COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

ANNUAL SPRING TOWN MEETING

PAGES 1-168

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MODERATOR: DAVID T. VIEIRA

MEMORIAL AUDITORIUM
LAWRENCE SCHOOL
FALMOUTH, MASSACHUSETTS
MONDAY, APRIL 12, 2004

Carol P. Tinkham
Professional Court Reporter
321 Head of the Bay Road
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PROCEEDINGS

THE MODERATOR: I want to remind all Town Meeting Members to sit in front of the roped-off rows. Any Town Meeting Member not sitting in the front of the auditorium will not be counted. Only Town Meeting Members should be sitting in front of the Town Meeting Members sign.

Our microphone carriers tonight will be, to my left, Morgan Gould, student assistant to the Moderator, and, to my right, Sarah Clayton.

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

Will all Town Meeting Members take your seats. Would all Town Meeting Members please take your seats. Once again, I'd like to remind you that attendance is being published in the Falmouth Enterprise.

Per recommendation of the Rules Committee, we will utilize a quorum count after the break this evening.

Okay, here we go. I remind all members

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that our proceedings this evening are broadcast live
on FCTV-13. Once again, our microphone carriers
will be Morgan Gould, Student Assistant to the
Moderator, and Sarah Clayton.

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

I have a few announcements I'd like to
make. Public notice from the Office of the Town
Clerk. There's a change of voting location for
Precinct 8. Voting in the May 18th Annual Town
Election, it will be held at the Navigator Club, the
Portuguese-American Association at 55 Ashumet Road.

Also a public notice from the Clerk's
Office: a lottery for ballot position on the May
18th annual town election ballot will be held on
April the 14th at ten a.m. in the Town Clerks's
Office at Town Hall.

Would all Town Meeting Members present
please rise for a quorum count and the tellers
return a count.

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

MR. HAMPSON: 52.

THE MODERATOR: 52.

In the first division, Mrs. Tashiro?

MRS. TASHIRO: 54.

THE MODERATOR: 54.

In the second division?

MR. DUFRESNE: 90.

THE MODERATOR: 90. By a counted vote of 196, we have the necessary quorum and I call the Annual Town Meeting to order.

At this time, we'll have the colors presented by Boy Scout Troop 42 and the Brian Baru Pipe Band.

[Pledge of Allegiance taken.]

THE MODERATOR: Falmouth Town Band Brass Choir for the Star Spangled Banner.

["Star Spangled Banner" played.]

THE MODERATOR: At this time, Kevin Lynch will provide our invocation. As many of you may well know, Kevin has recently returned home from Bosnia after several months supporting our

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troops in the area. Welcome home, Kevin.

MR. LYNCH: Thank you.

[Applause.]

MR. LYNCH: Heavenly Father, may our meeting this evening not only be an exercise of care and concern for our community and its residents, but also an example of how 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 especially those who protect our nation and around the world, and hope that those deployed overseas all come home safely.

THE MODERATOR: And we'll have a moment of silence. The Brian Baru Pipe Band will play "Amazing Grace".

["Amazing Grace" played.]

THE MODERATOR: And our thoughts and prayers be with our Town Meeting Members Leo McCarty and Esther Snyder.

Colors post. The Brian Baru Pipe Band. Troop 42.

We have a number of our elected officials with us this evening. I saw many of them out on
the front steps. This is one of those election years. We have our senator in the General Court, Senator Theresa Murray with us this evening. Our two representatives in the General Court who are also Town Meeting Members at Large: Representative Turkington and Representative Patrick. And our Sheriff of Barnstable County, Sheriff Jim Cummings.

Yes, Mr. Bishop.

MR. BISHOP: Raleigh Costa passed away as well.

THE MODERATOR: I'm sorry, that's correct. I didn't have him on my list. Our thoughts and prayers are with Mr. Costa and his family as well.

Marguerite McElroy, you have a quick announcement? Can we have the mic carriers come down and grab those mics so we can get them turned on?

MS. MCELROY: I'd like to make an appeal for Falmouth Service Center. During the month of April, we have a special opportunity to get matching funds under the Feinstein Challenge: for every can we bring in, this gentleman will provide...
money to match each can we bring in. So, for everything we can contribute, we get like a double bonus. And I'd like to ask you to bring in what you can tomorrow night by the poster out in the lobby. Peanut butter and tuna fish are the special needs for this month. So, if you can bring peanut butter and tuna fish - creamy seems to be the favorite, but both are popular. And please be generous. We can get double for the month of April, with money from the Feinstein challenge for every piece we bring in. Thank you.

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

CHAIRMAN MURPHY: I move to waive the reading of the warrant except for the officer's return.

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

[Aye.]

THE MODERATOR: All those opposed, "No."

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THE MODERATOR: The Ayes have it.

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

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

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

FROM THE FLOOR: So moved.

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

[Aye.]

THE MODERATOR: All those opposed, "No."

[None opposed.]

THE MODERATOR: The Ayes have it, unanimous. At this time, the Chair would

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entertain a motion to allow Town employees who are not residents of the town to have the right to speak on any issue before this Town Meeting.

FROM THE FLOOR: So moved.

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

[Aye.]

THE MODERATOR: All those opposed, "No."

[No.]

THE MODERATOR: The Ayes have it by a majority.

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

MR. FLEER: Thank you, Mr. Moderator.

Alan Fleer, Precinct 6. In accordance with Section 5, Chapter 40, Massachusetts General Law, and Article 43 of the Falmouth Zoning Bylaw, public hearings were held on February 24th, March 9th and March 23rd, 2004, on Articles 26, 27, 28, 29 and 30 for the April 12, 2004 Annual Town Meeting, and all those wishing to speak were heard.

THE MODERATOR: Thank you. At this time, I want to do a brief review of Town Meeting

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Rules. If you look at the yellow back cover of your warrant booklet. Town Meeting Rules. Number one, Speaking and Voting. Registered voters, residents and taxpayers of the town may speak on any article in the warrant. Persons who are not voters, residents or taxpayers of the town may address the Meeting only with the consent of a majority of those present.

Only Town Meeting members may vote.

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

Two amendments will be accepted on any article.

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

Reconsideration. Reconsideration will be allowed at any time during the meeting if the article does not involve the appropriation of money.

If the article involves the appropriation of money, notice of reconsideration must be given.

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within 30 minutes of the vote on the article.

Reconsideration may then be allowed at any future time.

Hours of Operation. The first night 7:00 p.m. to start. Subsequent nights 7:00 p.m.
Closing at 11:00 p.m. unless a motion to continue is made and approved by a 2/3's vote of Town Meeting members.

I just want to mention briefly I had a question before we started Town Meeting what the difference was between an override, a debt exclusion and a capital exclusion. So, for new Town Meeting Members I'll give you just a real quick definition of that. An override is when we go to the ballot and we ask the town to override Proposition 2 ¼ to increase the base levy rate in our taxes for a particular reason. That increase is indefinite on our levy rate. On our base rate.

A debt exclusion raises our taxes for the term of the debt. So, if the debt is 20 years or 25 years, that increase is for that period of time and then, when that debt retires, that was the famous opening window that Mr. Boyer used to talk

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about, that debt retires and the window opens a little bit.

And the capital exclusion is the same thing, except for the capital exclusion is used for a one year debt purchase.

At this time, I'll use a blanket vote for the Annual Town Meeting warrant. As you know, we'll go through each of the articles. I'll give you a brief definition. If you'd like to hold the article, please yell out "Hold", give us your name, we'll mark it down.

At the end of going through all of the articles, I'll make a quick second run through. And then we'll entertain a motion to accept all articles that were not held on the blanket as recommended. And then we will go back to the beginning of the warrant and proceed with Article 1.

Article 1 is an automatic hold. Article two, to hear reports, is a hold. Article 3, to authorize the Selectmen to settle claims and suits. Article 4, to authorize the Board of Selectmen, to apply for and accept state or federal grants.
Article 5, to vote to assume the liability in a manner for the damages that may be incurred by work to be performed by the Department of Public Works of Massachusetts. Article 6, to fix the salaries of elected officials. Article 7, to vote the revolving fund for expenditures of updating the Code of Falmouth and to raise and appropriate $7,000 for the fund. Article 8, to vote to authorize continued use of the Revolving Fund known as the Falmouth Recreation Department Revolving Account. Article 9, to vote that any funds received by the Town of Falmouth as part of the Medicaid Medical Services Program are allotted to the School Committee. Article 10, to raise and appropriate $15,000 for the purpose of funding hospital, medical and related expenses incurred by employees of the Fire and Police Departments.

Article 11 is a contract; the recommendation is indefinite postponement.

Article 12, DPW contract; recommendation: indefinite postponement. Article 13, Falmouth Public Library contract; recommendation is indefinite postponement. Article 14, Firefighters
Local 1397; recommendation is indefinite postponement. Article 15, the Falmouth Police Federation; recommendation is indefinite postponement. Article 16, the Falmouth Police Superior Officers Association; the recommendation is indefinite postponement. Article 17, funding a raise to all non-aligned and technical administrative and management employees; recommendation is indefinite postponement. Article 18, vote to amend the Town's Classification Plan, adding assistant town administrator at Grade -11 and deleting Town Administrator at Grade -10; the recommendation is indefinite postponement. Article 19, vote to amend the Town's Classification Plan to add detention attendants at the Police Department at Grade-5 and to delete detention attendants at the Police Department Grade 2; recommendation is as printed. Article 20, to amend the Town's Classification Plan to add GIS Coordinator at Grade -06, and to delete GIS Coordinator at Grade -05; recommendation is as printed. Article 21, to amend the Town's Classification Plan to add a network computer

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technician at Grade -05. Article 22, to amend the Classification Plan to add chief wastewater plant operator at Grade -07, and to delete chief wastewater plant operator at Grade 12; also to add an assistant chief wastewater plant operator at Grade 12. Article 23, to amend the Classification Plan to add a wastewater plant laboratory technician at Grade 10.

Article 24 is to amend the Town Classification Plan to delete 44 firefighters and to add 46 firefighters.

MR. JOHNSON: Hold.

THE MODERATOR: Who’s holding this?

Mr. Johnson.

Article 25 is a hold; that’s our operating budget, which we will when we get to it, we’ll go line item by line item.

Article 26 is to amend Section 240, 160 B, Article 30, accessory and temporary uses of zoning bylaw, by adding the words, “a container or storage and or”, end quote.

Article 27, to amend the Planned Residential Development zoning bylaw. Article 28
is a hold. Article 29 is a hold. Article 30, to rezone a portion of property on East Falmouth Highway. Hold.

Article 31 is a land purchase article.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 32, this is for the construction of the renovation and addition to the DPW Maintenance Facility on Gifford Street.

MR. SHEARER: Hold.

THE MODERATOR: Hold, Mr. Shearer.

Article 33, this is to authorize the Board of Selectmen to petition the General Court to transfer jurisdiction of land from the Conservation Commission for conservation purposes under General Law chapter 40, Section 8 C to the Board of Selectmen for wastewater resource protection --

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 34 --

FROM THE FLOOR: Hold.

THE MODERATOR: Article 35, to raise and appropriate $73,800 for the Massachusetts Estuaries Project for the preparation of a critical nitrogen

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loading threshold report for Little Pond, West
Falmouth Harbor and Oyster Pond.

   Article 36, to raise and appropriate
   $75,000 to line item 84137-57790 for the purpose of
   replenishing the Workers Compensation Trust Fund.

   Article 37, to raise and appropriate
   $5,000 for a professional tax consultant to review
   the Town's obligations under the I.R.S. Code
   pertaining to tax exempt organizations.

   Article 38, to see if the Town will vote
   to accept the provisions of Massachusetts General
   Law Chapter 148, Section 856, regarding the
   licensing of parking lots and the business of
   conducting or maintaining open air parking spaces.

   Article 39, this is goals and policies of
   updating the Local Comprehensive Plan, indefinite
   postponement.

   Article 40, to authorize the Board of
   Selectmen to grant an easement to Commonwealth
   Electric Company and Verizon of New England,
   Incorporated, on land off Scranton Avenue, being
   lot 15 as described in the Certificate of Title
   116931 and part of the Town Marina.

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Article 41, to see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 40, Section 8G, to allow the Town to enter into mutual aid agreements with other city or town to provide assistance for the Police Department.

And Article 42 is a hold.

We'll go through real quick one more time. Article 1 was a hold. Article 2 is a hold. Article 3, settling claims and suits. Article 4, Selectmen to accept grants. Article 5, liability for the state DPW. Article 6, elected officials' salaries. Article 7, Code of Falmouth Revolving Fund. Article 8, the Recreation Department Revolving Account. Article 9, the Medicaid Medical Services Program. Article 10, medical expenses for employees of Fire and Police Departments. Article 11, AFSCME contract. Article 12, DPW contract. Article 13, Public Library Contract. Article 14, Firefighter's contract. Article 15, the Police Federation contract. Article 16, the Police Superior Officers Association contract. Article 17, non-
aligned and technical administration and management employees contract raises. Article 18, Classification Plan for assistant town manager. Article 19, Classification Plan for detention attendants at the Police Department. Article 20, GIS coordinator. Article 21, network computer technician. Article 22, chief wastewater plant operator and assistant chief wastewater plant operators. Article 23, wastewater plant laboratory technician.

Article 24 was a hold. Article 25 is a hold.

Article 26, zoning accessory and temporary use. Article 27, planned residential development.

Article 28 is a hold. Article 29 is a hold. Article 30 is a hold. Article 31 is a hold. Article 32 is a hold. Article 33 is a hold. Article 34 is a hold.

Article 35, the Massachusetts Estuaries Project, critical nitrogen loading reports.

Article 36, Workers Compensation Trust Fund.

Article 37, consultant for the IRS Code pertaining

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to tax exempt organizations. Article 38, open air parking spaces. Article 39, Local Comprehensive Plan. Article 40, the granting of an easement. Article 41, mutual aid agreements with other towns.

And Article 42 is a hold.

Mr. Chairman for the main motion.

CHAIRMAN VIEIRA: Mr. Moderator, I move that all articles voted and not held be and hereby are adopted as recommended.

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

[Aye.]

THE MODERATOR: All those opposed, "No."

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Mr. Chairman.

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

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

Article 1, Necessary Town Officers. The main motion is as printed. This is for the Finance Committee. I have a report from the Finance Committee: the five members currently serving on the Board all wish to be re-appointed for a three year term. We have Bryan Anderson, Gary Anderson, Adrian Dufresne, Frederick Schneider and Jo-Ann LeMoine. At this time, the Chair would open nominations.

FROM THE FLOOR: So moved.

THE MODERATOR: So moved. Nominations are opened. Are there any further nominations to the Finance Committee? Hearing none, the Chair would entertain a motion to close nominations.

FROM THE FLOOR: So moved.

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

[Aye.]

THE MODERATOR: All those opposed, "No."

[None opposed.]
THE MODERATOR: The Ayes have it. All those in favor of the nominations as submitted, signify by saying, "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No."

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Let's give a round of applause to our hard-working Finance Committee Members.

[Applause.]

THE MODERATOR: When you pick up that Cape Cod Times and see a lot of trouble in a lot of municipalities, then my hat's off to our Finance Committee and to our administration for the tough work that they do in cooperative efforts.

Article 2, to hear reports of Committees and Town Officers. The main motion is as printed. The Planning Board would like to make a report and then the Local Planning Committee, and I see the Recreation Committee would like to make a report as well.

Yes, Planning Board. Mr. Foreman.

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MR. FOREMAN: Thank you, Mr. Moderator.

We have not in the past, Planning Board, generally availed ourselves of Article 2, but in the interests of better informing Town Meeting of what we see as some of the major challenges facing Falmouth, we have put together a brief report tonight. Before moving into the video part, I would also like to add that we have been working diligently, or begun working diligently with the Selectmen, members of the Finance Committee, the Zoning Board of Appeals, the EDIC, the Design Review Committee, the Chamber of Commerce, on creating a redevelopment strategy for East Main Street which we hope -- I won't promise that we'll be ready to bring something to next Fall Town Meeting, but we hope that we will be in a position to do so.

