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**COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF FALMOUTH**

**SPECIAL TOWN MEETING**

**and**

**ANNUAL SPRING TOWN MEETING**

**Lawrence School  
Lakeview Avenue  
Falmouth, Massachusetts**

**MODERATOR: David T. Vieira**

**Thursday, April 5, 2007**

**7:00 p.m.**

**Carol P. Tinkham  
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**ANNUAL TOWN MEETING**

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## P R O C E E D I N G S

THE MODERATOR: Don't forget to check in. Attendance will be published in the Falmouth Enterprise. Okay, folks, here we go.

Let's establish a quorum for the Special Town Meeting. Again I want to remind all Town Meeting Members to sit in front of the Town Meeting Members Only sign. Otherwise, your votes will not be counted tonight. If you're not a Town Meeting Member, you should be sitting behind the Town Meeting Members Only sign.

Okay. Here we go. I want to announce the Woods Hole Model Boat Show Weekend. The Selectmen have set a proclamation for April 14th and 15th. The museum is hosting the 6th Biannual Woods Hole Model Boat Show and encouraging visitors and exhibitors to come to town and enjoy the festivities down there in Woods Hole on April 14th and 15th.

Tonight the tellers in the first division will be Mrs. Tashiro, in the second division Mr. Dufresne, and in the third division Mr. Hampson. Would all Town Meeting Members present please rise for the establishment of the quorum.

[Pause.]

THE MODERATOR: We're all set. In the first division?

MRS. TASHIRO: 44.

THE MODERATOR: 44 in the first division.

In the third division, Mr. Hampson?

MR. HAMPSON: 41.

THE MODERATOR: 41.

And in the second division, Mr. Dufresne?

MR. DUFRESNE: [Inaudible.]

THE MODERATOR: Okay. Would the second division please stand to establish the quorum count in the second division, please.

[Pause.]

THE MODERATOR: There's a black Buick Regal in the parking lot with the lights on, plate number 301CNM. Your lights are on in the parking lot.

FROM THE FLOOR: Could you repeat that?

THE MODERATOR: Yeah, that's a black Buick Regal, plate number 301CNM.

Mr. Hampson in the second division?

MR. HAMPSON: 93.

THE MODERATOR: 93. By a counted vote of 178, we have a quorum, and I call the Special Town Meeting to order. Would all members please rise for the Presentation of the Colors by Cub Scout

Pack 41, my alma mater from East Falmouth.

Please follow me in the Pledge of Allegiance.

[Pledge of Allegiance taken.]

THE MODERATOR: I'd like to introduce John Magnani for our Invocation.

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

THE MODERATOR: At this moment we'll pause for a moment of silence, and I know there's been a lot of discussion about tonight being a holy night, and we will be working in the April Town Meeting next time to make sure that we can make all of our legal requirements of Town Meeting before the election and not to conflict with any of our Town Meeting Members who are practicing their faiths.

[Moment of Silence observed.]

THE MODERATOR: Colors post.

Let's have a round of applause for Cub Scout Pack 41

from East Falmouth.

[Applause.]

THE MODERATOR: Okay. Tonight we're going to do the Special, and then as soon as we're done with the Special we'll adjourn that and we'll go back to the Annual Town Meeting.

All of us here or most of us here are elected officials, and one of the old adages that we learned in college and in grade school is the difference between being elected and considering yourself a trustee or a delegate of the people. That's whether you're a Jeffersonian Democrat or a Jacksonian Democrat. Do they send you here to do as you believe is right or do they send you here to do what they want you to do? And it's a constant challenge that elected officials always have.

And there's someone that's on this stage that's been here since I started attending these Town Meetings, back in grade school, and has always worked hard to balance between being a trustee and a delegate of the people of Falmouth.

She and I haven't always agreed, and we know that. But during that time, she mentored me as a young man asking questions down in the cafeteria, updating me as to what was going to happen at the Town Meeting when I was deployed with FEMA down in Georgia, and on behalf of myself as an elected official and the people of

the Town of Falmouth, I want to recognize and thank Virginia Valiela for her years of service to the Town of Falmouth.

[Applause.]

THE MODERATOR: At this time I'd like to introduce our representatives in the General Court, Representative Turkington and Representative Patrick for a special presentation.

REPRESENTATIVE TURKINGTON: Virginia, will you join us, please? Thank you. Most of you will remember -- or some of you will remember 27 years ago when Virginia was first elected to the Town DPW Board. She was young and bristling with enthusiasm and she had a ponytail at the time. Well, the ponytail is gone, but the enthusiasm has never left. And Virginia, as the first female DPW Commissioner in this town, and later as only the second female Selectman in this town, Virginia was a pioneer. And in the generation since you started, the glass ceiling for women in politics has been broken wide open. And today women can be president of the state senate, women can run for governor, women can run for president, and it's all because of people like Virginia 27 years ago who took these offices and proved that women could do them as well or even better than men.

So, we appreciate that. The country and the town and the state all owe you a great debt for everything you've done for us here in Falmouth and for the country and for the state.

I have a citation here from the State Senate where the Senate President, who you may know is --

MS. VALIELA: Terry Murray.

REPRESENTATIVE TURKINGTON: -- one of ours.

MS. VALIELA: Yes.

REPRESENTATIVE TURKINGTON: One of our women. She is now too busy to come to Falmouth and do these sort of things. But she sent a citation; and, as is their custom, it's a little too long to read the whole thing, but I will read part.

[Reading:] Be it known to all that the Senate --

Massachusetts Senate hereby extends its congratulations to Virginia Valiela in recognition of your outstanding service to the people of Falmouth as Selectwoman and DPW Commissioner. It is signed by Terry Murray, our State Senator, and by Terry Murray, our State Senate President.

[Applause.]

REPRESENTATIVE PATRICK: I've always been impressed with Virginia's can-do spirit and there's a little story that I'm going to tell you about how I met Virginia Valiela. And some of you might remember that I was a plumber with Panton [sp?] Plumbing for a few years in the early '80s and they sent me with one of the older plumbers, Donny Atkinson, some of you may remember him, up to North

Falmouth to work on some piping in one of these real old homes. And I can remember Donny grumbling about the crawlspace and how we were going to have to work in that crawlspace and it was a real -- going to be a real problem.

So, we got up there and of course the apprentice plumber has to go into the crawlspace, so I went in and we got the pipes plumbed in, and turned out it was Virginia's house. And we were all set to leave and Virginia came down with some pipe insulation that had to go over the pipe that we had just put in.

So, Donny and I were saying geez, you know, I mean this crawlspace was this big and had to crawl in between the joists and it was dusty and dirty. You know, these old -- I mean just ancient, ancient place. So, we kind of hemmed and hawed and said, "Yeah, we'll take it."

Donny tried to hide it. I think Virginia found it later on and we saw her getting -- crawling up to the crawlspace to go in there to do the job that we should have done, and I said, "Wait a minute, okay, I'll go in there." But that's the kind of spirit that I remember in Virginia, and it's certainly been applied to working with this town. She has the can-do spirit that has made this town a great town, and I think we all should be as proud of her and what she's done and been able to accomplish, and I'm just thrilled to have known her and to have worked with her. Great lady.

