouth Fire Station is is land poor. We don't have enough room to expand and then figure a 70 year growth for use of a fire station. This fire station on West Falmouth Highway right now was built in 1930. The one that we replaced in 1980 in East Falmouth was built in 1930 with the WPA money. So, the next station to be renovated and worked within the fire rescue of the Department and its mission is the West Falmouth station.

And then if you look, the natural as well as manmade obstacles that are involved in location of a fire station. Nobody wants to lose their fire station. But in order to put a fire engine, two people and an ambulance in that station, there's not enough room. So what it would take is a preliminary plan, \$35,000 voted on by the Town Meeting this evening, and then we'll move forward in involving everybody in the community that wants to be involved. Any questions?

THE MODERATOR: Mr. Hampson. Just make it for this article, will you?

MR. HAMPSON: Mr. Moderator, I recommend that we continue past eleven to finish –

THE MODERATOR: Just to finish this.

MR. HAMPSON: Yes.

THE MODERATOR: Excellent. Okay, you've all heard the main motion to continue after eleven just to finish this article. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it by the two-thirds.

Anything else, Chief?

CHIEF BRODEUR: I think that does it.

THE MODERATOR: Okay.

CHIEF BRODEUR: You can stand up too long, it kills something.

So I'd just assume –

THE MODERATOR: Here we go. Ambulance, number 18.

EMS Vehicle, number 19. Twenty, the hoses.

Treasurer, 21, Electronic Check Imprinting.

Information Technology, 22. IT PC Upgrades. Twenty-three, IT Printer Upgrades. Twenty-four, IT Networking. Twenty-five, Servers. Twenty-six, IT Telephone System. Twenty-seven, Library Thin Client Replacement. Twenty-eight, Police Computer Replacement. Twenty-Nine, Geographical Information Systems.

Recreation Department, 30, Replace 4 Sailboats. Ms. Abbott.

MS. ABBOTT: Jane Abbott again, David. It's another spelling. I believe the sailboat is an Optimist. Do sailors want to agree with me? Optimist.

THE MODERATOR: Where are you at? I'm having trouble

hearing your voice.

MS. ABBOTT: Thirty, 30, the new boat –

THE MODERATOR: Speak into the mic, please.

MS. ABBOTT: The new sailboats. Optimist. And, while I'm standing up, number 34, I have another spelling.

THE MODERATOR: All right, we'll clean up the spelling. I don't know. I have a kayak, I don't have a sailboat.

[Laughter.]

THE MODERATOR: Natural Resources, number 31, the F-250 Truck.

The School Department, 32, Facilities Maintenance.

Assessing Department, 33, Vehicles. Ms. Grant and then Mr. Netto.

MS. GRANT: Lynn Grant-Major, Precinct 5, IT Director. I have no objections to the assessors needing cars, I know they go out everyday a long time, but my pet peeve in Town Hall is there's no parking, and adding more two vehicles, I just want to bring everybody's attention. There are solutions to parking around Town Hall, and we've really got to start to think about them. So, adding two more cars is a good time to start thinking about it.

THE MODERATOR: Okay, Mr. Netto. Mr. Netto over there on the left.

MR. NETTO: Joe Netto, Precinct 9. Could you please tell me what department head came up with this figure of \$37,200 please?

THE MODERATOR: Mr. Chairman.

MR. ANDERSON: I believe it was Mr. Bailey of the Assessing

Department.

MR. NETTO: Well, I'm a little confused on the math.

THE MODERATOR: Okay, we'll do it right here.

MR. NETTO: I guess that's Mr. Bailey.

THE MODERATOR: Are you confused about the 16,9?

MR. NETTO: Well, I'll finish and then –

THE MODERATOR: The changes or?

MR. NETTO: -- you see if your math equals my math.

THE MODERATOR: Well, ask a clear question and we'll get an answer.

MR. NETTO: Okay, the clear question, Mr. Bailey, is what type of vehicles are you going to purchase that you're going to purchase two of them – correct – for \$37,200, is that correct?

THE MODERATOR: Mr. Bailey.

MR. BAILEY: That's correct. The original amount in there was a three year plan to purchase two vehicles on a lease-buy program, for a total of around \$48,000. After review by the Fin Com, we went back and looked at the outright purchase of two different vehicles. These are two of the new Jeep smaller vehicles, better gas mileage, that sort of thing. So, we decided that the lease was not the way to go, the purchase was the way to go, and that was decided between the Fin Com and myself.

MR. NETTO: Okay, so you mentioned the word Jeep, as in other words a four wheel drive vehicle, is that correct?

MR. BAILEY: I'm sorry?

MR. NETTO: You said they were Jeeps; are these four wheel

drive vehicles?

MR. BAILEY: Yes.

MR NETTO: And you said “Jeep”, so you already know what you’re going to buy without going out to bid?