If working with representatives of all these groups we can develop what we feel is going to be a good strategy which will involve both some regulatory changes to promote redevelopment and also some incentives. And we hope that that model for East Main Street may be used in other parts of

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town as we continue to face redevelopment in each of the villages.

Now, what I'd like to show you tonight summarizes the growth that we've seen over the past few years and even just in the past six months throughout the town. Here you see an area of town, Old Barnstable Road, Carriage Shop Road, Hayway Road, which is probably one of the least developed areas currently in town, one of the most rural remaining sections of town. It's just north of where the proposed golf course purchase -- which we will be dealing with later -- is located. And over the past six months, we have seen -- next slide -- seven subdivisions proposed in this part of town, a total of 47 new building lots. This reinforces in our view in the Planning Board the need for open space acquisition in this area.

Shown in relation to existing open space, in the next slide, you can see that there is substantial town-owned open space in this area already. In addition to the 47 units shown on those orange subdivisions, there are two smaller pink parcels which are the location for 40 B
developments, that's 20 more units. And you can also see some irregularly-shaped light green areas; those are the open space associated with planned residential development. So that's privately-held open space within those planned residential developments, dovetails nicely with some of the existing town-owned open space and cranberry bogs and really exemplifies why this cluster subdivision approach of planned residential development is such a useful tool.

Finally, I'd like to provide a couple of slides that summarize how Falmouth has grown in relation to other parts of Massachusetts. Recently, the Massachusetts Audubon Society conducted a study in which they examined how much forested area had been lost to residential development, and out of the 351 towns in the state of Massachusetts we ranked number two, with about 2,329 acres, or eight percent of our total land area, lost during the period between 1985 and 1999.

In general, Falmouth's population growth has been about three times that of the state as a whole. In the decade between 1970 and 1980, our

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population grew by almost 50 percent. In the period from 1980 to '90, it grew by almost 20 percent. And in the period from 1990 to 2000, by almost 17 percent. This compares to a rate of growth for the rest of Massachusetts of between one and five and a half percent per decade over that 30 year period.

So I hope that these facts will help you in evaluating proposals that come before you over the course of Town Meeting, both this Town Meeting and future Town Meetings, that involve zoning strategies or land acquisition proposals to manage the growth that we've seen within the Town of Falmouth.

And that's our report for this evening and I appreciate having an opportunity to present that to you.

[Applause.]

THE MODERATOR: Okay, thank you. I'd also like to thank the Planning Board for its recent mailing to bring Town Meeting Members up to par with recommendations that you weren't able to get in the printed copy of the warrant. So thank

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you for reaching out and coming to a compromise on
that issue that was at our forefront at the last
Town Meeting.

At this time, the Local Planning
Committee would like to make a report.

MS. MILKMAN: I'm Mary Ann Milkman, and
I'm chairperson of the Local Plan Committee.

FROM THE FLOOR: Can't hear you.

MS. MILKMAN: Okay, can you hear that
better? Okay, great. We are the committee
that's charged with guiding the implementation of
the Local Comprehensive Plan, which is exactly what
Ken Foreman was just talking about, namely the plan
that has in it what we the townspeople want for
growth and development in our town for the future,
but also, importantly, for the preservation of the
features that we think are important to Falmouth
and to our quality of life here.

So our committee, before each Town
Meeting, reviews all the articles that are on the
warrant which are relevant to the Comprehensive
Plan, and what I want to do very briefly is just
comment on whether these articles are consistent

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with the Comprehensive Plan. You might want to
look at them as I just point out the numbers.

The first one is Article 27, which is the
zoning bylaw change related to residential
development, and that is consistent with the goals
and policies of the land use and growth management
element as well as the open space and recreation
element because it promotes cluster development and
open space conservation.

Article 30 is one we want to point out
that is not consistent with the land use policies
of the Comprehensive Plan because those policies
prohibit the extension or creation of new roadside
strip commercial development. Similarly, Article
2 of the Special Town Meeting, which I know is not
being voted on tonight, but I want to point out
that that similarly is not consistent with the
Local Comprehensive Plan since it’s a business re-
 zoning request next to the property referred to in
Article 30.

Article 31 is consistent with the primary
goals of the open space and recreation element, to
protect open space particularly in sensitive areas

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that are adjacent to ponds and embayments.

And, somewhat similarly, Article 35 implements the policies of the water resources element to plan for the management of the nutrient impacts affecting the Town’s ponds and embayments.

And for tonight’s Town Meeting, I just want to make a couple of comments on Article 39, which is not being held. It regards the update of the Local Comprehensive Plan, and our committee is also charged with overseeing that update which takes place every five years. We inserted this article in the hopes that we would be able to present you with an updated plan, particularly the goals and policies which you vote on. However, while the update is coming along very well, and parts of it are ready for you to see, but some parts are not completed yet. Therefore, we asked the Selectmen to recommend indefinite postponement of this article but we intend to bring it to you with the updated goals and policies at the Fall Meeting, as well as, and this is what’s really taking our time, a reformatted plan that you can take home with you and keep and read and look at

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instead of stacks of separate pages.

Finally, there are two articles in tomorrow night's Special Town Meeting warrant, Articles 3 and 5 that deal with the gold course purchase. Those are a primary goal of the open space and recreation element and will permanently protect public open space and enhance opportunities for active recreation.

And Article 20, which presents a small but important contribution to the reduction of nutrients entering the Town's watersheds and ponds, and that is again a very important goal, both of water resources and the coastal resources elements of the plan. Thanks very much.

[Applause.]

THE MODERATOR: Recreation Committee.

Can we get a mic down here. Are there any other committees that would like to make a report after the Recreation Committee?

MS. CUNY: Sandra Cuny, Recreation Committee member and also a member of the Executive Committee for the Falmouth Teen Center. I just wanted to give a brief report on the new Teen
Center which opened last May, because although it was a slow start last summer, it has successfully grown this past winter in the number of youths now using the Teen Center.

The Teen Committee, the Executive Committee and the Friends of the Falmouth Teen Center have been working together with the Falmouth Recreation Department and the Recreation Committee in forming hours of operation, establishing rules of conduct and coordinating special events. As the Teen Center continues to grow in popularity, one of the most important aspects is the consistency of hours and operation, and that this new addition for our youth be open and available as much as possible. I mention this because the Recreation Department does not have the staff available presently to cover all of the hours of operation needed. The Teen Center is open on Monday through Friday from 3:00 to 9:00 at night and on Sundays from 12:00 to 5:00. And of those operating hours, 6:00 to 9:00 every night during the week from Monday through Thursday and Sundays 12:00 to 5:00 are run by volunteers. I'd like to

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take this opportunity to publicly thank all the adults and teachers and yes, even Dr. Clark has put in a shift or two, for volunteering their time because it is sincerely appreciated.

The students presently involved in the Teen Committee have worked hard with the guidance of adults involved and have contributed to its success. Trying to operate the Teen Center with different volunteers on a daily basis is an issue. The Recreation Committee had asked Helen Kennedy to look into placing an article this year for a new part-time position to cover those additional hours that the volunteers do now. To provide a person who would be familiar and consistent in overseeing the Teen Center would truly be beneficial and a key to the continued growth and success. We realize the Town is in fiscal restraints and cannot provide this part-time position this year, so there is a group of adults from the Friends of the Falmouth Teen Center who are doing grant writing through Falmouth Together We Can, Incorporated account, to try to raise funds to hire someone to fill this task. I hope that Town Meeting will please keep

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in mind in the future this much needed position if
it should ever come before you. And if you
haven’t been over to the Community Center to see
this new teen addition that you all helped create,
please stop by because it’s wonderful. Thank you.

[Applause.]

THE MODERATOR: Thank you. Any further
committee reports? Hearing none, all those in
favor of accepting the reports, signify by saying,
"Aye."

[Aye.]

THE MODERATOR: All those opposed, "No."

[None opposed.]

THE MODERATOR: The Ayes have it
unanimous.

Article 24. This is to amend the Town’s
Classification Plan to delete 44 firefighters and to add
46 firefighters. Mr. Chairman of the Finance Committee
for the main motion.

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

THE MODERATOR: As printed. Mr.

Johnson.
MR. JOHNSON: Leonard Johnson from Precinct 5. I just have two points to make on this article. In this time of fiscal restraint, this article seems inconsistent. We’re adding employees at a time when we’ve been holding the line elsewhere in the budget, which I applaud and that seems appropriate. So this, in my mind, is not consistent with that approach.

Secondly, I wonder if a study has been done that we might combine some of these fire stations around town so that we can more efficiently serve the needs of the community.

Thank you.

THE MODERATOR: Chief, do you want to respond, or? Microphone in the back, Chief Brodeur.

CHIEF BRODEUR: Article 24. I think for the benefit of the Town Meeting Members, I’ll give you my entire presentation rather than just pick out certain segments, and that will give everybody an explanation on where we are and why we’re going where we want to go.

Article 24, Town Meeting, Falmouth Fire

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Rescue Department is requesting that you support the article for two additional firefighter paramedics in our department. There was a study done in the late '70's that said that one person outlying stations were criminal. There was a study done in 1980 that said the same; we're in the year 2004 and I think it's time to go. Now we're looking for a revenue stream; that has been accomplished.

This staffing plan will add incrementally eight positions to our department. I think it's important to know that the mission of the Falmouth Fire Rescue Department was established in 1997 and the three key points to that is to provide to the citizens and visitors of our town the most effective, efficient, and expedient emergency service for the protection of life and property due to fire, medical emergencies and natural or man-made disasters pre-9/11/01. So, there has been a plan in place, a master plan, capital improvement plan, and it just keeps getting sidelined to the right.

Elimination of the one person stations in

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which there are two, and that would be Woods Hole
Fire Station and the West Falmouth Fire Station.
Provide coverage for an ambulance in Woods Hole and
a back-up for the headquarters district, the
infamous center core. You ask why? That's where
your nursing homes are, the hospitals, the majority
of our geriatric community lives within walking
distance of the businesses in the center of town.
The ambulance housed in Woods Hole would become a
back-up for the ambulance that's stationed in
headquarters.

I think to understand what we do in the
Fire Department is to know how our various stations
are staffed and what equipment is available. We
have five stations: Headquarters, 399 Main Street;
Station Two, Woods Hole, Woods Hole Road; West
Falmouth Highway, West Falmouth Station Four; North
Falmouth Station Three in North Falmouth; and
Station Five in East Falmouth.
The assignment in headquarters is one
engine, one ambulance, one medium rescue truck, one
shift commander's vehicle, one paramedic
interceptor program vehicle. The ladder truck was
moved up when we built our new fire headquarters.
If you recall, that used to be in Woods Hole with
one person, along with an engine, depending on what
we had, depending on who went first.

One medium brush breaker, one dive rescue
tuck, one Zodiac rescue truck, which was donated
to the Department, with trailer. One
Massachusetts decontamination unit which supplants
the Falmouth Hospital to aid them in their
decontamination due to bio-hazards after 9/11, and
also works in conjunction -- that was a
Massachusetts Emergency Management Agency grant,
free to the Town of Falmouth, and then our overtime
for training was $6,000.

And one EMS officer's vehicle.

Manning levels need to be increased to
meet the safe standards in response crews. One
person fire rescue stations are not appropriate in
this day and age. A minimum of two persons for
fire rescue crews is the real world, and with
another crew becomes the minimum four person
response team which we've enacted in the department
a four tier system since 1998. So, there has been

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planning, little steps to move in a positive
direction.

The revenue stream. We understand the
fiscal constraints, both at the federal, the state
and also the local level. This is just a remedial
from the November, 1998 presentation which was also
I think at that time we mentioned the Hatchville
Station. We put that out as a feeler. Because
that's coming, I think that will address the issue
of the combining of stations.

Headquarters personnel. At any given
time, there are four people in headquarters. One
dispatcher doesn't leave the building, and four
bodies to go anywhere in town. One person in
Woods Hole and one in West Falmouth, two in North
Falmouth and two in East Falmouth. You get a
working structure fire at two o'clock in the
morning, you're going to get ten people to that
scene. Everybody else is gravy. You might get
the chief and you'll get the off-duty deputy.
That's who you get to a working structure fire.

We have a ten man minimum staffing in the
Town of Falmouth Collective Bargaining Agreement,

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and that's adhered to at all times.

The revenue stream has been streamlined in the Department in 1998. We hired a full-time ambulance billing office assistant, Ms. Liz Farland. And with technological advances and a full-time office assistant doing ambulance billing electronically, it gets the money from the insurance companies into the General Fund a lot quicker. It's almost like electronic banking.

This revenue is received due to the ambulance billing and deposited all monies into the General Fund.

Ambulance receipts, Fiscal Year 1998, pre-office assistant electronic billing was $155,326. 1999: $289,408. Fiscal Year 2000: $412,969. Fiscal Year 2001: $646,039. Fiscal Year 2002: $611,671. Some of this money recouped was going back six years. The difference between the $646,000 and the $611,000 in those fiscal years was the readjustment by law with the fees with the Town of Falmouth setting up the ambulance fees and catching up with Medicare. So you'll notice in the following year, Fiscal Year 2003: $831,000.
So we caught up. And presently to date, three-quarters of Fiscal Year 2004: $761,069. With a quarter to go, the expectation is over a million dollars in receipts to the General Fund.

Why additional purpose and personnel? Remember our mission statement in the E 3 cubed: Effective, Efficient and Expedient services to the community. I think that should be up there in the next slide.

The Falmouth Fire Department responses have been increasing steadily. As you can see by the report, in over 73 percent of the Department's business is rescue. To date, over 3,000 incidents have been rescue and also we're over 4,000 incidents to date, with a quarter of our fiscal year to go.


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Medical responses increasing in departments have been experiencing multiple calls for rescue within this time frame up to three rescues, three different locations in town in the same hour. That depletes the ten man to six. Six of the ten are gone. If it happens to be a priority one heart attack, then that means that we could possibly have all ten going out on three ambulance calls.

Rescues out at different calls simultaneously and medical responses will continue to rise because of the town’s population increase. One-third of our population as we know is geriatric and hopefully we’re all going to live a very long, long time.

Another issue that comes up with our ambulances that seem to be a problem now is the medical responses have been exhausted because of ambulance availability because Falmouth Hospital goes diversion. You say, what does that mean to Falmouth? That means that Falmouth ambulances go to Cape Cod Hospital, Tobey or Jordan, because Falmouth Hospital is closed. We can have one
going to Cape Cod Hospital, one at the hospital and one returning. There's the fourth ambulance in Woods Hole. That's not with other future growth in other communities. I'm just trying to take care of the business in the Town of Falmouth.

The times, they are a-changing, and the time the type of transport takes time and depletes the Department's resources, either fire or rescue. Remembering that our personnel either go out on fire trucks or go out in the ambulance. We don't have people expressly for the ambulance and expressly for fire. They do either/or. Or, at times, both. And I think we have a good ambulance service for the people that we serve, because they like to see us coming.

Firefighters are either servicing the fire apparatus or ambulance and we maintain a ten man minimum, complementing the town. What we want to do is better and more effectively serve the Town of Falmouth and you as the citizens and also increase effective firefighter safety and wellness -- which is important, because our employees are the Department's most valuable asset. Highly

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trained personnel.

So, in closing, I want to thank you for your attention and hope that I get a positive vote on this article. Thank you.

THE MODERATOR: Mr. Clarkson. I'm going to pass the mic down the table.

MR. CLARKSON: Thank you, Mr. Moderator.

Troy Clarkson, Precinct 5. I just want to follow on with what the Chief said with just a very brief synopsis of my take of the Selectmen's deliberations on this proposal going back many years. As you all know, we have worked for several years to have a long-range personnel plan of what positions we're going to add in this town. And it was originally enacted, oh, I don't know, some seven or eight years ago. And when we did that, we looked at incrementally increasing both the Police and Fire Departments. We're done that with the Police Department.