[Applause.]

REPRESENTATIVE PATRICK: Of course Eric and I have our minor citation here. I won't bother you with reading it, but this is for Virginia and it's in recognition of your decades of service to the people of Falmouth as DPW Commissioner and Selectman. Thank you very much, Virginia.

[Applause.]

MS. VALIELA: Thank you. I had no idea this was going to happen tonight and I have been truly honored to be able to serve this town and to work with the people that live in this town. It is a fantastic community and it really is a can-do community. And so I've just found so many things of interest that can improve our community, that can make it a vibrant place to live in, and I have so enjoyed working with all of the citizens and the Town Meeting Members and the people that are sitting up here at the front.

The challenges continue, and they're embedded right here in the Warrant that we're dealing with tonight and last night. And so my interest is unflagging. I'm going to morph from being a Selectman into being an active citizen, but I definitely am still very involved with this community and very committed, and I do believe in balance. I do believe in insulation. And the story he tells is true, and I of course didn't really know you at that time. But it's an old house and it's got to be insulated.

I am very proud of how much this community cares about the people that live here, and the Service Center and the Free Clinic are examples of that, but there are so many other ways that this community really cares, and you can tell in the kinds of groups that spring up spontaneously out of the community. And, you know, tonight we're going to be discussing farming as another recent group that cares about a certain aspect of life in the town.

All of these things together create a beautiful kaleidoscope of living in Falmouth, and I hope I can continue for many more years to be part of that in some way. Thank you very much.

[Applause.]

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

At this time the Chair would entertain a motion from the Chair of the Board of Selectmen to dispense with the reading of the Warrant.

CHAIRMAN MURPHY: I move to dispense with the reading of the Warrant except for the Officer's Return.

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

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

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

FROM THE FLOOR: Moved.

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

At this time the Chair would entertain a motion for all Town employees who are not residents of the Town to speak on any article before the Special Meeting.

FROM THE FLOOR: Moved.

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Okay. We're not going to use a blanket vote tonight. There's only 14 articles. So we'll just go article by article, get a main motion on the floor and debate it and dispense with it.

Article 1. Mr. Chairman of the Finance Committee for our main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 1 as recommended.

THE MODERATOR: Okay. Article 1, the recommendation is indefinite postponement because the funding was placed in our budget that we did last night. Any discussion on Article 1?

Hearing none, the question will come on the main motion of indefinite postponement. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 2. Mr. Chairman.

CHAIRMAN ANDERSON: I move Article 2 as recommended.

THE MODERATOR: As recommended. This is to transfer the sum of \$40,000 from the Fire Department budget line item 01220 dash 51110, salaries and wages full-time, for the purpose of funding hospital, medical and related expenses incurred by employees of the Fire and Police Departments in performance of duties. Any discussion on Article 2?

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 3. Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 3 as recommended.

THE MODERATOR: As recommended. This is to vote to transfer the sum of \$95,000 from DPW Engineering/Administrative budget line item 01411 dash 51110, salary and wages permanent, to be

disbursed as follows: \$47,000 to the DPW Wastewater Department budget line item 01440 dash 53210, sludge hauling, and \$48,000 to budget line item 01440 dash 54535, Public Works Supply, to fund the operations of the wastewater treatment facility. Any discussion on Article 3?

Mr. Shearer.

MR. SHEARER: Hi, Dan Shearer, Precinct 6. Last night we passed Article 34 for sludge hauling and so forth, and we did it on a Proposition 2 ½ so-called. We voted that. I was very surprised that nobody said anything because I don't know if that's an override, a debt exclusion or what. And, asking two Finance Committee members, they didn't either.

But anyway, that's not my question tonight. My question is why can't we use some of that money for this project here, which is also sludge hauling. Thank you. And also what is going to happen in future years? Do we have enough in the budget that's going to take sludge hauling out without doing this every year? Thank you.

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: Yes, that's an excellent question and I just want to differentiate between the sludge hauling that is in this budget is the sludge that's currently being produced by the new wastewater treatment facility. The sludge that was approved last

evening for removal is an excavation of the former lagoon system that is a capital project associated with the old treatment facility.

So, one is the ongoing operation of the new plant; that's this one this evening. And the second one was an excavation of the former site of the old one that just has the old lagoons currently sitting there loaded with many years of the old sludge.

Now, it's important to point out we talked a little bit about this last evening. The wastewater treatment plant was one of the larger, percentage-wise, increases in the budget, and that was to meet the needs for the entire fiscal year, all of the new operation costs. And at that time I had indicated that there would be some money requested for the remainder of this fiscal year and the budget is fully funded for next fiscal year.

THE MODERATOR: Okay. Anything else on Article 3?

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 4. Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move

Article 4 as recommended with the following correction: In the third line in the recommendation, the DPW Water Utilities budget line item, the prefix number should be 01451.

THE MODERATOR: Okay. The main motion is as recommended, changing the prefix to the budget line item. This is to transfer the sum of \$40,000 from the Fire Department budget, salaries and wages full-time, and \$90,000 from the DPW Water Utilities budget line item, salaries and wages permanent, for the purpose of legal fees and litigation support associated with the wastewater treatment facility. Any discussion on Article 4? Mr. Freeman.

MR. FREEMAN: Thank you, Mr. Moderator. Through you, is this the litigation that's taking place right now on the North Falmouth Wastewater Treatment Plant?

THE MODERATOR: Mr. Duffy.

MR. DUFFY: No, sir. This is litigation with the contractor, Methuen Construction Company, on our wastewater treatment plant that serves the town that's up in West Falmouth off Blacksmith Shop Road. You're thinking of the New Silver Beach sewer litigation, which is entirely separate and not related to this at all.

MR. FREEMAN: Okay. Thank you.

THE MODERATOR: Any further discussion on Article 4?

Hearing none, the question will come on the main motion.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it by a majority.

Article 5. Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move

Article 5 as recommended.

THE MODERATOR: Okay. This is to appropriate the sum of \$175,000 from the School Foundation Reserve Award Fund to the Falmouth School Department budget line item 01300 dash 57780 for the fiscal year ending June 30th, 2007. Any discussion on Article 5?

Hearing none, the question will come on the main motion.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 6. Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move that the Town vote to transfer the sum of \$52,067.10 from the School Department budget line item 01300 dash 57799, prior year, parents fiscal year 2006 parents, encumbrances, for the purposes of Article 6 to be expended under the jurisdiction of the Upper Cape Cod Regional Technical School Committee.

THE MODERATOR: Okay. \$52,067.10 for supplemental Upper Cape Regional Vocational Technical School. Any discussion on Article 6?

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 7. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MURPHY: I move Article 7 as printed.

THE MODERATOR: Article 7 as printed. This is to authorize the Board of Selectmen to prepare a preliminary plan of development utilizing a 19.87 acre parcel off Blacksmith Shop Road for the purposes of public recreation, including a hockey rink, swimming pool

and Senior Center.

CHAIRMAN MURPHY: There's going to be a presentation by --

THE MODERATOR: Okay. Who's going to do it? Mr. Murphy.