MR. BAILEY: We got quotes for Jeeps for the purpose of this article, yes.

MR. NETTO: How could you get quotes on a figure that exceeds the 30 B limitations of \$25,000?

MR. BAILEY: This is – my understanding – excuse me. We will go out to bid before we actually make the purchase of these vehicles. We needed a quote in order to have a number for this article.

MR. NETTO: Okay, thank you, but that’s not the math that I’m confused with. I’d ask fellow Town Meeting Members to go back to Article 4. I suggest you meet with Mr. Jack, sir, and see that he got a quote for \$16,000 for one vehicle. If I multiply that by two, I think I’d come up with 32,000.

There are many people in the Town of Falmouth that feel that the vehicles of this Town – and we just heard one person mention about parking – someone has to – and I’m not against Town vehicles. I ran a transportation system for the Town of Wareham. And I think there’s an inconsistency here of how we purchase vehicles for Town employees. And this is a glaring example. You’re talking about a \$5,000 difference.

And I would also like to recommend to the people on the stage, the Town Administrator and the Board of Selectmen, that we could – I did this for another town – that you could very easily – you heard the gentleman just talk about he went out and got a quote. And I’ll say this again that we should have

bids for all purchases of equipment, competitive bids, consistent with state law 30B before Town Meeting. And then these articles would read, "To buy one such and such a vehicle for \$17,444.28".

These are quotes, they're guesstimates. Yes, they go to dealerships. This gentleman went and got a price on a Jeep. I don't know where Mr. Jack went to go get his \$16,000 price. But we hear so much about money being tight and we all say that, and I would behoove the people that administer the Town of Falmouth that we could tightened this up a great deal if all the department heads went out prior to the November Town Meeting, put out a bid for a specific price, and brought a price back to us.

And I'd like to change this price of – to prove my point, because I've told you before we control every penny that's spent here at Town Meeting – in the Town of Falmouth, excuse me, at Town Meeting. And if one department head could buy a vehicle for \$16,000, then I would like to make an amendment that we change the price on line 33 to \$32,000 for two vehicles, thank you.

THE MODERATOR: Okay, you've all heard the amendment to reduce line 33 to \$32,000. Any discussion on this? Mr. Bailey.

MR. BAILEY: Well, I would just like to say that we're talking about two different type of vehicles. These are inspection vehicles, these are not vehicles that transport a department head to and from a wastewater facility. You know, we need the ground clearance and so forth. The people are currently using their own private four-wheel drive vehicles for this job. If we can possibly get the same vehicles at a lower price, we'll get the vehicles at a lower price. We're happy to go out to bid, we're happy to follow any policy, vehicle policies that the Town puts forth. But the fact of the matter is, this is the bid we got. We

got this bid very quickly as a compromise. Our prior prices were through the State Bid List.

I couldn't agree more with Mr. Netto, I think that the purchase policies of the Town could use some fine-tuning as far as standardizing the type of vehicles we use for different purposes, but this is a case where we need to buy these vehicles. We can't wait for the policy to catch up with us. We have been looking for these vehicles now for six years and we seem to get stuck in the middle of policy issues time and time again.

THE MODERATOR: Mr. Boyer, did you still want the floor? No, okay. Well, wait a second, Joe, you're not the only one that gets to speak.

MR. NETTO: I release my amendment.

THE MODERATOR: Okay, you're going to release your amendment? Okay.

MR. NETTO: Yes, I – I just wanted to make the Town aware of this, and I'm not going to micro- manage your department. I didn't like it when somebody micro-managed mine. But the message I'm trying to make is let's bring – and I think that's a message that this Town Meeting is starting to deliver. We want concise, clear answers and figures so that we can run this town effectively. Thank you.

THE MODERATOR: Okay. Any further discussion on the vehicles for the Assessing Department?

Harbor Master. Trailer Replacement. Thirty-five, Engine Replacement. Thirty-six, Dredging and permitting. Thirty-seven, New and Replacement Floats. Thirty-Eight, Wild Harbor Bulkhead Repair.

Any further discussion on the Capital Budget? Hearing none, the

question will come on the main motion of the Capital Budget. 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.

This meeting will stand adjourned until tomorrow evening.

Oh, notice of reconsideration?

[Pause.]

THE MODERATOR: No. Okay, no, we'll just stand adjourned until tomorrow at seven o'clock.

[Whereupon, Town Meeting adjourned for the evening at 11:10 p.m.]

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF BARNSTABLE

I, Carol P. Tinkham, a Professional
Court Reporter and Notary Public in and for the
Commonwealth of Massachusetts, do hereby certify that the
foregoing transcript represents a complete, true and accurate
transcription of my audiographic recordings
taken in Falmouth Town Meeting, November 13, 2006 to the best of
my knowledge, skill and ability.

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

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