This proposal is not something new; it's been planned for several years. So we have planned for years to include this increase in the manning of the Fire Department in our budget. We
carefully considered, along with the assistance of Bob Whittenour, what our needs were for Fiscal Year 2005. The Board recognized that this was something that we had planned for many years and something that was important to respond to today’s needs. So I give that as a backdrop to what the Chief said.

The Board is aware that we’re in tough fiscal times, but gave this issue and these positions a priority because they’re necessary and they’re something that we’ve planned for for many years. So I ask that you support them.

THE MODERATOR: Any further discussion?

Ms. McElroy.

MS. MCELOY: We just promoted three people and added three new people under the blanket. I’m sure they’re important jobs, but my life doesn’t depend on them, and neither does yours. The Fire Department saves lives every day. Seventy-five percent rescue runs with our aging population. I urge you to vote this article right away. Thank you.

THE MODERATOR: Mr. Lewis.

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MR. LEWIS: Mr. Moderator, Gardner

Lewis, Precinct 6. Can I ask the Chief a question, on the ten man minimum which we now live under, the ten firemen, this will make it 12, am I correct? Eventually.

THE MODERATOR: Mr. Brodeur.

CHIEF BRODEUR: That would have to be up to bargaining. Presently it's ten. There's nothing that says that when you increase that your manning increases automatically.

MR. LEWIS: Okay, so if you assign one of these men to West Falmouth, it now has two one shift out of every four --

CHIEF BRODEUR: Right. What we'd be doing, the plan is the two additional incrementally will be housed at Woods Hole because there's an ambulance there. What we've been doing now, with the ten man minimum, when we have our first ambulance go out, that brings the complement down to eight, we hire back two. One of the two goes to Woods Hole to staff that ambulance. So what we would do with the two additional personnel, we would assign them to Woods Hole so on two of the
four shifts there would be two people on duty at
the start of the shift.

MR. LEWIS: Okay, my concern is that you
would be saving over time on this, you won't be
generating more overtime by this man being called
out?

CHIEF BRODEUR: I will go this far as
saying that I would never say that I'm going to
save overtime, because I've heard many people
before me say that. People get sick, people go on
vacation, there's personal leave day. There will
be some reduction in overtime, but then the monies
that's saved in overtime in that specific field may
be used in another field such as training, or
something that we're not doing right now. But to
blanketly come out and tell anyone that I'm going
to cut overtime by doing this, I wouldn't say that.

THE MODERATOR: Mr. Crocker.

MR. CROCKER: Mr. Moderator, ladies and
gentlemen. As you know, the Town of Falmouth is
growing. We were told that tonight. Because the
land, and so forth. The Town of Falmouth is
growing at a faster pace and we need the support of
the Emergency and the Fire Department in the Town of Falmouth. We can't go backwards; we have to go forwards today. And that's why we need two more personnel to work. We're not just getting firemen, we're getting people who are medical trained. So I feel that we should do this tonight and pass and put this forward. And let's give the fire chief a great big hand for all the work he's been doing for this Fire Department in the Town of Falmouth.

[Applause.]

THE MODERATOR: Okay. Any further discussion on Article 24? Hearing none, the question will come on the main motion. The main motion is as printed, to delete 44 firefighters and to add 46. All those in favor of the main motion, signify by saying, "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No."

[No.]

THE MODERATOR: The Ayes have it by a majority.

Article 25 is the budget. I'm going to
Start off by getting a main motion on the floor and then we'll have a presentation from the Town Administrator and then we'll go through the budget line item by line item. We're not going to do a blanket; we'll just go through it line item by line item and answer questions or take any amendments or whatever.

Mr. Chairman for the main motion.

CHAIRMAN VIEIRA: Mr. Moderator, I move Article 25 as recommended by the Finance Committee.

THE MODERATOR: Okay, Article 25 as recommended by the Finance Committee.

Mr. Wribtenour.

MR. WRIGHT: Good evening, ladies and gentlemen. The purpose for my comments this evening is to just give you a very brief overview of some of the bigger picture items that perhaps you won't see in just the individual line items that are in the budget. There are some very serious budgetary issues that are confronting the town today, moving forward, and I just wanted to call you attention to a few of those issues and what that means generally for the budgets in the
Town of Falmouth.

If we could go -- there's a simple chart in here and I think it really breaks things down in a way that shows a trend, particularly alarming. As you know, we've struggled together over the last three years, now, in terms of trying to provide this quality program of services with the economy in a downward turn, with the revenues of the Town being seriously constrained. And the net result of that: in 2005, what we've done is just broken the revenue mix for the Town into three major components that comprise it: the property tax piece, the state revenue piece, and the non-property tax local receipts. Those are receipts such as your motor vehicle excise, all of the departmental types of revenues. And the biggest problem that we face right now is over the past two fiscal years and into this fiscal year now, the Town has lost over $2 million in the state revenue piece. And that represents a fairly significant piece of the Town's budget, to the extent that at this point, seeing the total state revenue piece down to six percent of the total town's budget,
that is an alarmingly low level. It signifies a practical pulling out of the state in terms of the financing of our local services.

I think a comparable community in another part of the Commonwealth would easily have a 25 percent component from the state revenues. But what we've seen is that over a short period of time the massive reduction in the state revenue has made it so some of the other revenues in town haven't been able to pick up that slack.

With the property tax, we get to increase that by the 2½ percent each year plus the value of any of the new homes that are constructed. We saw the new home chart there. But what we see now, as a result of the state revenue going down, the property taxes are up to 68 percent. And that is a number that, and I think a more healthy ratio would be closer to 50 percent. But what happens, as a result of the high value in the properties that we have down here on the Cape, we tend to be overly reliant on the property taxes to fund the Town services. So it does create some problems for the Town.

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We can jump a couple of charts ahead. We talked about a loss of $2 million. Again, when we have the constrained revenues, the economy slowing down, the state revenue piece backing up, the absolute best way to deal with those for the financial health of the community is exactly like Falmouth has been doing. What we've done is we've adopted this fiscal constraint program. This is the third year that what we've tried to do is reduce the overall level of expenditures to a level that we can sustain with existing revenues that we have. That we haven't gone over and above what we have to raise but what's happening now that we're in our third year of this constrained spending, we're beginning to see -- and, again, the Finance Committee members can attest to this, the Board of Selectmen -- we're seeing now some of the stress in the operating departments. We have situations where we're -- you know, we talk about adding the new firefighters within the context of that fiscal constraint. What that does to us, it forces us to have a phased approach to that that we still have a need to increase the staffing in many of the public
safety areas, especially that emergency medical services. We've just started this year because we don't have the revenues that are needed to meet that need fully, but, relying on the ambulance receipts and the other creative receipts, we're able to phase into that. Across the board, in the public safety departments, in the public works departments -- we'll talk in a second a little bit about the School Department -- we're beginning to see now a little bit of a strain.

Actually, go to that next chart, because it's interesting, is what we've done here with this chart is to try to show you over a longer year period the general nature of the town's revenues. Now, I don't mean to say that the budgets are shrinking. What we've had happen here is because of the lull in the economy, we depend -- this Town is again a very fast-growing town. And along with that growth comes the need for the services. And the budgets have been increasing. And this shows that period, it's a seven year period FY '99 through 2005. And if you take a look at th overall budget growth, and this is an interesting

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chart, too, because it has the budget growth that it shows, but also that composition of the revenue piece at the same time.

And what you see, I mean, apparently since 1999, at a budget of about 65 million and moving up to 85 million by 2005, it appears in the last seven years that we’ve swallowed a small town in terms of the budget growth going up another 20 million. But that is one of the things that you confront with a very fast-growing community.

Also, getting back to the state aid piece. If you take a look at that composition, you have roughly the same dollar amount in 1999 of the state aid. You have a much larger budget now, but you still have that same dollar amount. That’s a little bit troubling, and as you can see, where is that extra money coming from? Primarily we’ve got some of the growth here in those non-property tax local revenues, but it’s the property taxes that are really picking up the brunt. And so we’ve had a major emphasis on trying to work with limiting the spending.

But, as time goes by -- can we go to the

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next slide. This particular year, we started to see what's with the larger departments, particularly in the School Department, a difficulty in continuing to absorb those additional state cuts. And I want to talk just briefly about there was an initial request from the School Committee and the Superintendent of Schools as we made our way through the budget process for an FY '05 Proposition 2 1/2 override in order to avoid direct losses in the classroom of services based on not having enough revenue. What we were able to do, and we put our heads together between the School Committee, the Finance Committee, the Board of Selectmen, the Superintendent and I, we worked together to put into place a stop-gap funding program that provided an additional $330,000 for the schools in order to stop immediate service losses and get us into a position where we could, rather than just analyzing that $750,000 shortfall in the School Department, we've created a committee that will involve the School Committee, the Finance Committee and the Board of Selectmen and the Administration over the next year to fully analyze
what the revenue picture is available to the Town, what alternative revenues that we may have to make up for this continued loss in state aid, and also to take a look holistically, not just in one Department but town-wide, to take a very, very close look at what those budgetary needs are. Where the service gaps are beginning to fall to, you know, have a program where we evaluate the emergency medical staffing, that we evaluate the school spending. And we’re going to need to come in, if the economy does not turn around and we end up going into a fourth year of that static revenues, based on the growth of the Town, we’re going to need to begin to look very seriously at the potential for a Proposition 2 1/2 override, other new revenues to support Town services, or else potential cuts in the Town’s services.

Now, I need to point out that these boards that I mentioned are very much of a long way away from being able to together say that an override is looming for next year. But certainly there’s a range of options that has to be considered to put that program of services
together. And we are at the point now that the budget debt is in front of you is a fully balanced budget that is sustainable within the revenues that we have, but it's an extremely lean budget. Across the board. Where most of the increases have gone to issues such as the overhead items. We've funded the, you know, power is going up tremendously with the gas and the electricity, the insurance costs. Those issues are going up; we had to provide the funding; there's not a lot of new money in there for new services.

Maybe we can go to the next slide. But the one thing, there is a little bit of a silver lining in there. Despite what we have for the slowed revenues, we still have very, very high quality services that are -- and I really need to take my hat off to the department heads of this community that pulled together, devised ways of increasing the service levels, of continuing to provide services without having just automatic increases to the budget. Without exception, everyone has pulled together to put together a budget package that works for the town. And there

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are several initiative that you’ll find in the budget that do increase in selected areas of service levels.

One of the things that over the past three years we’ve had a -- and I think it shows tremendously -- my hat is off to Charnel [sp?] Newton, working with Bill Owen and the DPW, that facility’s maintenance program by consolidating manpower under a crack crew of people to take care of town buildings, we’ve done a much better job of taking care of Town facilities. We have started to chip away at the emergency medical response problems. We have become overly reliant in this community on our emergency mutual aid system; that we shouldn’t be in a position to call on as frequently as we do, and we need to address that staffing. Again, we’ve started that. We have a new wastewater facility on for the first time that has a comprehensive nitrogen removal system. It’s a fundamentally different sewer plant than we’ve ever had before and we’ve got some upgrades in how that’s going to be managed. And overall, that, again, is just -- I wanted to stay brief, give you
an overview, some of the big picture items that we're going to be confronting.

Let you know, 2005, we're sort of squeaking through. If the economy doesn't turn around, 2006 is going to be a very difficult year for the community. But I still hasten to point out that in comparison to similarly sized and aged communities throughout the Commonwealth, Falmouth continues to be extremely strong, largely buoyed by the property values that we have down here, and I think regardless of the committee's deliberations, I think we're going to wind up in good shape and I'll move back up and if anyone has questions I'll be happy to take them.

THE MODERATOR: Any general questions for the Administrator before we go Department by Department? Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6. You show three classifications but you don't show where any of the overrides fit in. Do they fit in as taxes when they come in, as property taxes, or how are they - why don't we have a box that shows how much we're paying in overrides? And debt
exclusions, et cetera.

MR. WHRITENOUR: That's an excellent question, and the detail on the revenue piece that we work with on a daily basis does have that breakdown and I have the number. I can give it to you. But that comes directly — any debt exclusions or previous override votes come under the big yellow piece, that 68 percent property taxes, because it's right part of your property taxes. But we do have the — I can break it down for you in terms of the base levy and what the debt exclusions, anything outside of 2 ½ is. You'd like that number? Hang on, I have it right here.

THE MODERATOR: Okay, any other questions while we get that number? Okay. Why don't we start department by department and then when we've got that number we'll share it with everyone.

MR. WHRITENOUR: I have that number right here.

THE MODERATOR: Oh, okay.

MR. WHRITENOUR: Just to give you a slight breakdown, the levy limit inside Proposition **
2 ½ for Fiscal Year 2005 is $55,273,149. That's the levy limit inside Proposition 2 ½. Currently we have no capital exclusions. We have debt exclusions totaling $4,084,875, and there is an additional $356,686 above Prop 2 ½ that goes directly to support the Cape Cod Commission.

THE MODERATOR: Okay, thank you, Mr. Whritenour.

We'll start with the top of the budget:

Town Meeting. Town Moderator.
Selectman/Administrator. Finance Committee.
Finance Committee Reserve Fund. Town Accountant.
Assessing Department. Town Treasurer. Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6.
I'm just curious on credit card fees. What do we take credit cards? Can I pay my taxes with a credit card?

THE MODERATOR: Where's the Town Treasurer, do you want to respond to that, credit card fees?

MR. SHEARER: I can fly around the world.
THE MODERATOR:  Carol, do you want to answer that?  The question on line 37 of the Town Treasurer's budget, credit card fees?  Line 37 of the Town Treasurer's budget, credit card fees.

MS. MARTIN:  Credit card fees are a cost for allowing people to use a credit card to pay for various services of the town.  The School Department uses credit cards to allow people to buy courses, you know, the night school courses.  The Harbor uses credit cards for transient, mostly, purchases of dock space.  And the ambulance department uses credit cards to allow people to pay for ambulance services that way.

There is a charge, of course, and all businessmen know that the use of a credit card isn't for free.  So, that's what the Town pays under this appropriation for credit card fees.

THE MODERATOR:  Any further questions about the Town Treasurer's budget?

MS. MARTIN:  Can you pay your taxes, was that the question?  Because I never heard it, sorry.  No, we don't accept credit cards now for paying taxes.  There may come a time when we, if
there's no fee to the Town to collect taxes for people to use credit card fees, then perhaps we can use it.

THE MODERATOR: Add the two percent on top.

MS. MARTIN: But right now there isn't.

THE MODERATOR: All right, any further questions on the Town Treasurer's budget. Lynn.

MS. GRANT: Lynn Grant, I'm talking as the Director of IT. We did start last fall a procedure called Ebill. And if you go online to the home page of the Town of Falmouth, town.falmouth.ma.us, you'll find it and you can pay your taxes that way. The Town has nothing really to do with it. Ebill takes it. You can either pay by credit card and then they'll give you the percentage they add on -- and they take it all. We don't do anything about it. Or you can do a like a check transfer and that's just 25 cents.

Well, you can pay by credit card if you pay to Ebill.

MR. WHITENOUR: Right, well, I'd just like to just -

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THE MODERATOR: Mr. Whitenour.

MR. WHITENOUR: - on that point, because this was actually I was a little proud of this, a pretty significant improvement in bringing the revenue into the town. By working with a third party vendor, we've provided the convenience to the resident of using that credit card, but what they do is they have the fee that is paid to the Ebill company, that makes it so the Town gets the full amount and we don't have to fund the extra fee on that.

So, we are taking some of the tax payments now by credit card and, you know, we just have that as an additional service and it's only the direct credit card payments that we have the fee on. But I do warn you, if you pay by credit card using Ebill, you still have to pay the three percent, it goes to the Ebill company.


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Conservation Commission. Planning Department.
Zoning Board of Appeals. Town Insurance.
Facilities Maintenance. Police Department. Fire
Department. Building Department. Emergency
Preparedness. Natural Resources.
Harbormaster/Waterways. School Department. Upper
Cape Vocational School. DPW
Administration/Engineering. DPW Highway Division.