MR. MURPHY: My fellow Town Meeting Members, I'd like to ask the committee -- the Site Review Committee to come forward as we make this presentation so that the body here can see who's worked on the issue that we're speaking of tonight.

First of all, how did we get here tonight and how did this article come about? This Town Meeting spoke loud and clear last fall that the areas where the Senior Center were to be located were rejected because a central location with a more downtown feeling, something that was more centrally located. The Board of Selectmen heard that message loud and clear. Also a Pool/Rink Study Committee came back with a feasibility study about a pool/rink. Although we did have recommendations, we did not speak for or against a site that was before this body last fall with a zoning change.

We did get the message from Town Meeting, the Board of Selectmen, and with that in mind the Board of Selectmen formulated a Site Review Committee. And on that committee, if I might show you here, is two board members of the Board of Selectmen, myself and

Selectman Carey Murphy, Edward Fitch, representing the Council on Aging. In this case it would be for a Senior Center. Weatherly Dorris, who is from the Finance Committee. Bruce McKillian, Friends of the Falmouth Senior Center. Ken Foreman from the Planning Board. Joel Irving, who represents the Pool/Rink Study Committee and Falmouth Youth Hockey. Richard Bowen from the Falmouth Building Committee. And David Smith from the Transportation Committee.

What we tried to do to site these two facilities and future Town municipal facilities was come up with a consensus committee that was not working in a vacuum, a committee that was not working by themselves, but had the feel of things like transportation, planning, and issues that would involve in effect the whole town, not the part of the town that would be using these current facilities.

This committee met and we explored all of the available parcels of land that the town has in its itinerary that is under the control of the Board of Selectmen. We explored redevelopment opportunities that included areas like the Falmouth Mall and the mall cinema.

Everything we looked at, every piece of property that the Town currently has, has some challenges. When I say challenges, if I can use an example: the Augusta property was bought with Air Force money. We would need to reimburse that money if we were to use that

for municipal purposes.

The Dupuis property has some issues with some abutters and areas of encroachment. So, Selectman Murphy and I discovered another property that is under the control of the Board of Selectmen. It's a 19-acre parcel that is adjacent to the high school campus. It has a central location. It has the idea and the ideal that two facilities could be located adjacent to the high school with shared parking to cut down on the amount and the volume of space that would need to be developed, and the proximity to the high school and the central location to the entire town.

This site also has some challenges. The challenges are that it was originally turned over by the Peterson family for development rights as open space. It is under the control of the Board of Selectmen, but it is currently for recreational purposes.

What will it take for us to achieve this site? It will take a collaborative effort with the Board of Selectmen, Town Meeting, and most of all School Committee. It will take patience to work out the details of this site in this location. What will be the end result? We will have a high school campus that will have an adjacent sports complex that could include an ice hockey rink, it could include a pool, as well as a Senior Center that could afford some areas of mentoring from both students and seniors to students.

This committee, as you can see, has a wide range. As it continues to evolve, when a fire station comes up, if a building is built, those members will fall off of the committee. Meaning, the members from the Senior committee -- Senior Center will fall off and we would get people from Falmouth Fire and Rescue. This will be an ongoing committee that would continue to site these facilities.

This committee in locating this site realizes, acknowledges, the challenges that are there. We're committed to answering the questions of the School Committee. We're committed to no net loss of open space in the Town of Falmouth. How would we do that? We don't know yet. We know that there may be some horse trading going on. We know that we may need to swap some parcels for open space, a parcel that might currently be under the books on the Town for other municipal purposes.

Anything we do would come back to this Town.

Anything in this would ultimately come back to this body. We're here tonight not to debate and not to find out whether we have a need for a pool, whether we have a need for a rink or whether we have a need for a new Senior Center. All's we're asking for is your approval to go forward and continue to study the feasibility of this site so that we may work in a collaborative effort.

If this article is approved tonight, what will happen? We'll

establish a group that will work in a collaborative effort. The group will make -- the group's makeup will include but not be exclusive to two representatives of the Board of Selectmen, two representatives of the School Committee, a representative from the Planning Board, Town Administration, Town staff meaning planning staff, and we will have the input of people from the 300 Committee and as well as the Site Selection Committee.

Again, tonight: the only thing we're asking for is approval of a concept of a location there. We do not have any specific details. We do not have any specific plan, the size of a building, the size of the needs of parking. Those type of questions we hope to answer for you at a future Town Meeting when we would come back to you.

Again, we're just asking for your idea and ideal to say this would be a heck of a location to site in the middle of this town these type of facilities. If we can work out the detail, we will promise that we will come back to this Town Meeting. As a matter of fact, we would have to. This article has no funding, it has no punch. We're just looking for the will of the Town Meeting's body. Thank you.

If anyone else on this committee would like to make a comment, I'd like to ask them to do so. Again, we have John Magnani. I'd like to ask him to make a couple of comments.

MR. MAGNANI: Just one comment. A new

Senior Center has been in the capital plan for quite a few years, and it's planned on being constructed in the near future. Other projects have been completed and it is now time to focus on this particular segment of our population.

I do believe, along with many other different people, different levels of administration in the Town, that many advantages are there in building in this general area. Passage of Article 7 will, as Selectman Murphy said, allow for an open discussion by all people involved, and I ask your help in allowing the Town to proceed with the study to determine if the use of this property is possible. Thank you.

THE MODERATOR: Okay. Any questions for the committee? Microphone in the center.

MR. MURPHY: Bill Murphy from Precinct 3. I'm on the Finance Committee, but I'm speaking as myself. Since there's no funds involved in this, we're basically asking why do you need Town Meeting approval to go forward with this study, since it's not costing any money?

THE MODERATOR: I think after the Senior Center came to this Town Meeting last time and Town Meeting Members weren't aware of all the details, I think the committee is trying to be proactive. It doesn't require the approval, but -- Mr. Murphy.

MR. MURPHY: Again, the committee is asking for a feel from Town Meeting. The last time the administration and the Board

of Selectmen did a lot of work on the Davisville site. We found out that that was not a preferred site by this town and this Town Meeting. We got feedback that we wanted a central location for municipal facilities like this. We've gone out and done the initial work. We don't want to go down a road that is a dead-end street.

Basically we're looking for feedback here tonight. If this body thinks that if we can work out the detail this would be a good site, we need that support. We need to know whether we're going down a dead-end street. We need to know if this is where this body would like to see these facilities located. Thank you.

THE MODERATOR: Any discussion? Doctor Clark and then Ms. Taylor.

DR. CLARK: I certainly am in favor of your exploring this site. I do have worries about it, and questions and concerns, and so I'm not clear whether you're really asking us -- asking to hear from us what all of those questions and concerns might be, because that seems premature ahead of your study, but by kind of giving you a blanket "Yes", it might be misinterpreted as being approval without concerns. So, I'm ready --

THE MODERATOR: The Chair would ask that the issues be raised. You just might not get an answer tonight. That would be work of the committee from tonight forward. I think the issues

should be raised tonight so the committee's aware of what's on the minds of Town Meeting Members.

DR. CLARK: So, the committee wants to take some time to hear from people what those concerns might be; is that -- am I understanding that correctly? I guess then I would express my concern that it seems hard to look at putting buildings on a piece of property that was given as open space, and therefore that opens up the need to trade off, and that means looking at other places on the high school property perhaps to put those buildings.

And so as someone who had shepherded that site for quite a while, it seems to me that there will have to be some very careful planning done if you're taking over field space, that might extend your time line so that there are completely -- if you're going to put fields there rather than buildings, those fields are well-developed, completely structured and able to take play before you then take over the play fields to do the buildings. So, it seems to me you need to be carefully planning with the School Committee, if they approve that kind of thing, a time line that makes sure there's time to get those fields set.

THE MODERATOR: Okay. Ms. Taylor.

MS. TAYLOR: I'm sure there will be problems to be worked out. I don't have any questions. I would just echo Mr. Murphy. From my perspective, this would be a heck of a site.

THE MODERATOR: Okay. Mr. Johnson next on my list. Ms. Perry, you're on my list if you'd like to have a seat. Mr. Johnson. Go ahead, Mr. Johnson.

MR. JOHNSON: Leonard Johnson from Precinct 5, but I'm speaking tonight from the perspective of the 300 Committee. And I wanted to have -- to make some comments to put some of this property and the open space that's been talked about in context.

See if I can get that to go up there. It's not going to work. There it is. Right there is the Peterson parcel that we're talking about that was transferred to the Town.

Land has been assembled for open space in this area for going back about 20 plus years now, starting with the Collinswood lot that was purchased by the Town, which is this parcel up here. The Wicks parcels that were bought with Land Bank money several years ago. The 300 Committee has also purchased land and been given land in this area. This parcel up here was bought about 15 or 20 years ago by the 300 Committee. This parcel down here, right at the north of the site, was given to the 300 Committee by Doctor Seth Harvey, a wonderful donation for open space.

As we speak tonight, we are in the process or will be shortly closing on this parcel, which Doctor Harvey has sold to the 300 Committee at a bargain sale. So, these parcels have been put together

over time. We call it linkage. It is the extended process of purchases, gifts, by the 300 Committee and the Town.

So, I wanted to put this parcel a little bit into broader context. And as you know, the Peterson parcel was transferred to the Town. It was in a transfer of development rights in 1989.

Obviously from the 300 Committee perspective, we are interested in preserving as much open space as we can in this area, as well in other areas of the Town. So, we welcome the committee's offer to work with them and seeing what we can do with this site.

We also welcome the pledge of the site feasibility working group that there will be no net loss of open space in this process. Also we believe that using the Peterson parcel as a possible location for playing fields and not structures could indeed have merit. This is an option that Kevin Murphy raised at the Precinct 5 meeting last week.

In closing, I should just note at this juncture we're discussion possibilities that are not realities. So I urge the town to move onto the next step. Thank you.

THE MODERATOR: Okay, Mr. Murphy, did you want to respond to one of the questions?

MR. MURPHY: Carey Murphy, Precinct 7. You know,

part of this is a combination of a private/public partnership that started with Falmouth Youth Hockey. And when we tried to find sites in what is considered in Falmouth is a highly urbanized setting, it's a little difficult. And we did have a site out at 28/151 that needed re-zoning and didn't get it. And again, like Kevin alluded to, we set our sites on other parcels in the community. And this site was sort of brought to us by the Peterson family as an area that they had given to the Town under transfer development rights for a density project north of this site, and it is for open space and recreation.

We have a long list from Sam Patterson and the School Committee of their concerns. We did meet with them a couple of weeks ago and got a preliminary approval that they wanted to work with us.

What we're asking of Town Meeting, and I think Bill Murphy said it best: what are we asking. We're asking for Town Meeting to advance a concept to allow this and a subsequent committee the flexibility to move this municipal project forward. You know, we talk a lot in this community and in the region about smart growth initiatives, and we're trying to resist sprawl and we're trying to bring, you know, these sort of projects into an area that works. And in an area that can have some synergy with the school. We can have mentoring programs with the seniors. We can have a hockey team, swim team. And I know there's some concerns about some of the costs that the schools may

bear.

With Town Meeting and its wisdom, we always like a couple of bites at the apple, and what we are asking of Town Meeting tonight is to accept the concept of negotiating with the schools and with the community and possibly with legislative leaders about this site and how it can work. It has a lot of – it has a lot of benefit; it has some detriments. But we in the community will work on those and we will listen to the community. It will be a very transparent process. But we will ask Town Meeting to vote this this evening and let us get onto moving this project forward. We think future generations will definitely benefit from this and I hope Town Meeting will vote this in the affirmative.

Thank you.

THE MODERATOR: Okay, let's hear from the Members.

Mr. Latimer, you were next on my list.

MR. LATIMER: Richard Latimer, Precinct 2. As Peter Clark and some other folks have said, there are questions about this site, but that's the reason why this committee is before us, because they have already put in a good deal of work in trying to identify the site, and they are proposing to put in a lot more work. As Mr. Murphy said, it's going to take a lot of horse trading. So, I think that the fact that there are a lot of problems here is the point.

I think what we want to focus on is let's think of it as an

ideal. Is this the site that we would like to see a facility placed? And I say it clearly is. It meets all of the criteria that we have thought was important before. And so I say let them go for it and come back to us with a solution if possible. And let's vote it. Thank you.

THE MODERATOR: Mr. Shearer, you're next on my list.

MR. SHEARER: Dan Shearer, Precinct 6. I really want all these facilities very badly, but I'm afraid that if we vote this tonight this committee before you will stop looking at other sites. And I believe there are a lot of conservation problems with this in transferring. And I'm really – missed the word – upset, or whatever you want to say, that the town will take a gift which is supposed to be for one thing and trade it someplace else. The neighborhood, everybody else around there, said, "Okay, we have this space," and all of a sudden the Town takes it away and puts huge buildings in it. It's not right. This town has been very, very generous in giving land to the town for recreation and for open space. I think if we start trading it off and giving it away we'll stop that from happening. And it will be a big loss for this town. I hope we can find another space for this project. Thank you.

THE MODERATOR: Briefly, Mr. Murphy.

MR. MURPHY: Just briefly. The Peterson family who initially gave this parcel in that transfer is fully supportive of this project. So I think that that needs to be brought out, and they are fully on board

on however we're going to go forward with this. It was given for a very specific person by that family, thank you.

THE MODERATOR: Mr. Shearer.

MR. SHEARER: Yes, but the Peterson family also gave this site so that they could build more someplace else and make money. I wasn't talking about that kind of gift. I was talking about the kind of people who just give to the town because they feel very strongly that the town should have this for the people and the future generations.

THE MODERATOR: Okay, Ms. Perry, you're next on my list. And then Mr. Netto.

MR. PERRY: Thank you. Thank you, Mr. Moderator. Good evening, ladies and gentlemen, Jane F. Perry, Precinct 8.

Yes, I agree that this project is in the center of town, but I like to touch on something that is a very dear, grave concern that was brought to the attention of this body last town meeting by one of our former colleagues, Ms. Pat Flynn, about public transportation. This parcel probably can serve as a pool/rink, but I don't see how it can serve as a Senior Center. It's not on fixed route bus service. That is a much need for people who do not drive.