Microphone to my right. Mr. Herbst.

MR. HERBST: Thank you, Mr. Moderator.

Under Salaries and wages, the request is $53,251
more than that recommended by the Executive branch,
which I assume is the Selectmen, and the Finance
Committee. Would someone please tell me what that
represents?

MR. WHITENOUR: What line item are you
referring to?

MR. HERBST: Line item 196.

THE MODERATOR: Two vacant positions, is
that correct?

MR. WHITENOUR: Yes, vacant positions
in that department that are not funded.

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MR. HERBST: Last year, this body voted down the elimination of those open positions which said we want those to be considered in the future. Now is the future.

If you refer back to line item number 9, the request was the same as the recommendation by the Executive and the Finance Committee, and that is the Executive branch. We look at the Finance Committee, line item number 19, and we see that the request is the same as that recommended by the Executive Committee and the Finance Committee. So, they're willing to recommend their own increases, but when we get down to the DPW, the non-administrative, non-white collar portion of our Town's operations, it seems to me as though we are shorting ourselves in maintaining our infrastructure.

I highly recommend and will make a motion, if necessary, to increase line 196 to that which is requested by the DPW Department. Thank you.

THE MODERATOR: Okay, we have an amendment to amend line 196 to read, $1,125,865.
Discussion on the amendment? Mr. Whitenour.

MR. WHITENOUR: Yes, thank you very much for those comments, by the way. I mean, I think we've indicated very strongly the issue of some of the stress on the Town's operating departments with the current fiscal constraint that we're going through right now. It would be a nice luxury to have additional positions in the Department of Public Works. We'd like to see some additional positions also added in the Emergency Medical Service and some of the other areas. We do have a plan to increase some of the Town departments.

The only thing that I would caution you that it was not on a lark that, you know, we established the funding levels of the Town departments overall this year. It was a very carefully crafted budget, it is a very lean budget. I would submit to you if want to consider adding these types of new positions, rather than just a knee-jerk reaction that appropriates more money than the Town has to raise, that we do have a committee established for this year to evaluate
some of the service level gaps, some of the staffing needs of the Town departments, but also, within the context of what types of revenue sources might be available to the Town, not just this year, but in moving forward on a sustainable basis so that we can make these strategic increases in the number of personnel that we have. And, frankly, you know, we were forced over the past - this is the third year in a row to limit the growth in the Town positions that we have, and this year I don't think is the year to continue to add these. But I do think that, very strongly, that this is one of the critical areas that, working with the Finance Committee and the Selectmen, that we can evaluate and be able to report back on, is what is the prognosis for adding new positions to the Town.

THE MODERATOR: Okay, Mr. Herbst.

MR. HERRST: Thank you. The $53,251 is two positions, is that correct? Is that what you just said a moment ago, Mr. Whrenenour? Was that your answer -

THE MODERATOR: The Chairman of the Finance Committee will answer that.
CHAIRMAN VIEIRA: Yes, those are two positions.

MR. HERBST: That is correct? Thank you. If you could break out what the - unless they're both funded at the same level, I would be willing to - and hopefully this body of representatives of our town would be willing to accept the reinstatement of one position, or half of the $53,251, the incremental start of re-establishing these positions.

This is certainly not a knee-jerk reaction when the Department of Public Works submits a budget which I'm sure takes considerable time, and the fact that these positions were not removed from the Personnel Department last year, that means that this body of people wants those positions reinstated at some time. So it is not a knee-jerk reaction.

So, I would like to alter my motion or for amendment, to re-establish one of those positions this year, just as the Fire Department has begun to increase their staffing. Thank you.

[Pause.]

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THE MODERATOR: Okay, we have the second amendment, which is to amend the first amendment. We're going to vote on both of these. The second amendment is to increase line item 196 by $26,625.50. That's one-half of the difference. The Finance Committee tells me that both of those positions were evenly funded.

So the first question will come on whether or not to amend the amendment to increase line item 196 by $26,625.50. Any discussion on that amendment? Mr. Antonucci.

DR. ANTONUCCI: Bob Antonucci, Precinct 6. Number one, can someone tell us what the position is? And secondly, if Bill Owen is here, the justification for it. Here we are going to vote a certain dollar amount, for what? I don't know.

THE MODERATOR: Okay, before we do that, let me just clarify: I need to round up, I'm told, to the dollar. So it's going to be $26,626. The two positions that we're talking about, Mr. Owens, do you want to comment on that?

MR. OWEN: Thank you, Mr. Moderator. My
name is William Owen, Director of Public Works. The Highway Division budget has been carrying five vacant laborer positions and Town Meeting last year or several years ago voted to keep them as vacant, unfunded positions. I requested two of the laborer positions out of the five be filled this year due to the heavy workload, due to the necessity to place some of these people on other areas such as the waste management facility, the transfer station, when people are absent, and the positions requested are Public Works laborers and the salary for each position is $24,856.

THE MODERATOR: Any further discussion on the amendment for reinstating one position here? Okay, the question will come on the first - on the second amendment, whether or not to increase the funding for one position. 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. The
question will now come on the first amendment, to
increase the funding for both positions. All
those in favor, signify by saying, "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No."

[No.]

THE MOD: It's the opinion of the Chair
that the No's have it by a majority and the line
item is not increased.

Any further discussion on DPW Highway
Division?

Beach Department. DPW Snow and Ice
Control. Street Lighting. Waste Management
Facility. Solid Waste Collection. DPW Wastewater
Facilities. DPW Water Utilities. DPW Tree
on Disabilities. Human Services. Falmouth Public
Library.

MR. DUFRESNE: Hold.

THE MODERATOR: We're not doing holds.

We're just dealing with them on the spot. So,

whoever just yelled, "Hold", stand up. I thought

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I heard someone say, "Hold." Oh.

MR. DUFRESNE: I held the Falmouth Public Library, but I would like to speak in conjunction with the West Falmouth Library.

MR. HAMPSON: Mr. Moderator -

THE MODERATOR: Mr. Hampson.

MR. HAMPSON: - ladies and gentlemen, George Hampson, Precinct 5. The West Falmouth Library has been very fortunate this year to profit exceptionally by the sale of land in their area. I'd like to remind the citizens that the property, the parking lot is owned by the Town of Falmouth, and what I'd like to do is yield to Mr. Dufresne who will explain this more in detail. Thank you.

THE MODERATOR: Mr. Dufresne.

MR. DUFRESNE: I think we're doing this a little out of sequence, Mr. Moderator.

THE MODERATOR: Yeah, what are we trying to do?

MR. DUFRESNE: And I apologize. I held the article and I do know that we have to go into the Cape Cod Regional Library before we can hold the West Falmouth article. My intention was to
hold the West Falmouth Library so -

THE MODERATOR: Just tell me what you want about the West Falmouth Library and we'll go back.

MR. DUFRESNE: All right, sir.

THE MODERATOR: Go ahead, go ahead.

MR. DUFRESNE: Do you want me to move?

THE MODERATOR: Do whatever you want to do with the West Falmouth Library.

MR. DUFRESNE: Okay. Well, not to cause any confusion, as most of you know, we've supported the private libraries of both Woods Hole and the West Falmouth Library for many years. A few years ago, this body, at the request of the Woods Hole Library when they wanted to join the Falmouth CLAMS systems, we increased their token contribution by a considerable amount of money.

The West Falmouth Library at that time made no request. However, my learned colleague, former colleague from West Falmouth, said, you know, "What's fair is fair. I live in West Falmouth and I think we should be - treat both libraries equally." So the Finance Committee and
this body did increase that appropriation to $7500. This past winter, very controversially the Board of Trustees of the West Falmouth Library sold some open space that they had adjacent to their library and at the displeasure of not only the people of West Falmouth, but I think contrary to everything that the Town of Falmouth is trying to do in protecting and acquiring open space.

My reason for standing up tonight is I would like to reduce the contribution to the West Falmouth Library from $7500 to $500, and take the $7,000 and put it in the Library Fund for the maintenance and upkeep of the North Falmouth Library. However, you know, the Library Trustees do a great job and I'm not going to tell them where to spend the money. But I don't think we should be rewarding the Trustees of the West Falmouth Library for going entirely opposite to what this body has been trying to fulfill and accomplish for the last five years.

So I ask for your consideration, to reduce line item 334 to $500 and to increase the Falmouth Public Library, 326, by an additional

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$7,000 so that we can probably make some
improvements in the North Falmouth Library. I
truly believe that this would be a good use of the
Town's monies. Thank you.

THE MODERATOR: Okay, we're going to do
this as two separate things. First we're going to
have a discussion and a vote on whether or not to
reduce the line item 334, and then after that we'll
decide whether or not to make an increase in line
item 326.

So the motion on the floor is to amend
line item 334 to read $500. Any discussion? Mr.
Lewis.

I have to correct my friend, Mr. Dufresne. The
piece of land that the West Falmouth Library sold
was in no way connected to the property where they
are. It was up the hill, it was a totally
disconnected - he made the statement it was a
connected piece of property; it was not.

THE MODERATOR: Okay, Mr. Vieira and
then -

CHAIRMAN VIEIRA: For the record,

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although Mr. Dufresne is a member of the Finance Committee, this has not been discussed by the Finance Committee and it's not a position that the Finance Committee is either recommending or not recommending because we have not discussed this.

THE MODERATOR: Okay. You want to hold one second, Mr. Dufresne, and then we'll get the new speaker and then I'll let you have the floor.

MR. SELLERS: Paul Sellers, Precinct 5. I think everyone should be aware that property that was in West Falmouth that the West Falmouth Library sold, that was given a number of years ago by a benefactor to the library, much the same as Woods Hole Library has many benefactors. If we're going to take one organization, set it apart because certain individuals disagree with the management or stewardship of those gifts given to that library, then the same exact criteria should be met by also the Woods Hole organization. Whether we're going to start reviewing individual gifts that are made by these groups and on a year to year basis critique that and then penalize them because they've shown stewardship as their board or

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executive board decided, I think that's a mistake.

I also feel that we need to consider the volume of people that use the West Falmouth Library, just like the Woods Library, as I believe those numbers are used in the town library system to our benefit. Those numbers are added into the formulas for aid, I believe, that the library uses from the state. So we see a tremendous amount of benefit.

West Falmouth Library should also be commended for using an asset that has been available for sale for a number of years to a number of different people, even throughout that community where the land was, the library at this point took advantage of an exceptional market and they're going to use that money to perpetuate the library and the facilities they have there.

So, I think reducing the funds that the Town's committed to the West Falmouth Library would be a mistake.

THE MODERATOR: Okay. Mr. Hampson.

MR. HAMPSON: Mr. Moderator, ladies and gentlemen. Sorry I was derailed, there, by my
good friend Mr. Dufresne.

    What I want you to consider tonight is
the attitude of what we're voting on. In this
Town, the feeling of giving is very, very
important. And also trying to cooperate with
other Town bodies. This was not done in the case
of West Falmouth. And I must remind Town Meeting
that the West Falmouth Library does not have a
parking lot. The parking lot is owned by the Town
of Falmouth. And we are allowing them to use this
by our own gratuity. So therefore, again, I would
like to concur with Mr. Dufresne's motion that we
reduce the amount of money to the West Falmouth and
give it to the North Falmouth Library, thank you.

    THE MODERATOR: Mr. Latimer.

    MR. LATIMER: Thank you, Mr. Moderator.

Richard Latimer, Precinct 2. I will add my voice
to that of George Hampson and Andy Dufresne. What
particularly bothers me about that whole deal was
the Town of Falmouth was cut out of it. We've
seen, from several board reports tonight, how we
are facing a problem with development. We're
spending more money on fire, we're spending more

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money on other services, and yet we have an entity, a trust in West Falmouth that serves a public purpose. It sells its land - nobody says it shouldn't try to sell its land, but first it should come to the Town. First it should go to the 300 Committee and say, "Look, we want to make some money with this land. Can you help us out?"

That's how it should have been done. I think that would have been cooperation. We've been supporting them, but they don't support us. They just went for the biggest buck they could. I would think in that situation equity would be: let's keep that $7,000. Let's give it to our public library system like Andy says. Thank you.

THE MODERATOR: Mr. Antonucci.

DR. ANTONUCCI: Bob Antonucci, Precinct 6. I think we're going down a slippery slope, here. Andy and I are co-sponsoring other articles; it's not about Andy, it's about process. If every town department a board has to worry about a decision they make because this Town Meeting is going to act on their budget, we're in trouble.

We've got two separate articles here, it's got

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nothing to do with the sale of that land. It's
the West Falmouth Library, we're supporting it with
$7500.

I'm a member of that library, all right?
People in Woods Hole are a member of that library.
We're mixing apples and oranges. It's not right.
It's not the right thing to do. If you're
concerned about that land, there's another venue to
take care of that land. We're talking about a
library that serves senior citizens, children and
the adults of an area of town. If we're going to
take away from private libraries, then it's Woods
Hole and it's West Falmouth. They're the only two
private public libraries.

So, please, let's separate the issues.
Andy, I understand your frustrations. There are a
lot of people in West Falmouth that are frustrated
about that action, but it's got nothing to do with
a kindergarten student going there for a children's
hour and taking out a book. Let's not mix those
issues.

THE MODERATOR: Mr. Boyer.

MR. BOYER: Mr. Moderator, Peter Boyer,
Precinct 5. I'm really speaking only to correct an earlier statement about attempts to negotiate possible settlements with the Town and with the 300 Committee. They did occur. They were not successful, but they did occur. I really echo Bob Antonucci's sentiments about this. I also share the frustrations about trying to find a reconciliation of the various competing and conflicting needs for this particular property in question, but I think they really don't belong within the context of the budget debate. Thank you.

THE MODERATOR: Okay, the question will come on the amendment to amend line item 334 by a reduction of $7,000.

Ms. Siegel, one last word and then we're going to vote on the amendment.

MS. SIEGEL: Deborah Siegel, Precinct 6. I also used to be a member of the library, as were many other people in West Falmouth who are no longer members of the library. The library acted in an irresponsible and arrogant manner. There were attempts by the neighbors in West Falmouth,
all over West Falmouth, to convince the library to be able to sell its land, attain the money that they wanted and still be good stewards and they refused to do it. The only reason that they did make any attempt to work with the 300 Committee and with the Town was at the behest of the neighbors.

The library is now wealthy. They do not need the $7500 from this town and the Falmouth Library has much higher need of it and they should be able to use it at whatever their discretion is.

Thank you.

THE MODERATOR: Okay.

MR. DUFRESNE: Very briefly, Mr. Moderator. I know this money is in the budget, but it is a contribution that's asked by a vote of this Town Meeting each and every year. I apologize to my colleagues on the Finance Committee for not saying that I was speaking as a representative of Precinct 2.

I did say that I would speak to the Chairman as a member of Precinct 2 and I apologize for not doing that. But I still feel that this is a contribution from the Town and it should not be
done since they've gone contrary to everything that
this Town body is trying to accomplish.

THE MODERATOR: Okay, the question will
come on the amendment of line item 334 and a
reduction of $7,000 so that the line item reads
$500. 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.

Division one, Mrs. Tashiro.

MRS. TASHIRO: 19.

THE MODERATOR: 19.

Division three, Mr. Hampson.

MR. HAMPSON: 34.

THE MODERATOR: 34.

Division two, Mr. Dufresne.

MR. DUFRESNE: 47.

THE MODERATOR: 47.

All those opposed, signify by standing

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and the tellers will return a count.

Division three, Mr. Hampson.

MR. HAMPSON: 23.

THE MODERATOR: 23.

Division one, Mrs. Tashiro.

MRS. TASHIRO: 34.

THE MODERATOR: 34.

Division two, Mr. Dufresne.

MR. DUFRESNE: 47.

THE MODERATOR: 47. By a counted vote of 100 in favor and 104 opposed, the amendment does not carry.

The question will now come on the second amendment. This is procedural; we have to do this. The second amendment was to increase line item 326 by 7,000. All those in favor, signify by saying, "Aye."

[No response.]

THE MODERATOR: All those opposed, "No."