Ms. Swain, who sits two rows behind me, who is the director of the Senior Center and the chair of the Transportation Advisory Counsel, has been asking for fixed route bus service down the Sandwich

Road, Brick Kiln Road, Gifford Street, to access our town for the last two years. We have to think about public transportation in order to get our seniors -- who probably shouldn't be driving, that need to drive because of the inefficiency of public transportation. If we go forward with this, we really, truly need to think about public transportation. Fixed route public transportation. Thank you very much.

[Applause.]

THE MODERATOR: Mr. Netto, you're next on my list.

MR. NETTO: Joe Netto, Precinct 9. I think the concept of looking into this parcel has many, many merits, and most of my questions would be directed more to the school personnel and to the School Committee. This concept is going to cost you, the taxpayer, money; let's make sure that in doing this that we bring these figures out. We're talking about playing fields; if you go out there, this is a wooded lot. And there's been talk about moving the football field from downtown Falmouth, Guv Fuller Field, which many of us played our high school football games on and, being a traditionalist, I guess we have to agree that we've got to give in to that, and eventually the football field is going to be located on the high school site. So, to the School Committee people who serve on this, and obviously there's going to be some type of swap here.

I don't think the way the law says and in talking to

Representative Turkington last night it would take an act of the legislature to build the Senior Center on there and we've got to find other land. So, even though we're talking about concepts here I think we can see that we're going to be swapping this piece for another piece to get something done.

But, again, to the School Department, I don't want them to come out after, when this is all done, saying, "Well, we're going to need a hundred or whatever the figure is, you know, to develop this land." And "How come nobody told us about it then?" So, when this committee comes back, let's not let the School Department hang out on a limb here and after we have the rink and the pool and the Senior Citizens Center done and now Town Meeting is faced with spending X amount of dollars.

Let's make sure we're open and transparent to everyone and that all the costs for the total project – and I think the total project has got to include a completely new School Department playing facility and it's also obviously going to be a football field or stadium, whatever we want to say. So, let's not leave that out and leave the School Department out on the other side of the door.

So, my comments are for the School Committee members to protect the interests of the School Department in any form of land swap here. And so that the taxpayers and the Town Meeting Members have an explicit idea and accurate of what the whole total plan is going to

be, because obviously the School Department is involved in this. Thank you.

THE MODERATOR: Okay, Mr. Putnam.

MR. PUTNAM: [Inaudible.]

THE MODERATOR: You're all set. Ms. Cuny, next on my list. Down here to my right.

MS. CUNY: Sandra Cuny, Precinct 2. I am a former member of the Recreation Committee; I had to step down this year after having served 16 years, I have a year off. But I did serve on the rink and pool committee, and, in all fairness in the question concerning this parcel: I just want you to all keep in mind that when we were studying looking for land for this rink and pool facility we had ten parcels in mind and we narrowed it down to four. This was one of the top sites, the high school property site. We had some concerns with the School Committee and we moved on to some other sites that we looked at. Everybody I talked to in this town said, "Why can't we have it at the High School? It's centrally located, it's close to everything, it makes perfect sense." In the long run, it would save money for people not having to cart their kids out to 151 or East Falmouth or Teaticket where traffic is a burden now. This makes sense.

So, while this parcel does have its issues, this article truly is just asking: can we move forward to look at having it in this area. We're

using this site with the Peterson's approval right now. If we can at some point swap land with the School Committee, which is our own Town-owned taxpayer land, it is under the jurisdiction of the School Committee, so we do have to go through them, but it is our land. And it's close to everything and for our children it makes perfect sense.

And the only other question I have for this committee is why isn't there someone on the Recreation Committee where every form of recreation is pool, rink and Senior Center? I think somebody from the Recreation Department should be on your committee. Thank you.

THE MODERATOR: Okay, the center section here. In the fifth row.

MS. PETERSON: My name is Laura Peterson. The land that we're talking about was from my father-in-law David Peterson. Without question he was one of the smartest people in town, and I'm not just saying that because he's my father-in-law. He had a vision, and if you look at his subdivisions and the work that he's done, I mean, this idea came about because his son was echoing what his father had said: the Selectmen need to maintain control of this land because it's something that they will want to use in the future, something to connect with the high school. And I'm glad we're discussing it because hopefully people at home are going to say, "Of course it should be out by the high school."

So I'd like to vote on it and then let the discussions in town happen and people talk about the merits of having it there, talk about the roadblocks, and let's move forward with it. Thank you.

THE MODERATOR: Okay, Mr. Kirkman.

FROM THE FLOOR: Question.

THE MODERATOR: Almost there. I've got a couple more folks on the list.

MR. KIRKMAN: Tom Kirkman, Precinct 5. I'm also on the School Committee and I appreciate Mr. Netto's concern. The School Committee has considered this very carefully and we submitted a list of 13 fairly detailed questions to this committee and look forward to their answers. But just so Town Meeting Members know, and we can certainly make these part of the public record – I'm not going to read them because it would interfere with us talking about dogs and other things – but the overarching concern of the School Committee is how would this project affect our use of the high school, the education of our students and the School Department budget. So, those are the key concerns for the committee.

There are going to be a lot of other town boards that will be involved with the project if it were to move forward, and we certainly trust their judgment on it, too. But a lot of the issues that I think people in town have, we have also raised and we look forward to hearing the

answers to.

I do have one Question, however, about the article itself. The article is fairly clear that it's to see if the Town will vote to authorize the Board of Selectmen to prepare a preliminary plan. But then there's a sentence that seems to swallow the whole article: "Or do or take any other action on the matter."

THE MODERATOR: That allows you to be able to amend motions on the floor at Town Meeting.

MR. KIRKMAN: Okay. Well, I just want to be clear, I mean it –

THE MODERATOR: That doesn't become part of the official action –

MR. KIRKMAN: Okay.

THE MODERATOR: – of Town Meeting. That's a wording for the article to allow us the ability to entertain amendments.

MR. KIRKMAN: Okay, that's fine. As long as it's confined to that, that's all. Thank you very much.

THE MODERATOR: Okay. The gentleman in the back of the aisle, here. If you could come down front, please? No, behind you, there.

MR. STONE: Hello, my name is Thomas Stone. I live up in the Peterson development up on Old Campus Drive, just north of

where the parcel is located. It happens that I happen to be the land steward for the yellow-colored parcel to the north of the parcel in question. That parcel there, the yellow parcel, is in pristine condition. There's no trash, no invasives. And it would be a shame to have a major facility located next to it and encroach upon it and degrade that parcel there.

Also, I think it would be a terrible precedent for the Town to take what is now conservation land and to convert it to something else.

So, I'm very concerned about that and I would urge Town Meeting Members to vote against this article.

This parcel is a third of a mile either from Brick Kiln Road or from Gifford Street, so it's in the middle of the woods. Anything you do there is going to take down a minimum of five acres of trees. So I would urge Town Meeting Members to vote against this.

THE MODERATOR: Dr. Antonucci.