[No.]

THE MODERATOR: The Nc's have it unanimous.

So, let's go back to the Falmouth Public

Mr. Shearer.

MR. SHEARER: I'd like to go back, if I could.

THE MODERATOR: All right, grab the mic.

MR. SHEARER: I'd like to go back to 46 and 47, if we could, please.

THE MODERATOR: This is under Legal Department.

MR. SHEARER: Correct.

THE MODERATOR: Okay.

MR. SHEARER: Page one of the budget, line 46 and 47. Mr. Shearer.

MR. SHEARER: First of all, in line item

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47, a few years ago we hired a full-time attorney and now we seem to have all kinds of assistant attorneys. I got a letter from one the other day. And - it was a nice letter, it was good for me.

My question is how did we use that $100,000 last year? Is this a new position we're funding in the town as an assistant, which I haven't seen in town meeting?

THE MODERATOR: Mr. Whitenour.

MR. WHITENOUR: That line item refers to the Special Counsel. And first I think it should be pointed out that hundreds of thousands of dollars have been shaved from the Town's Legal Budget by having the in-house position created. It's been a highly successful experiment for the Town and that Special Counsel is split among various specialties. There's still the outside counsels that we use, the labor counsel piece, we have separate counsel for cable television and for - we also have the associate town counsel that is a portion of that. And our Town Counsel Frank Duffy from time to time brings in some special counsel to help with particularly difficult cases that we do

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have.

MR. SHEARER: Okay, well, shouldn't letters be signed, then, "Special Counsel", instead of "Assistant Town"?

THE MODERATOR: Okay, let's deal with the budget here.

MR. SHEARER: And the other thing is is the rent for the offices included in this budget.

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: Yes.

MR. SHEARER: Is that the $42,000?

THE MODERATOR: It's a portion of line 46. Mr. Shearer, the rent is a portion of line 46.

MR. SHEARER: May I ask what it is?

THE MODERATOR: Yes. They'll just get the blue book out here and we'll let you know.

MR. WHRITENOUR: 16,000.

THE MODERATOR: 16,000, yeah.

Any further discussion on the municipal budget? Okay. All amendments having failed, the question will come on the main motion as recommended by the Finance Committee.

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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, before we take a break, I'd like to recognize Deborah Siegel from the League of Women Voters for a quick announcement. And also, most of you may have received a little form when you walked in, asking for email addresses if you have them. The Town Clerk is working on putting together a web site with email addresses for Town Meeting Members so that your constituents could contact you directly.

So, we'd urge Town Meeting Members that are willing to do that to please fill out the forms during the break. The attendance takers have the forms.

Ms. Siegel.

MS. SIEGEL: May I have your attention, please. Since its inception 50 years ago, one of
the ways that the League of Women Voters has been providing service to the Town is by publishing "Falmouth in Focus". I know many of you have relied on this because some of you have been asking us over the last couple of years when we were going to print a new addition of it.

Well, it just came hot off the press today. It's a celebration of our 50th Anniversary this year. "Falmouth in Focus" provides basic information about our government in this Town and services. It's a very useful book to have. This is the fourth edition. There will be a League member downstairs with copies of the book and he will be giving them out to anybody who wants them.

If you would like to make a dollar donation to help cover just the cost of printing, we will gratefully appreciate it. If you don't wish to do that, please consider this a civic gift from the League of Women Voters to the Town of Falmouth and enjoy your copy. Thank you.

[Applause.]

THE MODERATOR: We're going to take one quick procedural vote on a notice of

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reconsideration on the budget. Mr. Chairman. Is that - let me just get this one out real quick.

CHAIRMAN VIEIRA: Yes, Mr. Moderator, I move for reconsideration of the budget Article 25.

THE MODERATOR: Notice of reconsideration has been served on the budget.

Mr. Marks.

MR. MARKS: Mr. Moderator, Ed Marks, Precinct 3. Before we retire to the cafeteria, I'd like this Town Meeting to give Dr. Antonucci a round of applause for becoming president of the Fitchburg's College.

[Applause.]

THE MODERATOR: Congratulations, Dr. Antonucci.

MR. MARKS: Mr. Moderator, I had the honor to attend that ceremony and it was breathtaking for me. But he is the tenth president in the last 110 years, and I understand he's the third president that graduated from that college to come back as president. And also that his wife graduated from that college and that's where he met his wife and he's married today.
THE MODERATOR: Congratulations, Dr. Antonucci.

The meeting will stand adjourned until 9:20.

[Whereupon, town meeting recessed.]

[Whereupon, town meeting resumed.]

THE MODERATOR: Okay, Folks, we're ready to convene the Annual Town Meeting, establish a quorum. And then we'll return on Article 28. Article 28 was the next one that was held.

Okay, to re-establish the quorum, would all Town Meeting Members present please stand and the tellers will return a count.

Division three, Mr. Hampson.

MR. HAMPSON: 60.

THE MODERATOR: 60.

Division one, Mrs. Tashiro.

MRS. TASHIRO: 53.

THE MODERATOR: 53.

Division two, Mr. Dufresne.

MR. DUFRESNE: 90.

THE MODERATOR: 90.

By a counted vote of 203, we have a
quorum and the Town Meeting is back in session.

At this time, I'd recognize the Chairman of the Finance Committee for a main motion for transfer of funding on the budget.

CHAIRMAN VIEIRA: Mr. Moderator, I move that the Town vote to appropriate $1,784,855 from the various sources for the purposes stated in the warrant booklet under Article 25. And raise and appropriate $82,764,555 under the estimated Fiscal Year 2005 levy limit, to be applied to all other remaining balances under Article 25 to fund the Fiscal Year 2005 Operating Budget, for a total of $84,549,410. And to transfer $1,931,376 from Certified Free Cash to reduce the tax rate.

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

That's the motion we usually make as

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everyone's getting ready to leave at the end of the night, so we just wanted to do it now so you could all hear the numbers clearly.

Article 28, to re-zone a portion of property on Sandwich Road. The Planning Board for its recommendation and the main motion.

CHAIRMAN FOREMAN: Mr. Moderator, we recommend or we recommend this as recommended in the insert in your warrant booklets. And we have a few slides to explain it if there are questions.

THE MODERATOR: Okay, the main motion is as recommended. Any discussion --?

FROM THE FLOOR: [inaudible.]

CHAIRMAN FOREMAN: Oh - yeah, Article 28 is a petition article originally brought to the Planning Board. Re-zoning was sought so that the petitioner could better distribute the parking on the site for an existing restaurant. And the Planning Board recognizes this need, but we are concerned about expansion of Business Districts, especially along major arteries. So we offer the following motion to amend the official zoning map of the Town of Falmouth by re-zoning a portion of

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the property on 146 Sandwich Road shown on the
Assessor's Map 34, Section 2, Parcel 35, Lot 00C.
And here's the critical part: by extending the 100
foot wide Business 3 zone to the south
approximately 70 feet, to within 25 feet of the
property line as depicted on the map.

And so here you can see how Business
zoning is currently and if Bob will click, I think
we'll see the extension of it. Yes. So, it
extends down about 100 feet, leaving buffers. So
this additional extension will leave an
Agricultural zoning to the south and west sides of
the lot to buffer the adjacent residential uses and
it limits the expansion of the Business zoning.
Hopefully that answers questions.

THE MODERATOR: Okay, any further
discussion on Article 28? Microphone down here on
the left.

MS. RABESA: Virginia Rabesa, Precinct
9. I went to the Planning Board meeting and saw
the proposal. And at the time it was pretty clear
to me until I drove by, which I drive by there
every day twice a day because I live on Sandwich
Road. And I just want to clarify. I was told that the property being re-zoned is to the right as you look at the restaurant, correct?

CHAIRMAN FOREMAN: It depends on which direction.

MS. RABESA: Because the parking lot is to the left as you look at the restaurant, but I was told it's to the right of it.

CHAIRMAN FOREMAN: No.

MS. RABESA: No.

CHAIRMAN FOREMAN: It's that pink-hatched portion which is to the left if you're facing the restaurant.

MS. RABESA: So that's more behind the restaurant?

CHAIRMAN FOREMAN: It's along Sandwich Road, extending - there you go. And then back. Can you see that? One more time, Bob.

MS. RABESA: Well, where the PU is.

CHAIRMAN FOREMAN: It goes beyond the PU.

MS. RABESA: Okay.

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CHAIRMAN FOREMAN: By about 100 feet.

MS. RABESA: Okay, because it appears that -

CHAIRMAN FOREMAN: The PU is Public Use.

MS. RABESA: Okay.

CHAIRMAN FOREMAN: It's not the stinky district.

MS. RABESA: That's a matter of opinion. It just appears that most of that is paved and is already used for parking, both on that side and the other side. There are parking lines drawn on it. So I was just curious as to what they're talking about since it's already being used.

CHAIRMAN FOREMAN: Well, this remedies that problem. They're not in compliance at the moment.

THE MODERATOR: Okay, any further discussion on Article 28?

All those in favor of Article 28, signify by saying, "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No."

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

Article 29, Planning Board for the recommendation.

CHAIRMAN FOREMAN: Yes, we recommend this as printed.

THE MODERATOR: Article 29 as printed.

This is -

CHAIRMAN FOREMAN: No? It's not - oh, it's not printed for IP. We recommend indefinite postponement. Thank you.

THE MODERATOR: The recommendation is indefinite postponement. Do we have a positive motion for Article 29?

Ms. Thompson.

MS. THOMPSON: Good evening, Mr. Moderator and Town Meeting Members, I'm here to speak tonight as a representative of David Drew and not as a Town Meeting Member. I'd like to make a motion that Article 29 be voted favorably as printed.

As I stated, I'm here to represent David

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Drew. David Drew is a life-long resident of Falmouth, was born and grew up here. When he bought this particular property, it was vacant, it had broken pavement, shrubs and primarily was a garbage disposal. As you can see from the map before you, a portion of this lot is zoned Business 3, a portion of the lot is zoned AGB, and there is a 25 foot buffer in the front that is zoned Public Use.

What Mr. Drew is proposing is that the entire parcel be zoning Business 3. The Business 3 zone would encompass all of his lot. It would not go onto a new lot. What the Business 3 zoning would allow Mr. Drew to do is to again redistribute his parking more evenly over the property. If any of you have gone by Teaticket Gardens, it's a beautiful facility that's enhanced this neighborhood, but because Mr. Drew has Business 3 zoning on the property and his nursery business, he's required to put for example his mulch, his hard goods and some of the more unsightly aspects of the nursery business that he is required to buy in bulk, not in small amounts that would be allowed.
for the Agricultural use. He's allowed to put them - I mean, he's required to put them in the Business 3 zone, which is really in front and on Sandwich Road and it's the most visible part of his property, as I stated.

One of the letters that was heard at the public hearing was that the neighbor to the north didn't like the fact that the mulch was blowing into his yard. If the entire property is zoning Business 3, Mr. Drew can store the majority of the mulch and his hard goods in the rear. He'd be able to store his birdbaths instead of in the B-3 District, his birdbaths would be able to be moved over towards the nursery and it just would open up what he can do there. This Business 3 zoning, as you can see, it's only a portion of the lot. When we tried to determine why it was in the center of his lot and didn't go to the end of his lot, which is the same situation across the street that you just voted to extend, we can't tell. We don't know if lot lines have changed over the years. But the fact is he has his nursery use, he has his business use, and what we're asking just allows him
to make it better in the neighborhood.

As I stated, his parking could be better
distributed on this property as well.

So we ask Town Meeting to consider his
request and re-zone the entire lot B-3. That
means the section that is now AGB, not the Public
Use, be zoned B-3. Thank you.

Mr. Boyer, then Mr. Dufresne.

MR. BOYER: Peter Boyer, Precinct 5.

Mr. Moderator, I just have one question. I'm not
clear on the lot configuration. I think I see
four separate lots, and you keep referring to it as
"the lot". Are there in fact four separate
parcels, each of which would be re-zoned - well, a
portion of one is already the B-3, but the
remaining individual lots would be re-zoned B-3, is
that correct?

THE MODERATOR: Ms. Thompson.

MS. THOMPSON: That's correct. The map
reference that's shown in the warrant article, and
the Planning Board has questioned whether or not we
should have been more detailed by including the
other small parcel numbers. But what's in the
warrant article is what the assessors show for
their tax records for this parcel, and it includes
all of the various small parcels that you spoke of.

THE MODERATOR: Mr. Dufresne.

MR. DUFRESNE: Mr. Moderator, ladies and
gentlemen. I rise to speak in favor of this
article. I know the area very well. Forty years
ago, if some of you can remember, this entire
section of Sandwich Road was really run down. You
had a jumpin' joint across the street and then you
had a hamburger joint or a sandwich shop way over
in the corner where Mr. Drew is now asking for an
Agricultural extension. I think since Mr. Drew
has purchased the property through the bank he has
made a tremendous improvement, both as an
agricultural business and the creation of what I
feel is a very fine eating place; it's called The
Eatery. I would hope you would give it your full
consideration for the improvements that he's
already made, and hopefully the continued
improvements that will be allowed for his abutters
by extending so that he can move his stuff around
in an appropriate manner in order to address his

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agricultural business. Thank you.

THE MODERATOR: Mr. Clarkson.

MR. CLARKSON: Thank you, Mr. Moderator.

Troy Clarkson, Precinct 5. Very briefly, both our Local Comprehensive Plan and the Regional Policy Plan that's put out by the county, the Cape Cod Commission, talk about smart growth. It's something we talk about all the time in these deliberations and amongst the Board of Selectmen. This proposal takes that into account. We talk about growing in village centers so that our growth is concentrated in areas where the commercial activity is concentrated. This is an example of that. So I think this is a responsible response to what's needed for us to grow in areas where the infrastructure can handle it and where the commercial activity already exists. So I ask Town Meeting Members to support it. Thank you.

THE MODERATOR: Mr. Murphy.

MR. MURPHY: Mr. Moderator, Bill Murphy, Precinct 3. I just have a question. How much land are we talking about here?

[Pause.]
THE MODERATOR: Ms. Thompson.

MS. THOMPSON: I was looking for my paper. The entire lot contains 1.26 acres. I have not broken out how much is Business zoned and how much is Agriculturally zoned, but I think you can see from the lot area the orange on that map is the B-3 zoning and the hatched area in the solid boundary, that's Mr. Drew's entire property and the hatched area is where he's looking to have it zoned B-3.

THE MODERATOR: Okay, Ms. Rabesa. And then Mr. Foreman.

MS. RABESA: Virginia Rabesa, Precinct 9. Again I was at the Planning Board meeting for this and Mr. Dufresne actually argued my point exactly. Forty years ago it was a nightclub. I frequented there a couple of times. And now it really is a very nice restaurant and greenhouse. But 40 years from now, that doesn't mean that's what it's going to be. It could be a strip mall. It could be, you know, a shopping center. So I had asked the Planning Board to look into the future, not right now what the current business is,
and that's what with any of these zonings we have to do. What is it going to be 20 years, 40 years from now? Just because it's a nice business doesn't mean it always will be a nice business. And so I - especially since I live down there. You know, I don't know how it got zoned as it was. I'm sure it was a bunch of neighbors that, you know, knew a local person and said, "Oh, he wants to do something nice." But, you know, we really have to look into the future now and plan on what it could potentially be with this zoning change where we're enlarging that B-3. Thank you.

THE MODERATOR: Mr. Foreman.

CHAIRMAN FOREMAN: At the outset of the meeting, I presented some of the scenarios of growth that have occurred within Falmouth over the past three decades, and this is the problem the Planning Board is struggling with. We are sympathetic to the needs of the petitioner, here. But we feel that there may be solutions other than re-zoning the entire 1.2 acre parcel Business 3 that could accommodate him.

You know, currently as has been stated
this property contains a garden center and nursery.
The issue here is that in conjunction with that
operation is the sale of hard goods which needs to
take place on the B-3 portion. The nursery can
operate on the Agricultural portion; that's fine.
The solution in particular one of the problems is
that some of the mulch piles and so forth
apparently have been affecting the neighbors.
So we looked at a number of possible
solutions, including expanding just a portion of
the B-3 the same width down that parcel. But that
not completely resolves the problem because with a
hundred foot strip along Sandwich Road you'd still
have those mulch piles, you know, readily visible
from the road. Also, as has been mentioned, the
article does have a defect because it doesn't
include for all four of the parcels that are there,
and you know the fundamental issue here is this
expansion of the Business zoning down the roadway
strip. If we make this B-3 zone as wide as this
land owner wants it to be, will adjacent landowners
argue that their parcels should also have a 200
foot wide B-3 zoning strip in the future?
So the Planning Board would like to work
with this petitioner to seek another solution over
the course of the next several months, and at that
time perhaps we would be coming back to you with a
modified zoning change. But at this time we do not
recommend moving forward with this parcel - with
this zoning change.

THE MODERATOR: Okay, to my left here, sir.

MR. WOODS: Mark Woods, Precinct 4. I
would just say very briefly I concur completely
with Selectman Clarkson. I think that this is
very smart growth. We're looking at a business
that's been there for a substantial amount of
years. It's successful, he's community. He's a
lifelong resident of this community and you have
the ability to help his business continue to do
what he's been doing. It's not like we're looking
to re-zone a piece of land for a new business or an
incoming resident. We're talking about a lifelong
resident of this community and I think that you
should really consider assisting him in that
business venture so that he can continue to

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prosper.

Part of the question was answered by Chairman Foreman, but I would just want to bring out the point that I think the only issue that I heard was the bark mulch on the property blowing into the neighbor's land, and I think that this immediate situation cures that problem and it allows him to put that bark mulch in another section so that it takes care of that abutter.

Thank you.

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

MR. FREEMAN: Thank you, Mr. Moderator. I'd like some clarification. Sandwich Road, 146; that's a restaurant. Is that operated by this Drew and others? The other part, 141, I thought I had understood that 141 which is across the street, the nursery, was owned and operated by a gentleman by the name of Licciardi. I may not be pronouncing it properly. Both of these are shown as Drew as the owners. Does Drew own those two pieces of property? And if so, are they leasing it, leasing the restaurant out if they're not running it? And
are they leasing out to Licciardi to run the nursery across the street? Thank you.

THE MODERATOR: Mrs. Thompson.

MS. THOMPSON: Mr. Drew owns both properties. Mr. Licciardi does lease the nursery operation and I know the restaurant is operated by another person. However, Mr. Drew does own and operate the businesses.

THE MODERATOR: Okay.

MS. THOMPSON: May I make a point of clarification at this time?

THE MODERATOR: Sure, go ahead.

MS. THOMPSON: Just very quickly. I think it's important for everyone to know that with the Business 3 zoning district, that's the most restrictive zoning district that you can have in Falmouth. You can't have strip malls, you can't have huge retail centers. It's very, very restrictive and tight as far as what another person could do if some day Mr. Drew is not there. Thank you.

THE MODERATOR: Mr. Foreman.

MR. FOREMAN: Well, I would say it's the
most restrictive commercial or business zoning
district that we have. I would not argue that
it's necessarily the most commercial zoning
district of all the zoning districts.


And then Ms. Abbott. Okay, Ms. Abbott and then Ms.
Lowell.

MS. ABBOTT: Mr. Moderator, Town Meeting
Members. We do not zone based on the owner of the
land. We base zoning on Falmouth's broader plans
for the future. The Planning Board has
recommended that they will go back to the
petitioner and try to work out something and I
think we should support that action. Thank you.


MS. LOWELL: She said it well.

THE MODERATOR: She said it well, okay.

Any further discussion? Hearing none, the
question will come on Article 29, the main motion
is as printed. All those in favor, signify by
saying "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No."

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THE MODERATOR: It's the opinion of the Chair that there's a majority of No's, therefore the two-thirds does not carry.

Article 30, to re-zone a portion on East Falmouth Highway. The Planning Board's recommendation is indefinite postponement. Is there a main motion? Mr. Antonucci.

MR. ANTONUCCI: I've been asked on behalf of the petitioners Paulino Rodrigues and Elizabeth Rodrigues to move the article as printed, and request that Chris Lipperts [sp?] make a presentation.

THE MODERATOR: Okay, the main motion for Article 30 is as printed.

Mr. Lipperts. Mr. Lipperts, you can either use the mic or if you want to come down front, either way.

MR. LIPPERTS: Thank you, Mr. Moderator, Members of the Town Meeting. I filed this application on behalf of Paulino and Elizabeth Rodrigues of East Falmouth. And what we're seeking to do tonight is we're seeking to re-zone a portion
of their property located at 450 East Falmouth Highway, property that is presently zoned Residential B and we're seeking to extend the zoning to this parcel as it abuts it to the west, we're seeking to extend it to the B-2 zoning district.

The parcel in question, as you can see, it's at the top of the diagram, is actually about - it's an 8 acre parcel and we're seeking to re-zone a small portion of that, some 57,000 square feet or 1.31 acres, with frontage on the East Falmouth Highway. To the west of the parcel is all B-2, and we are seeking to merely extend the B-2 zoning line, as you can see in the orange, we're seeking to extend the orange section one parcel over. And, in fact, the other parcel to the east, to the lower right corner of the property, is going to be before you tomorrow night seeking the same request at the Special Town Meeting.

There are many, many, many surrounding businesses in this area as you can see in red. And just a few to mention would be the fire station right across the street, the post office,
Tedeschi's, law offices, CVS is in the vicinity, Dunkin' Donuts and there are many, many, many more. Pires Way is on the right-hand side of the diagram where the red dot is presently. That is where we are seeking to extend the line. We feel that that is a natural place to have the zoning line if you include the Regan parcel as well. The properties to the east are all residential in character and I might add they are all or most of them are properties that are owned by the Rodrigues family; that's where they live. This particular project that the Rodrigues are seeking to have re-zoned is for a small family business and, after speaking with Mr. and Mrs. Rodrigues and their son Paul who's with me here tonight, he's seeking to locate a health club in the vicinity.

The Rodrigues family is a well-known family here in town. They are lifelong residents of the town for many generations. These properties have been in their family for a long, long time. We are hoping that the Town Meeting will see it their way and assist them in re-zoning.
the property to we feel that ultimately to carry
the B-2 zone over to Pires Way makes a more natural
line for the Business-2 Zoning District. Thank
you.

THE MODERATOR: Okay. Any discussion
on Article 30? Microphone to my right.

MR. MCMANAMON: Tom McManamon, Precinct
2. I rise to speak on behalf of this article. I
guess you could call me a washashore; I've only
been here 25 years as a taxpayer and probably 12
years as a Town Meeting Member, but when I think of
East Falmouth, some names come to mind, and one of
them is the Rodrigues family. Others, you know,
like the Nettos and the Gonsalves, etcetera, who
have really been instrumental in making this Town
what it is today. These are lifelong residents.
These are people who are looking to do something
positive for the Town. And by merely putting in a
health club here and a day care center, they're
actually providing a service to the area of East
Falmouth that I think is a very positive thing. I
would look forward to seeing this happen. I'd
probably become a member myself and hopefully I'd

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be able to take my grand-kids to the day care
center after my son gets married.

But I really think this is a positive
thing for East Falmouth and I don't think that this
is a family that would turn around and do something
with the property if it is re-zoned. I've seen
articles that say strip mall and all this, and I
don't believe that this family is looking to do
something like that. I believe that they're
trying to provide something very positive for East
Falmouth and I ask Town Meeting to consider this.
Thank you.

THE MODERATOR: Mr. Foreman and then Mr.
Antonucci.

CHAIRMAN FOREMAN: Well, once again, you
know, the Planning Board takes the long view,
recognizing certainly that Mr. Rodrigues and his
family have been major contributors to Falmouth.
We are thinking about what will the ultimate fate
of this parcel be, not in necessary the next five
years, the next ten years, what about the next 20
or 30 years. So we are concerned about this
expansion of Business 2, which is our least
restrictive commercial zoning category further down Route 28. And, as you can see, there's another article which seeks to yet further expand it. And so this already shows that what the tendency will be. The abutters, maybe not next year but in four or five years may want to further expand and they'll argue "We have Business 2 next to us."

There are five principle reasons why we oppose this. First, of course, as has been mentioned, the primary land use policy in the Local Comprehensive Plan is to prohibit the extension of roadside strip development. And, as I mentioned, this is the least restrictive zoning category. Next, the Planning Board and others, as I mentioned also at the outset, are crafting redevelopment strategies in this case right now for East Main Street but we hope those strategies will be exportable to other parts of town and will encourage the kind of redevelopment we would like to see. So, we don't recommend extending this B-2 just blanket-ly down Route 28.

There already exists underutilized Business zoned land in the area, and further

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development enhancement of the village center should come first before this B-2 zoning is extended.

Individual properties could be re-zoned unless there's some kind of special consideration. We have on occasion recommended re-zoning where we have some kind of covenant or agreement with the person seeking the re-zoning that will restrict the use to that purpose in perpetuity. We do not have that for this parcel.

And fifth, there is considerable build-out potential in this property, even though only 57,000 square feet is being re-zoned to Business 2. For multi-family housing purposes, for example, one could count the entire 8 acre parcel and put as many as 47 units on this 57,000 square feet.

So, here are some examples of what could go there, not necessarily what the Rodrigues plan to put there, but what ultimately could go there: ten to 15,000 square foot retail building with associated parking. As I mentioned, residential development with up to 47 units and a fast food

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restaurant with a drive-through. An automobile
service station or something like that. These are
all reasons why, taking the long view, the Planning
Board cannot recommend this article.

THE MODERATOR: Dr. Antonucci.

DR. ANTONUCCI: Yes, just a point of
When Paul asked me to present this article just for
consideration, the big discussion is about East
Falmouth and what is the Business zone in East
Falmouth. I think it was his position that it is
business and he would like to use this property for
that reason. On the other hand, I fully
understand the Local Comprehensive Plan and the
issues you're dealing with. Is there an
alternative in East Falmouth -- it comes up at every
Town Meeting -- of defining what the Business
District in that area would be? And, in reading
the article, you're going to do that across town.
Is there a possibility that what he's requesting
could be addressed in the work that the Planning
Board is doing?

CHAIRMAN FOREMAN: I think that

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developing a more comprehensive and generalized
approach to looking at how the East Falmouth
Business District should develop, with input from
the folks of the East Falmouth area, is what we
ought to be doing, and not ad hoc parcel at a time
dealing with this. We need to have a strategy
that is broad and general and addresses the
question in a philosophical way. I guess "Yes" is
the answer.

THE MODERATOR: Dr. Antonucci.

DR. ANTONUCCI: Just to follow up, the
article tomorrow night is also indefinite
postponement, correct? So it would be that whole
strip of land that we're talking about.

CHAIRMAN FOREMAN: Those two parcels
would both be IP's.

DR. ANTONUCCI: Yeah, I mean, it's tough
for Town Meeting and I understand that and I think
you have a personal request which I sought of say
if people want to put business in, it's in line
with that. On the other hand, you have the
comprehensive plan you've got to look at.

THE MODERATOR: Mr. O'Connell and then
Mrs. Botelho. Microphone to the right.

MR. O'CONNELL: Richard O'Connell, Precinct 4. Presently there is a health club about a mile down towards Falmouth in operation. The Cape Cod Child Care has the pre-kindergarten directly across the street servicing a number of children, and the Cape Cod Child Collaborative. And the traffic at the Davisville Lights when the school busses are there, it can take you 15 minutes to get across Route 28 from Davisville because of the traffic. And, you know, it's a very difficult situation to be dealt with, but I think it just needs more time and the Planning Board, over time, will solve this problem.

THE MODERATOR: Mrs. Botelho.

MRS. BOTELO: I have a question and then something to say. First of all, in the article, the Planning Board uses as its basic reason for turning this down, they keep saying strip zoning or strip building, and to me I perceive that as something like the Plaza. They would never be able to get something like that in there, would they? So why are we using a term
that is not appropriate here? That's one
question.

Can somebody tell me why I got a letter
from the Planning Board, I got a call from somebody
and everybody kept saying they're going to put this
strip mall in there, this strip mall? And I kept
saying, "Well, I don't think they could fit a strip
mall in there and why are we - first of all, why is
it being referred to as that?" And that's all I
have to say.

CHAIRMAN FOREMAN: Well, I see that the
Planner wants to speak, but I - I - no, he doesn't
want to speak. The Plaza is, I believe, in B-2
zone district. So, in terms of the type of use,
that's exactly what could go there. Whether this
parcel has the size to accommodate it, well, we're
talking about re-zoning 57,000 square feet. We're
not talking about re-zoning four or five acres,
that's true. We'll acknowledge that. But you
start to assemble these parcels, one or two or
three along this corridor, and pretty soon you do
have a large enough strip. And, you know, I think
one of the major challenges that all of these

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village centers is facing is not just the
development from local businessmen and local
entrepreneurs but the increasing draw of major
national corporations which have the, you know, the
economic power to buy up all these tracts, put them
together, and then we do have, you know, big box
stores coming in there and so forth.

So, what we need to do is exactly, I
think, what Mr. Antonucci was alluding to, is have
this discussion of how to encourage the kind of
redevelopment we want within these business centers
and how to define where the villages should really
start and end.

MRS. BOTELHO: Thank you. That is
sought of what I'm going to address. I have been
attending different Planning Board meetings for
years, different town - I've been a Town Meeting
Member for a long time, and I keep hearing the same
thing. I know that, you know, you're all
volunteers on the Planning Board and so forth, but
even if it takes the town - if it takes some money
from the Town to spend on experts, shouldn't we in
these villages - I said this, I've been retired for

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20 years now and I said it before I retired, out in East Falmouth we need a comprehensive plan. You can't keep expecting people to pay for taxes, buy pieces of property, pay taxes on them and not be able to do things because the town, as a stall tactic, is using comprehensive planning. And this is what's been happening.

This happened with - I felt it happened with Ben Moreland's land, it happens with everybody. It happened out in North Falmouth years ago when the Jensens wanted to put zoning on 151, "Oh, you can't do that. There's no comprehensive planning, and da, da, da." So, what happened? All those little businesses and everything developed on 28A. It just keeps happening all over town.

So, I don't blame these people for wanting something. They're tax payers. They're tired of paying taxes and we keep coming into Town Meeting and hear, "Well, we don't have a comprehensive plan," so they've got to wait. Well, how long do you think people that own property, have purchased it or inherited it or
whatever in good faith, and then they want to do something with it because they're paying taxes. These are taxpayers that we keep stopping. And I don't understand that and tonight is just a good example of it.

This is a small piece. To me, it's logical because it's part of the business area of East Falmouth. East Falmouth has, you know, great beach and it has harbors and everything else. We have all that.

But I am a strong, strong advocate - I'll use East Falmouth as an example. I have been advocating for years that if we have enough business property and everything in a village, and the traffic pattern is made to be correct so that people can - it can flow. In East Falmouth, it doesn't -- we can go behind the buildings in the business sections and it doesn't have to go through 28. And if you put restricted mileage - speed limits on it, then just the through traffic would go through on 28.

We could have the facilities we need.

It's a well-built up village because it has a lot

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of waterfront and people want to live there. And then we can't do anything as far as getting business in the area. If I can do some kind of shopping or whatever in East Falmouth, then I don't tend to get in my car, create more traffic and go out of East Falmouth. And I have said this at meetings, I have said it here on this floor, and I frankly am one of the Town Meeting Members, I'm getting a little tired of this. We're going round and round and round and they are getting us nowhere. Thank you.

THE MODERATOR: Mr. Rhodes.