DR. ANTONUCCI: Bob Antonucci, Precinct 6. I would just urge action on this in a positive manner and very quickly. The feasibility is the issue. We're now remodeling the high school. Peter and I are both on that committee. The sooner we determine whether or not that site would be feasible for additional buildings the better off we will be. It's been three years since we've had construction at the high school and it continues. So, I think we really should look at the high

school itself and this.

Secondly, I think it's a good place to have this facility. We have Trotting Park Fields, we have the Little League fields, we're moving everything out of the center of town, which it should be. It would be a great complex, both recreationally and athletically and educationally. This is the concept that's being followed all over the state.

It would get the traffic away from the Steamship Parking Lot, the hockey rink would be at the school, the seniors would be there. The one thing that Falmouth has had going for it for 20 years is our volunteer program at the high school. Many of your seniors were at the high school already; that's how we got our support.

So, I think let's not put all the barriers up that why we can't do it. Let's figure out how we can do it, and then if we can't, we don't do it. But I think the committee's smart coming to us tonight. You don't want to go through another Davisville debacle that we did at the last Town Meeting. I give you credit for it, let's move forward, let's have credibility in this committee. Let them bring back the pro's, the con's and the cost, and hopefully then we can act on it. Thank you very much.

THE MODERATOR: Okay, the last person I have on my list is Mr. Dufresne.

MR. DUFRESNE: Adriene Dufresne, member of the Finance Committee. I strongly support Article 7. I think this is the

concept that I think we should move forward with.

My only concern is in Mr. Murphy's description of an ongoing committee, and I don't know if I missed that he neglected to say that there would be a member of the Finance Committee that would stay on this committee throughout the entire process. Because there would be some serious financial impacts I think the Finance Committee should be informed at every stage of this type of construction project. And I would ask that he add that Finance Committee person to the committee.

Thank you.

And I would move the Question, Mr. Moderator.

THE MODERATOR: Okay, you know my practice: if you put your two cents in, you can't make the motion.

Ms. Siegel.

[Laughter.]

THE MODERATOR: Good try, though, Andy.

[Laughter.]

MS. SIEGEL: Debra Siegel, Precinct 6. Originally I was only concerned about the fact that the deed restriction stipulated that the land be kept for open space and Recreation. And after last Friday's paper came out and it talked about what Representative Turkington had to say about it taking an act of the legislature, I wonder if through you we could hear any more details about that, because it seems like if it's going

to take an act of the legislature, this could all be moot. Thank you.

THE MODERATOR: Does somebody want to respond directly to that question? Mr. Turkington? Mr. Duffy?

MR. DUFFY: This body in the past has voted to petition the legislature for special acts and if this project is going to require a special act, you will be asked to frame the petition and vote on it before it goes up to the state house, and then we'll ask our representatives, Mr. Turkington and Mr. Patrick, to shepherd it through.

THE MODERATOR: We'll be actually voting on one of those in a few moments when we get to the end of the warrant.

Anything else from the committee?

MR. MURPHY: I'd just like to close with a couple of comments and a couple of issues. Mr. Netto brought up a very good point about the future costs and a transparent process, and that's why we're here tonight. We're starting a transparent process. We're not coming back after everything is done. We're starting the process from the beginning and including Town Meeting. This process, incidentally, will save the Town money. As we've said, the available locations that the Town currently owns, the Town currently owns, are not suitable for these facilities. What we're trying to do is use current inventory in a creative fashion so that we do not have to go out and make a land purchase which we would actually have as incremental cost.

I would like to close with one last statement. My predecessor who has – we've gained a wealth of knowledge from, someone who has mentored each and every one of us, whether you're on an issue or not, used a comment tonight that I believe in and that I've learned from her, and that was a comment Virginia said, and we are a can do town. And this project can be a can do project. If we put our minds to it, we can be creative, work in a collaborative effort to make sure that this can move forward and try to solve not all, but most of the issues that everyone has raised tonight. I thank you very much.

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

[Aye.]

THE MODERATOR: All those opposed, "No."

[No.]

THE MODERATOR: The Ayes have it by a majority.

Article 8, Mr. Chairman for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 8 as recommended.

THE MODERATOR: Article 8 as recommended. This is to transfer the sum of \$19,500 from the Waterways Fund for the purchase and installation of security cameras and equipment for several locations in town. Any discussion on Article 8?

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Mr. Chairman, Article 9.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 9 as recommended.

THE MODERATOR: Article 9 as recommended. This is to transfer the sum of \$7,500 from the Waterways Fund for the replacement of the Waquoit Bay/West Jetty light and piling structure. Any discussion on Article 9?

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous – oh.

MS. ABBOTT: [Inaudible.]

THE MODERATOR: Okay.

MS. ABBOTT: [Inaudible.]

THE MODERATOR: Microphone for Ms. Abbott, please.

MS. ABBOTT: Jane Abbott, Precinct 7. If someone is at fault for knocking down something when they're driving a car, I would think they might also be responsible for doing this damage at sea, and if the boat owner is known, should not they pay for it?

THE MODERATOR: Mr. Duffy. This has come up before.

MR. DUFFY: You're correct, Mrs. Abbott, if we know who did it, we can go after them.

THE MODERATOR: So once we buy those cameras and install them, then maybe we can figure out who's doing this.

[Laughter.]

THE MODERATOR: The gentleman in the back left, there.

MR. DENNEN: Ed Dennen, Precinct 2, I'm on the Waterways Committee. Mr. Duffy answered the question pretty well, but I was with Bill Parm [sp?], the Deputy Harbormaster the other day, and he explained to me that the report was a large white sailboat. [Laughs.] You go down the harbor, to any harbor, take your pick. We couldn't find anybody that had sustained enough damage to do that. But, believe me, they're paying a bill, no doubt about that.

THE MODERATOR: Maybe when we go out there to fix it, we'll find the boat under water.

MR. DENNEN: Right.

THE MODERATOR: Okay, Article 9, any further discussion?

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous. Article 10, Mr. Chairman for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 10 as recommended.

THE MODERATOR: Article 10. This is to transfer the sum of \$50,000 from the Waterways Fund for the purpose of funding site improvement permitting for dredging. Any discussion on Article 10?

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 11, Mr. Chairman of the Community  
Preservation Committee.

CHAIRMAN CLARK: Mr. Moderator, I move Article 11  
as recommended.

THE MODERATOR: Okay, as recommended. This is to  
vote to rescind the special condition requiring preservation restrictions for  
55 and 65 Palmer Avenue. Any discussion on Article 11?

Hearing none, the question – oh, Mr.  
Nidositko. Microphone, please.

MR. NIDOSITKO: Where, specifically – is this the  
O.D. Garland property that was contributed to the town, by any chance?

THE MODERATOR: The Falmouth Historical Society  
Museums on the Green.

MR. NIDOSITKO: It's where?

THE MODERATOR: The Falmouth Historical Society  
Museums on the Green.

MR. NIDOSITKO: Okay, all right. Okay, thank you.

THE MODERATOR: Any further discussion on Article 11?

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 12, Mr. Chairman of the Board of Selectmen.

CHAIRMAN MURPHY: I move Article 12 as printed.

THE MODERATOR: Article 12 as printed. This is to vote to authorize the Board of Selectmen to petition the General Court for special legislation, an act authorizing the Town of Falmouth to install, finance and operate wind energy facilities. This is something we voted on over a year ago; action wasn't taken in the legislature so we have to re-vote to send the will of Town Meeting back to the legislature.

Any discussion on Article 12?

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it, unanimous.

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

CHAIRMAN MURPHY: I move that the Town vote Article 13 enthusiastically as printed. Thank you.

THE MODERATOR: As printed. This is the right to farm bylaw. As printed. Any discussion on Article 13? Mr. Fleer.

MR. FLEER: Thank you, Mr. Moderator. Al Fleer, Precinct 6 and former Planning Board member. Article 13 creates an exemption from the Town's nuisance bylaw, that is zoning bylaw 240-110, for a whole list of uses and accessory uses. They're not defined by any requirement of size or percent in any particular use, and appear to be in addition to uses protected under the state statute that was referred to last night and referred to in Section 1 of the article.

I acknowledge that the nuisance bylaw does not itself set any specific standards for noise, odors, dust or fumes as nuisances, but is the same for all uses. If you can smell it or hear it or feel it in your home or it's at an inappropriate time, it's a nuisance. Plus I'm sure there's case law to help the Building Commissioner in his determinations and a general bylaw about noise. The standard under this article is, quote, accepted agricultural practices, which is not defined and could be anything for any of the uses. To me, this is an "anything goes" bylaw. The complaint process in Section 5 creates a parallel process to zoning enforcement that lacks time lines and an appeal process; I don't see its usefulness.

Town Meeting has to remember that the Planning Board and Zoning Boards permit contractor's yards with conditions that include

hours of operation, fencing and vegetated buffers to mitigate noise and light, and paving or watering of driveways to reduce dust. These are hard fought-for conditions, as residential abutters can attest. Any number of these yards could be a use included under this bylaw which would undermine the conditions and enforcement of special permits or concessions from future applicants.

To me, this is a permissive, poorly-written zoning bylaw presented to Town Meeting in the guise of a general bylaw requiring only a majority vote. Please vote this article down.

THE MODERATOR: Okay, further discussion? Want to use the mic up front.

MS. SCHWELBY: Karen Schwelby, Agricultural

Commission. The Right to Farm Bylaw is a part of a state and national initiative to raise the profile of farming in our communities and to promote local food production. Our farms represent open space and diversity in the landscape; they offer unique economic development as well as educational and recreational opportunities. One of the most environmentally sound investments we can make in our community and its future and in a global future is local, sustainable food production.

Attenuating our dependence on the nation's industrial-scale petroleum-based agricultural industry is of paramount importance to reducing America's contribution of greenhouse gas emissions. Locally

produced foods are fresher, better-tasting and better for us, having been picked when ripe and not warehoused and transported an average of 1500 miles.

The Right to Farm Bylaw is part of the scoring criteria for Commonwealth Capital, a system that steers funding for capital projects to communities engaged in its smart growth initiative. Smart Growth makes efficient use of land, promotes a variety of transportation and housing options, permanently preserves critical natural resources and protects architectural and environmental character through compatible and high quality environmentally sensitive development.

The Right to Farm Bylaw is also part of the scoring criteria for the state's Agricultural Preservation Restriction municipal grant program. The purpose of the APR program is to permanently protect the Commonwealth's farmland, thereby enhancing the economic and environmental sustainability of Massachusetts agriculture. The Agricultural Commission would like to see this bylaw passed to demonstrate this community's pride in its farm heritage and to put its best foot forward toward preserving its agricultural lands and enterprises into the future.

THE MODERATOR: Any further discussion? A microphone in the center aisle, please. Mr. Smolowitz.

MR. SMOLOWITZ: Thank you, Mr. Moderator. Ron

Smolowitz, Precinct 8. There is nothing in this bylaw that is not already law in the Commonwealth of Massachusetts. Farm activities are exempt from the nuisance bylaws that the Town has. Everything in here is current state law. This is just a local re-affirmation of state law. There's nothing in here that protects contractors' yards or anything like that. It's all agricultural activities. Everything in this bylaw is already state law and there's nothing that the Town could do to override these particular regulations and protections that agriculture has.

It used to be, back before the 1980's or '70's, laws like this weren't necessary because farms were dominant. But now farms are surrounded by a sea of housing, and farms need the extra protection, and this is just asking of the local community to affirm that protection. It's not asking for any additional protections or law. I really hope that this town makes a strong step forward, and this is just one step towards bringing back the agriculture that made this community great. And, look at our Town seal, we have a plow on it; that's our heritage.

THE MODERATOR: Okay, further discussion? Okay, pass that one back there, Ron, to Ms. Shepherd.

MS. SHEPHERD: Susan Shepherd, Precinct 1. I am very supportive of the concept. I grew up on a farm. I think we might add a sentence to Section 3: Agricultural activities must be consistent with protection of environmental and public health.

THE MODERATOR: Okay, what's the wording of the sentence again, please?

MS. SHEPHERD: Agricultural activities must be consistent with –

THE MODERATOR: Slowly, so I can write it down.

MS. SHEPHERD: Sorry.

THE MODERATOR: "Agricultural activities."

MS. SHEPHERD: Must be consistent –

THE MODERATOR: "Must be consistent."

MS. SHEPHERD: – with protection of environmental and public health.

THE MODERATOR: Okay, we have an amendment on the floor for Section 3 to add the sentence: "Agricultural activities must be consistent with protection of environmental and public health." Ms. Lichtenstein.

MS. LICHTENSTEIN: [Inaudible.]

THE MODERATOR: Microphone, please. Microphone, please.

MS. LICHTENSTEIN: I'm a teacher; I yell loud. Could I ask through you to Mr. Duffy: can we alter what is already state law? Can we put on conditions that are – I don't know. This is –

THE MODERATOR: Well, this won't change the state law,

this will just be our little bylaw. But, Mr. Duffy.

MR. DUFFY: You can amend this article. I

don't see any reason why you can't. If you understand what you're doing, that's okay.

[Laughter.]

THE MODERATOR: The statute will stay the same. I

was reminded before the meeting that a few years back when we were amending bylaws on Town Meeting floor we prohibited docks from within 50 feet of the water.

[Laughter.]

THE MODERATOR: But this one doesn't seem to do that,

so – any further discussion on the amendment to add that sentence?

Dr. Antonucci.

DR. ANTONUCCI: Yeah, I would vote against that

amendment because I think the last sentence takes care of it. It talks about the subject of state statute, regulation or local zoning law. I think we have enough laws on the books in this town already. We're forever trying to over-regulate what we're doing here, and we're going to have the same issue when the dogs come back tonight.

Let's not try to amend and write laws on Town Meeting floor that haven't been carefully studied. I think this article is fine the way it is, it gives us the protection we need, protects the animals, it

protects the humans and it keeps us all safe.

THE MODERATOR: Mr. Ketchum. And then Mr. Netto.

MR. KETCHUM: Paul Ketchum, Precinct 1, member of the Board of Health. The Board of Health has lots of rules and regulations and means to control problems that might arise from farming and keeping animals, so I don't think we have to add that to this. And I'd advise that we vote against it.