MR. RHODES: Scoba Rhodes, Precinct 8, I think. I get concerned when a group says, "Well, we don't have a plan that says we didn't get exactly what I want on a piece of property that someone owns, has owned for years, and there's property that could be developed in town, so until that's developed" - yeah, but I don't own that property that somebody else won't develop. So, I don't know why I need to get involved with them when in fact I have a plan and I own a piece of property that's been in the family for 100 years,
but I need it re-zoned because you guys changed the zoning on it. It used to be zoned okay because when I first got the property from my grandfather, I could have done anything I wanted to do with it. But then you decided to put in zoning so now you tell me that I can't do anything until I change the zoning. So now I'm asking you to change the zoning and you're telling me, "Oh, no, you can't do that." Well, you tell people often enough you can't do something, then the big developer comes in and buys all of those little pieces of property and puts up a structure that you have no control over and then you scream, "Oh, we should have been able to stop that." But you let the big company from out of town do that, versus the little guy who's lived here all his life, and you tell him, "Well, no, we won't give you what you're asking for. We'll let you sell it to somebody else and allow them to do what they want to with it." That's just wrong.

I think the Rodrigues have a good plan. I think they should be allowed to get their property re-zoned. They still have to come to the

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Planning Board to get a building put on it. So you still have the say as to what happens there. I say yes, we should give them a positive yes on this particular motion.

THE MODERATOR: Ms. Abbott.

MS. ABBOTT: Mr. Moderator, Town Meeting Members, I could say what I said before, but first I'd like to say strip zoning, it's not specifically this parcel going inward, it's the total area along Route 28 in East Falmouth that would be a strip zone. And the longer the strip, the more horrible the traffic. And we don't need it.

And to answer Mr. Rhodes, because we didn't have zoning a hundred years ago, that doesn't mean that we shouldn't have zoning now. And the zoning that we have now, the Planning Board would like to keep and decide if it could be changed. At this point, we do not need more business in East Falmouth. If we do not have a plan that would be compatible with our lives, we wouldn't get from here to there. So I think that we should understand that we are not zoning for a person, we are zoning for the town's future and we
do not want to change the zoning on this parcel.

THE MODERATOR: Mrs. Shepard.

MRS. SHEPARD: Susan Shepard, Precinct 1. We have a Planning Board. I'm very reluctant to go against Planning Board recommendations. When we do, it's usually been because they have come up with some attempt at these plans that we all want, and we vote them down. The Planning Board has looked at this thoroughly, we should support them on this. There's nothing preventing people from selling their property. They may want to develop it as a business in an area where it's not business zoned; that doesn't mean they can't sell their property and make a fine profit, as we all know. We're not hampering people's ability to do those things. We may be hampering their ability to build a business where we don't have zoning for it. I urge you to support the Planning Board on this article.

THE MODERATOR: Ms. Bissler and then Ms. Siegel.

MS. BISSLER: Hi, Wendy Bissler, Precinct 2. I'm Precinct 2 now but I used to live
in that neighborhood and I know what the traffic's like. I know turning left out of the parking lot of the post office there is very difficult right now. And I just have a question: how many traffic trips would be generated by the current proposed use of a gym and a day care center? Because I think that would add an incredible increased load to the traffic in that area. I don't know if anybody can answer that now.

THE MODERATOR: I don't know that that number would be available at this time.

MS. BISSLER: Yeah, usually there's some kind of generic number for different uses and I'm wondering if anyone knows what that is.

THE MODERATOR: We'd have to actually have a site plan, and the Planning Board would deal with that when it came time.

Ms. Siegel and then Mr. Latimer, you're on my list. No? You're all set. Okay. Ms. Siegel.

MS. SIEGEL: Deborah Siegel, Precinct 6.

A couple of weeks ago, the League of Women Voters held a public meeting and we were looking at the
results of a study that the League has done over
the last year about the possibility of either a
DCPC, a District of Critical Planning Concern, in
Falmouth, or the Comprehensive— the— what is the
other? Somebody. The Community Preservation Act,
thank you. And it was a very interesting
discussion. Mr. Foreman was there and explained
to us a lot of the things that the town is trying
to do on Route 28 going through Davisville and East
Falmouth. There were people there who live in
that area who begged Mr. Foreman to get the
Planning Board and get the Town to do something
about the problems of congestion in East Falmouth
and Davisville. So, I ask you to support the
Planning Board and let them try to look to the
future and do something about the problems in
Davisville and East Falmouth, thank you.

THE MODERATOR: Okay, are we ready for
this one? Mr. Garcia.

MR. GARCIA: Thank you, Mr. Moderator.

Ron Garcia, Precinct 7. Just I think a question
for Dr. Foreman. Following up on the
Comprehensive Plan, as it's been previously stated,
we have heard that for a number of years. And I think at this point, the property owners, the Rodrigues family, certainly I'm sure would like to get some kind of direction as to what they should do with the property. Should they keep it in the family? Should they sell it, potentially to a developer? I don't want to say the term that we'd heard so much about 40 B projects, but that's obviously a potential. But if we say there should be a comprehensive plan, can we put some kind of best guesstimate from a time frame as to when Town Meeting can expect something town wide, versus hearing "Comprehensive Plan" year in and year out?

Thank you.

THE MODERATOR: Mr. Foreman.

CHAIRMAN FOREMAN: Well, again, I'll say that I think our effort in East Main Street, not East Falmouth but East Main Street, which is the first time the Planning Board has I will say reached out to the Board of Selectmen, the Zoning Board of Appeals, Design Review, the Chamber of Commerce and the business community to try to do this beyond what just the Planning Board alone
could accomplish, is going to set a model that will hopefully work well within the other villages. And my hope again is that by next fall we will have achieved that, or at least begun to achieve it for East Main Street. It's going to require the participation of the private sector.

We did some years ago try to get some consensus within the East Falmouth - the Davisville business community about what the best strategies would be, and there were attempts to convene local business owners and citizens in that part of town. They came back to the Planning Board and no clear consensus was reached. We would have been more than happy to work with that group if they'd had a clear set of recommendations for us.

As has often happened in Town Meeting, if we come in with our own idea, without any broad support, nothing will be accomplished. We will have a nice debate, and since two-thirds majority is required to change zoning, it will not pass. So, for something fruitful to happen, I think we really need to have the consensus of the community, and so far that consensus hasn't been achievable.
within that East Falmouth Village area. But there have been attempts already to do that.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Thank you, Mr. Moderator.

Richard Latimer, Precinct 5. In response to Mr. Garcia's question, we have some precedent in this town as a Planning Board working with property owner for zoning changes which are not open-ended. The term is "contract zoning"; you may remember that it just was in the past year we did that for Mr. John Alves. He had his property re-zoned based upon a very specific plan. If the Rodrigues want to know how they could perhaps work on a similar plan with a limited scope of development, I'm sure - I know I would on the Planning Board be very open to discussing that with them. It's not closing the door with them, but it is, when we do a contract zoning, it does protect the Town's interest in the future development of the property. Thank you.

THE MODERATOR: Any further discussion?

FROM THE FLOOR: Question, question.

THE MODERATOR: Okay, the question is

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going to come on Article 30. Article 30, the main
motion is as printed. All those in favor, signify
by saying, "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No."

[No.]

THE MODERATOR: It's the opinion of the
Chair that there is not a two-thirds majority. Is
there a challenge to the Chair? All those in
favor, signify by standing and the tellers will
return a count.

[Pause.]

THE MODERATOR: Division three, Mr.

Hampson.

MR. HAMPSON: Eleven.

THE MODERATOR: Eleven.

Division two, Mr. Dufresne.

MR. DUFRESNE: 25.

THE MODERATOR: 25.

Division one, Mrs. Tashiro.

MRS. TASHIRO: 22.

THE MODERATOR: 22.

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

[Pause.]

THE MODERATOR: Division one, Mrs. Tashiro.

MRS. TASHIRO: 23.

THE MODERATOR: 23.

Division three, Mr. Hampson.

MR. HAMPSON: 45.

THE MODERATOR: 45.

Division two, Mr. Dufresne.

MR. DUFRESNE: 61.

THE MODERATOR: 61.

By a counted vote of 58 in favor and 129 opposed, the necessary two-thirds does not pass.

Mr. Macclone.

MR. MACCLONE: Mr. Moderator, did we just vote that article as printed?

THE MODERATOR: You just voted against that article as printed. You had 129 opposed, 58 in favor.

MR. MACCLONE: But the recommendation was indefinite postponement.

THE MODERATOR: That's correct. And
the main motion on the floor, as it has been since
the day I took office in November of 1998, is to
not allow indefinite postponement as the main
motion unless no one in the auditorium believes
that they want to make a positive motion. I
clearly stated that you were voting on as printed
when I took the voice vote and as printed when we
took the standing vote.

MR. MACLONE: Thank you.

THE MODERATOR: Okay. I will never
allow indefinite postponement as the main motion
unless no one in this auditorium who is a Town
Meeting Member wants to make a positive motion.
So, if we sit here and debate something, it's
because we've got a positive motion, somebody wants
to move that article forward, that's the nature of
the debate and again my old term is, "Yes means yes
and no means no."

Article 31. To see if the Town will vote
to authorize the Board of Selectmen to purchase or
take by eminent domain land in Falmouth formerly
of Phyllis Chapman and Benjamin Losordo. Mr.
Chairman of the Finance Committee for the main
CHAIRMAN VIEIRA: Mr. Moderator, I move Article 31 as recommended.

THE MODERATOR: Article 31 as recommended. This is $125,000 from the Land Bank for the acquisition, including costs incidental and related thereto. Microphone.

MR. POTTER: Thank you, Ms. Moderator. David Potter, Precinct 6. I have a question and then a follow-up comment. My question is by looking at this map, it appears to me that all of these lots are unbuildable. Can somebody tell whether that's true or false?

THE MODERATOR: Mr. Boyer.

MR. BOYER: Mr. Moderator, I have two answers that I'm toying with; one is yes and the other is no. In fact, it appears that they are not buildable lots, but they are, for reasons of public access rather than buildability, they have a value, the Land Bank Committee and the 300 Committee believe. But it seems, although some may argue that buildability is in the eyes of any number of factors, it appears they are wet. And the beach

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frontage as well.

MR. POTTER: Well, having served on the Conservation Commission for eight years, I would look at those as unbuildable lots; if somebody was to come before the Commission with a plan to build on those, I think they'd have a very long row to hoe. My point here is, and I've supported Land Bank and the purchase of open land in the town forever and I still will, my point here is that we're buying land that's already open space. And it will remain open space regardless of whether we buy it or not. It cannot be built on. Rather than spend the money buying land that's going to remain open, I'd rather see us spend that Land Bank dollar and buy develop-able lots, to keep them as open space, and leave this alone.

The second thing that happens is, you're going to lose a little bit of the tax base when you start buying more of this and put it in the town coffer. So, for me, for my dollar, I'd rather be buying a buildable lot and taking that off the market rather than unbuildable. So, join me in voting no against this.

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THE MODERATOR: Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9. I would urge this Town Meeting to please vote for this land and purchase this land. And most of my reasons come from public access. This is a great area for shellfishing, in Great Pond. I've spent a great deal of time here shellfishing and I have to violate and walk over private property. As Mr. Potter said, it might be unbuildable, and I agree with him on those regards, but we're always trying to get public access to our waterways and this is an excellent example. I think the purchase price is a bargain. I hope we buy this tonight. And in buying this tonight for the Conservation Commission, I hope that they'd always guarantee residents of the Town of Falmouth public access. And, by the way, this is the only public access to my knowledge on the east side of Great Pond. We have plenty of public access on the west side. The town owns almost all of the west side of Great Bay. But it owns absolutely no land on the east side, except for the head of the river, where we just bought from the Teixera family, that the town
put all kinds of boulders across so you can't drive on it. So therefore I would urge you, between the purchase price and for the public access to Great Pond. Thank you.

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

MR. BOYER: Mr. Moderator, Peter Boyer, Precinct 5. I need to suggest to you one of the alternative subdivisions that was in the minds of the owners of this parcel, and that that subdivision was presented to the Planning Board and it divided all of that beachfront property into 25 foot wide strips. And it was the intent of the owners to provide those strips for sale to any individual parties wishing to buy that. That, whether realistic or not, certainly prompted all of the residents of Bel-Mar to recognize the value of that public access to the beach frontage, which as Mr. Netto suggests, is used by shell fishermen and I'm sure some others who get their access to the water from that.

Of course parking is limited and non-existent, so it isn't a matter of a great public
descending onto that parcel, but we do believe that it has that public access value and could be subject to a reconfiguration which could eliminate such access.

The real outpouring of donations from the neighborhood I think was extraordinary in expressing the interest of so many people in making sure that it remained possible for people to go out to that beach.

THE MODERATOR: Mr. Dufresne. Then Mr. Murphy.

MR. DUFRESNE: Just a brief question, Mr. Moderator, through you. Do we have an actual purchase and sales agreement for this piece of property?

THE MODERATOR: Mr. Boyer says yes we do.

MR. DUFRESNE: Okay. Eminent domain scares me.

THE MODERATOR: Mr. Murphy and then Mrs. Botelho.

MR. MURPHY: Mr. Moderator, I'm Bill
Murphy frm Precinct 3. At our precinct meeting of Precinct 3, approximately two weeks ago, one of our members, Mr. Bill Collins, and I'm sure if he's here tonight, he's also a Town Meeting Member, if Bill is here, I'd give the floor to him. Unless you want me to carry it.

To follow up what Peter just said, this was a very unique opportunity for the citizens of Bel-Mar to band together to put their money where their mouths were. And I congratulate and we all congratulated Bill and the rest of the people in Bel-Mar for standing up and saying, "Let's do something and let's do it ourselves." And, as far as I'm concerned, I don't think this is costing us taxpayers anything. This is coming from Land Bank funds and this is coming from guys like Bill Collins and the rest of the people of Bel-Mar. So I applaud them and I would hope that town Meeting would stand up and say, "Atta Boy, and let's do more of it." Congratulations.

THE MODERATOR: Okay, Mrs. Botelho.

MRS. BOTELHO: I could give you a good example of why we should buy this piece of
property. If you go one inlet over to Green Pond and you see the large houses that are built there across from the fish market on the east side on the Davisville side of along right near the bridge, those large houses, ladies and gentlemen, are on what my husband, just before he passed away, he wanted to go for a ride every day along the water. And I would take him. And every time we went by those large houses on stilts or whatever they've got them there on, this man, justifiably, would be very upset because he was the inspecting engineer about 50-some years ago when that became filled land. They had dredged Great Pond and Green Pond and they had put the fill there. And now we have those big homes on that filled land.

So, if you think for one minute that they can't get around it somehow and put it over on Great Pond, or put those kind of houses right there on Great Pond, you're kidding yourself. So I recommend that we buy that property and buy it now.

THE MODERATOR: Mr. Swain. Microphone.

And then Mr. Johnson.

MR. SWAIN: Charlie Swain from Precinct

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7. If we do purchase this property, would the access be restricted to the local residents or would the town be able to put some type of parking lot so the rest of the town could also use that space? Who could answer that?

THE MODERATOR: Mr. Boyer.

MR. BOYER: Mr. Moderator, Peter Boyer, Precinct 5. There is no restriction on the use of that land; that would be open to the public. Now, it may be that the Conservation Commission would put some conditions on the use. As to parking, well, you've got me as to where that's going to go, because I think there really isn't any area that is available for parking along that whole stretch in there. Certainly public parking.

THE MODERATOR: Mr. Johnson.

MR. JOHNSON: Leonard Johnson, Precinct 5, and I'm also a board member of the 300 Committee. A key to the presentation of this acquisition was the initiative of the residents, as we've seen in the Bel-Mar neighborhood. The urging to the Land Bank Committee and subsequent raising of $50,000 towards the purchase price has been an
extraordinary example of community action. The 300 Committee has served as the conduit for these contributions to the project and has ministered the activities involved in the collection and accounting of the donations from the community. The Board of Directors of the 300 Committee has also voted to supplement the neighborhood's contribution with its own donations from other private sources so that 50 percent of the total purchase cost will come from private gifts. Following a vote which we hope will be positive on this motion, the 300 Committee will deliver a check for $62,500 to the town as that 50 percent contribution.

The 300 Committee is pleased to continue the public/private partnership in land acquisition, as seen in the acquisition of Peterson Farm, the contribution of up to $50,000 for the purchase of the Dupuy parcel, and the contribution of $25,000 as good faith deposit with the sellers towards the purchase of the Allen parcel of 71 acres on Carriage Shop Road, which we'll discuss tomorrow night. And of course tomorrow night we'll also

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discuss the purchase of the Falmouth Country Club.
The 300 Committee intends to continue this partnership with the Town as a model for saving open space in Falmouth. Thank you.

THE MODERATOR: Okay. The question will come on Article 31, as recommended. Article 31. All those in favor, signify by saying "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No."

[No.]

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

Article 32, construction and renovation addition of the DPW Maintenance Facility. Mr. Chairman of the Finance Committee for the main motion.

CHAIRMAN VIEIRA: Mr. Moderator, I move Article 32 as recommended.

THE MODERATOR: As recommended. Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6. I'd like to ask a question about our financing of
this. In a chart that was given to all Town
Meeting Members, in April of 2002, which was for
the school, which I know has been delayed, but
right now I read in the paper that we're having
more and more ideas on how to get the schools going
again, and this may come up. We're in a dip right
now on our borrowed money. However, starting next
year we start to climb very rapidly if this school
does come into focus. And I'd like to know,
because we haven't gotten a chart saying where this
$5.4 million and what it's going to do to us, how
high our debt is going to be in let's say, oh, 2012
or 2014. We also have a senior center and we have
other things that are coming up and that's my first
question.

THE MODERATOR: Mr. Whitenour.

MR. WHITENOUR: I think the first most
important item to point out is that the DPW
facility is a project that's been in the capital
improvement program for some time. It's clearly in
the worst shape of any of the town buildings we
have. It's getting to point of being disgraceful.
The chart that you're referring to, I
think it's the capital improvement program from 2002, and clearly you need to separate the DPW facility out from some of the other projects, such as the high school facility. We have planned the DPW facility to coincide with some of the reduction that we've seen in the debt structure that we currently have right now.

Clearly, the size of the high school project is so large that it's almost as large as all of the other debt for the town combined. There is no way that the high school project would go in and fit within that reduction also. For that particular project, what we've worked very hard to do is to create a scenario that the most important facet of the high school project is that there is a substantial state subsidy involved with that construction, and so what we're working to do now is the bonding for the high school to coincide with the receipt of the state subsidy. And if we do that, what that will avoid is a major spike in the tax rate.

But clearly all of the town's projects, you know, that you mentioned, can't be done and

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have the debt decline at the same time. But we do have a capital improvement program that considers all of those projects.

MR. SHEARER: I don't know quite how to ask this, but you really haven't answered my question: where are we going to be in 2014? I mean, are a lot of our senior citizens still going to be allowed to live here and pay their taxes?

THE MODERATOR: Yes. Yeah, I think so.

MR. SHEARER: Okay. I have one other question on this program. And I agree completely that we need a new DPW garage. I think it's horrible. It's in terrible shape. It's been misused, it hasn't been kept up. It is our fault as a town and the head of our DPW that it's come into this bad shape. It could have been kept up; other buildings in town have. It's only 36 years old. What? 36 years old is not very old, as far as I'm concerned.

My recommendation is that these plans be redone in the administration end of it. I think the head of the DPW should be there, and oversee it. I don't know why we need two lunchrooms here.

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I don't know why we need two meeting rooms. We really haven't had, pardon me, any public input into this. It's all been done by a - I don't know by who. And I feel it's not going to be passed by our voters and I'd like to see it go back and be worked on and sort of have some plan that it is going to be kept up and we're going to have a nice new addition. Thank you.

THE MODERATOR: Mr. Murphy.

MR. MURPHY: I respectfully disagree with your position on that, Dan. The Board of Selectmen enthusiastically voted to move this forward again. The last time, when there was a 2 1/2 override bid on the ballot itself, I think scared a lot of people away.

It's clear to me every time I visit that garage - and I think respectfully that they have not let this run down, but the conditions that they operate down there are they have a lot of equipment that sits outside; they need to cover it. This is an investment for the future. If we don't take care of the equipment that we buy, which we have all taken a hard look at and seen out there, then
we're failing the voters themselves. They need to know that the millions of dollars that we've invested in equipment needs to be covered, needs to be taken case of.

We need to clear for other projects that are coming along, the library and other issues coming down the road, that this has the unanimous and the enthusiastic support of the Board of Selectmen and the Finance Committee, and I strongly urge a yes vote on this to move it along and to get it to the ballot and let the public vote again. And we're going to support this and we're going to be vocal and we're going to be very visible in that support. So I would ask that we vote this up this evening and move this forward and allow some of the other projects that are behind it - the DPW guys deserve this and we think it should be moved forward.

THE MODERATOR: Microphone here in the middle.

MS. LICHTENSTEIN: Leslie Liechtenstein, Precinct 8. As a Coonamessett Reservation Management Team member, I've had occasion to work
with the guys from the DPW for a number of years, now. And they get there early, they stay late, they always smile. They not only do their job, but they smile -- even when I call Mr. Lyons at seven o'clock in the morning and say, "Please, can I have just one more load of wood chips." I urge people to go and look at this building.

Now, I love dogs. We needed a new dog pound, we got it. Go and look at the buildings that you're asking your neighbors, people who live and work in Falmouth, to work in. When I go down there, I feel like I should take flowers to the gal who answers the phone for me, to apologize for having her work in that building. And I think that we should have an open house and let the people of Falmouth go and see what we're asking these people to work in. And I think they'll vote it this time, I really do.

THE MODERATOR: Mr. Crocker.

MR. CROCKER: Mr. Moderator, ladies and gentlemen. I've lived in this town for quite a few years and my father used to work for the Highway Department in Falmouth. A lot of your
people remember the old highway shed was where the
Falmouth Police Station, in that area right now.
They moved over to the area that they're in and
they've been there for quite a few years.

There's one thing we're lacking in the
Town of Falmouth right now and I think this ought
to be brought to the floor. We build buildings in
the Town of Falmouth, we have a proud town here, we
have a wonderful town, but what we're lacking in is
maintenance of the buildings. We went ahead, we
did the renovation on the Falmouth Town Hall. We
went ahead, we put an addition on the Fire Station.
We also put a new Police Station in Falmouth. I
can remember the old Police Station on Main Street
where I was a police officer in the town here for
22 years.

I can also say this, that when we do,
like at the high school, that we had a problem with
the field roof, and we've always had problems. I
feel that we have a chance to go ahead with the
Highway Department and build this building now.
The price is going to go up and up and up, and we
can't afford to wait. So this is the time that we
have to say - I don't want to spend money, either. I'm a taxpayer, I worked hard for my money in this town. I worked all my life in this town. People know me, they know what I'm doing. And I'm still working hard. And I'm retired from my previous job to make the payments. My children couldn't even stay in Falmouth, here, they had to move out. But I'm not moving, because I'm a native. And I'll say tonight: let's go on, and the folks out there, my neighbors and everywhere else, let's build this DPW shed and let's get it over with. Because the high school is next. Come on, folks. Thank you.

THE MODERATOR: Dr. Antonucci.

DR. ANTONUCCI: Bob Antonucci, Precinct 6. I spoke in favor of this the last time and I do so again tonight, but here's the issue: we can get as emotional as we want in this room, but if we leave tonight and don't advocate for this product with the voters, it's going to die. And that's what happened last time. We all voted for it. There were four or five questions on the ballot and it lost. So, as excited as we are tonight, if we carry that enthusiasm back to the community in the
next few months, we'll win.

We don't have a PTO advocating for a DPW garage. It's not any interest. I mean, a garage is a garage. We have a big PR campaign to start. Maybe we need a committee to do it. But if we just sit here and don't do anything after we leave tonight, we'll be back here next year. So my advice, and I said it last year, we have to be ambassadors for the DPW. We all love the DPW when it snows, we all like it when they sweep the streets, but when we go to the ballot box, we forget.

So let's vote yes, let's get our neighbors to vote yes, let's each get 50 voters to vote yes and we'll probably win. So let's do something instead of just talking about it.

Thanks.

THE MODERATOR: Ms. Poole. We're almost ready. Hold on. Ms. Poole.

MS. POOLE: Diane Poole, Precinct 9. I took the opportunity to go out to the open house to see the DPW headquarters, if you can call them that. And I wish and I hope that all Town Meeting
Members did the same. Because, if you're going to vote on something, you've got to see what you're voting on. And I was pretty horrified. We expect efficient services from our DPW, which is one of the building blocks of this town. And the way they're working out there is - I don't know how they work efficiently at all. And I think they deserve decent quarters to provide this town with decent services. And I hope if we do vote to put this on the ballot that I agree with the other gal that I think they should run another open house for everyone in town. Because, unless they see how bad that is, they're never really going to understand why we need a new situation.

THE MODERATOR: Okay, the - Mr. Rodrigues.

MR. MACLONE: Mr. Moderator, Richard Maclone, Precinct 4. I'm in agreement with what everyone said and we need the buildings, but I'd like to know why they didn't take a different route and go with some pre-engineered steel buildings. I mean, we're out there covering equipment and the cost can be cut probably close to I think 40 to 50
percent with engineered steel. I mean, we're in an industrial area, there. I don't think the taxpayers are going to go for $5 million. But I think if it could have been done for considerable less money with what a lot of other DPW's the state uses and other places.

THE MODERATOR: Mr. Owen.

MR. OWEN: Mr. Moderator -

THE MODERATOR: We have a point of order, Mr. Hampson.

MR. HAMPSON: Point of order, Mr. Moderator. I would like to make a recommendation to go beyond 11:00 just to finish this, considering that we might have an extended discussion, here.

THE MODERATOR: Okay, we're going to take a procedural vote to go beyond 11:00 just for this article. I know we've got a few more articles, we'll bring them back tomorrow night at the end of the special.

All those in favor of finishing this article, signify by saying "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No".

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[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Mr. Owen.

MR. OWEN: Mr. Moderator, Town Meeting Members. This project as you know was before you last year at Town Meeting. It passed Town Meeting and got turned down by the voters in the May election. I think there was confusion on the question on the Prop. 2 ½. Mr. Whittenour has explained some of that tonight. And I want to make a point that the Prop. 2 ½, as the Moderator said at the start of Town Meeting, is a permanent increase that goes on forever and ever and ever on your tax rate. This project is a bond exclusion. When the bond is paid off, and right now we're looking at a 15 year bonding period, the bond is paid off and there's no added increase.

I'll use Peter Boyer's phrase, "the window of opportunity." This is the DPW's window of opportunity to get this project built.

I'll take issue with Dan Shearer's comments on no maintenance has been done to the

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building. Several years ago, a whole new roof was put on the building. We have replaced overhead doors as they break and as funds have been available to replace these. We've upgraded the electrical system in the building through the use of our town electrician. The project cost as it stands today is $5,425,950. This is about $350,000 less than last year.

The building was built in 1966. It's 38 years old. It's about time the facility was brought into the 21st Century. The personnel that work in this facility which houses the Highway and Parks divisions are working under some pretty lousy conditions.

And do you have some pictures, here? IT pulled a fast one on me tonight. They've got two screens and only got one pointer. So I'll use the side bar, here.

This is a view of the front of the building. The present facility is about 23,000 square feet. This is the interior. This is the door to the Highway Superintendent's Office. Falmouth Enterprise ran a good editorial. "He
works in unheated space subject to fumes." And –
do you want to go back, Bob? And this is where we
store our street lights. He hopes they don't come
through the ceiling.

Next slide. This is the indoor
equipment storage area presently. The center
aisle is jammed full. We get as much in there as
we can. There's a sign overhead that says,
"Please keep center aisle clear." We can't keep
it clear.

This is the interior of the Park
Department mechanic's shop. Limited space. The
plan is to move this shop into the new front
addition to give him added headroom to accommodate
a truck lift.

This is at the rear of the building, one
of our more modern wooden sheds, where all the
Town's mowing equipment is stored for the Park
Department. Many of the vehicles are left
outside. The sanders are left outside. Plows,
other equipment. Road grader has never seen a roof
over its head since the town owned it, which has
been about 18 years. Aerial lift truck, a unit
which costs over $100,000, has to be left outside. 
This is the rear of the building, where there are 
several trailers that store all kinds of things: 
sidewalk material, Christmas displays. These are 
the sheds that you saw earlier. Other trucks 
outside. Shows some of the conditions where the 
lentils over the overhead doors are corroding. One 
of our better doors.

This is the men's washroom. I call it 
the washtub. It's been constantly leaking. Cold 
water is the only water available, due to the mixer 
is broken.

This is the front of the building. Some 
cracking, and this is the front elevation of the 
new addition and the side elevation fo the front 
addition.

Now, it was mentioned earlier about a 
metal building. The rear addition is a metal 
building. It's a metal building on four foot 
concrete high walls. Across the rear of the 
vehicle storage addition is a canopy to house 
sanders and plows. The sanders will be on a rack 
similar to the rack outside. A truck pulls in,
sanders dropped into the truck body and out they go sanding. When the storm is such that they have to switch over to plowing operations, the plows are stored in the canopy. The truck pulls in, hooks up the plow and out it goes. So the rear addition is a metal building on concrete walls. Most of the rear addition is unheated, as is the existing parking garage now.

This part of the rear addition is a heated area where we will have a wash bay using recycled equipment. The vehicles will be washed inside and not outside. It'll also house equipment with water tanks that need to be heated. We won't have to drain them in the winter. The front addition is a masonry addition.

Now, I've heard some comments—well, cut the project back. Going back in mid-'60's—this is history I've had from some of the older members in town—the project was cut back then. That's why we're here tonight. It was cut back.

There was a second story going to be added onto the front addition; that was never done.

I've also heard, "Well, build half now and

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half later." Well, we'll build half now and we'll never see the other half later. That's my opinion. We should go for the whole project at this time.

The Board of Selectmen, all five members voted to approve this project at one of their meetings about a month ago. The Finance Committee has back it. We have had an open house. We plan another open house prior to the election in May. I hope you all come down and see the modern conditions that our personnel down there work with.

These people are sometimes during the winter they're 36, 40 hours. I think it's about time the voter recognized the personnel that work in this facility and, as I said earlier, let's bring it into the 21st Century. Thank you.

[Applause.]

THE MODERATOR: Mr. Rodrigues.

MR. RODRIGUES: Hi, my name is Ray Rodrigues. I'm from Precinct 7. I'm an individual in town who has gone to this DPW, and to tell you the truth I was shocked to see a woman sitting in an office that's smaller than my nine by ten shed.

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I'd ask you to support the DPW. When there's broken water mains in town, they show up. When your road needs sanding, they show up. I think it's about time we give back to them.

THE MODERATOR: Okay, any further discussion on Article 32? Ms. Poole. Something new? And then we're going to take a vote, here. It's two-thirds.

MS. POOLE: I'd just like to make a couple more comments. One is that I'm on a fixed income and I am not anxious to be paying more taxes, either, but I do want the services kept up to speed that are very important in this town.

And my other comment is that if we did half of this project now and half later, the half we did later would probably cost as much as the whole project did right now.

And I think the major problem with this whole situation is that it's out of sight and it's out of mind. If your taxpayers had to go to the DPW offices as frequently as we go to the Town Hall or the Police Station or some of the other places that we frequent, I think everybday would be voting

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to replace this building.

So, I think you've got to bring the visibility to the taxpayers.

THE MODERATOR: The question will come on Article 32, the main motion as recommended. All those in favor, signify by saying "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No."

[No.]

THE MODERATOR: It's the opinion of the Chair that the Ayes have it. I declare a two-thirds majority.

By call of the Chair, we'll adjourn this Town Meeting until tomorrow evening after the Special. We'll convene the Special Town Meeting tomorrow evening at 7:00.

[Whereupon, meeting adjourned.]
CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing transcript represents a complete, true and accurate transcription of my audiographic recordings taken in Falmouth Town Meeting, April 12, 2004, to the best of my knowledge, skill and ability.

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

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