THE MODERATOR: Okay, Mr. Netto. Down there. Mike, could you grab that mic that's in the aisle, use that one.

MR. NETTO: Mike Netto, Precinct 9. I'm going to have to disagree with Mr. Antonucci about this one. I think adding this sentence to the article would be a very wise thing to do. As Mr. Smolowitz stated, a lot of these farms are now surrounded by a sea of houses, and I think by adding the simple sentence of being consistent with environmental and public health is good because you may have property owners that do not want to be awash in a sea of pesticide or other chemicals that could be harmful, and I think that that should be taken into consideration. So I strongly urge you to pass this amendment. It's a simple sentence and it'd be helpful.

THE MODERATOR: Any further discussion on the adding the sentence, the amendment to the main motion?

The question will come on the amendment. All those in

favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It is the opinion of the chair that the No's have it. Any further discussion on the Right to Farm Bylaw as printed? Ms. Lowell.

MS. LOWELL: Vicky Lowell, Precinct 1. I apologize for not studying this more before Town Meeting because I – the idea of growing things for us to consume is – and all the arguments given for it are very persuasive, but when I read that it also covers forestry and lumbering and then it says that you can do it any hour of the day, on holidays or weekends – weekdays, weekends by night or day, then I get a little – I try to put myself in my own shoes and other people's, and if I had a lumbering operation next to me – I know there's not that much woodland in Falmouth, but even if it was just for a month, it could – it would be nice if it didn't go on at night and on the weekends. Thank you.

THE MODERATOR: Okay. Any further discussion on the main motion?

Okay, the question will come on the main motion as printed. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

Mr. Chairman, Article 14.

CHAIRMAN ANDERSON: Mr. Moderator, I move that all articles approved at this Town Meeting be funded as voted for a total of \$569,067.10.

THE MODERATOR: Okay, you've all heard the main motion to fund the articles in the Special for \$569,067.10. Any discussion?

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move the April, 2007 Special Town Meeting be closed.

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

motion to close the Special Town Meeting and dissolve it; all those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous and the Special Town Meeting is dissolved.

Okay. Now we will re-establish a quorum and re-convene the Annual Town Meeting.

All Town Meeting Members present please rise for the establishment of the quorum and the tellers will return a count.

When we get back into the Annual, we have Article 49 and Article 50 on the table.

[Pause.]

THE MODERATOR: Division 3, Mr. Hampson.

MR. HAMPSON: 44.

THE MODERATOR: 44.

Division 1, Mrs. Tashiro.

MRS. TASHIRO: 50.

THE MODERATOR: 50.

Division 2, Mr. Dufresne.

MR. DUFRESNE: 89.

THE MODERATOR: 89.

By a counted vote of 183, we have a quorum and the Annual Town Meeting is back in session.

["Who Let the Dogs Out?" is played over the loudspeakers.]

THE MODERATOR: The Chair would entertain a motion to take any articles that are on the table from the table.

[Laughter and applause.]

THE MODERATOR: Sorry, we couldn't resist. Want to make a motion to take something from the table?

CHAIRMAN MURPHY: I move Article 49 as printed.

THE MODERATOR: You move to take Article 49 –

CHAIRMAN MURPHY: Off the table, I'm sorry.

THE MODERATOR: – from the table? Okay. The motion is to take Article 49 from the table. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimously and Article 49 is on the floor. Article 49 was the article that we were trying to amend last night with the wording for the AKC, CKC and UKC, and we do have that in writing now. It includes that language that there's an

exemption for folks that are having their dogs to be shown in breed. The sentence was included at the end of the first paragraph -- excuse me, at the end of the second paragraph and within the first sentence of the first paragraph after the word "neutered". "Except those animals registered with the AKC, CKC, or UKC.

Any further discussion on the amendment to insert that exception to the main motion of the multiple dog license bylaw?

Hearing none, the question will come on the amendment.

All those in favor, signify by saying "Aye".

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it by a majority and the main motion is amended. Any further discussion on the main motion, multiple dog license as amended?

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

[Aye.]

THE MODERATOR: All those opposed No.

[No.]

THE MODERATOR: The Ayes have it by a majority.

At this time, the Chair will entertain a motion to take

Article 50 from the table.

CHAIRMAN MURPHY: So moved.

THE MODERATOR: Okay. Article 50, we have a motion to take it from the table. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous and Article 50 is on the floor. The main motion was placed on the floor and the amendment that was pending to be rewritten, which it was, was to remove the words "or farm animal" from Section A, and the clause in the first sentence of Section B "whether it be livestock or pet", removing those words is the amendment. Any discussion on the amendment?

Hearing none, the question will come on the amendment.

All those in favor signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it by a majority. Is there any further discussion on the main motion as amended? Mr. Smolowitz.

MR. SMOLOWITZ: Thank you, Mr. Moderator. Ron

Smolowitz, Precinct 8. I took a couple of hours today to get on the computer between moving hay and grain and did a little research about the issue of animal housing. I went to the Mass. General Laws. I went to the MSPCA site. I went to the USDA, went to the Department of Agricultural Resources. In summation, there are a lot of laws on the books protecting animals, but Massachusetts is a leader and it's primarily performance measures. It's based on the health of the animal. The only place that I found mention of animal shelters is in Chapter 272, Section 77, which is the Cruelty to Animal statutes in the Mass. General Laws. And again it's the inspecting officers look at the animal health to see that it's in good health and weight for its breed and for its species.

There's a sentence in there that it has access to appropriate shelter. That is the extent of the definition of shelter. It's the health of the animal that's important, not the shelter. And, by the way, the violation of that section is five years in state prison or two and a half years in county jail and/or 2500 -- I don't know why county jail is less than state prison, but --

[Laughter.]

MR. SMOLOWITZ: I did a search on the term "companion animals", and that turned out to be interesting. It's a term primarily used by the animal rights organizations and it's sort of a politically-charged term. And I went to the ABMA website and the ABM website has about

four pages of discussion of how to appropriately maintain animals. And it discusses in a general sense under housing, you know, that the animal should be free to move around for the number present and what have you. But, again, no description like our town bylaw has of the type of shelter. It basically says that it needs to be sufficient for the health of the animal, and then most of the pages discuss the health of the animal.

So, I did find shelter descriptions but it's in the extreme animal protection, animal rights type of organizations, and if you remember way back we had the subject of air conditioned barns in Massachusetts as one of the animal rights referendum. So, I really think that pet owners in this town should think serious about a bylaw that's precedent-setting in describing the type of shelter, because I know if you let your dog out in your back yard, you can have water, you can be taking care of your dog really well, but you'll be in violation of this bylaw if you don't have a dog house in the backyard, if it doesn't have a flap on it, if your fence isn't strong enough to keep coyotes out of the yard, there's a lot of reasons why there are not structural definitions for animal housing, and I really think Town Meeting needs to consider that this may not be a good idea. Thank you.

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

MR. PUTNAM: Thank you. Brent Putnam, Precinct 9. I

agree with Mr. Smolowitz here, I have some concerns about Section A which talks about inherently danger -- including protect -- including attack by predatory animals. I'd like to know: I've got three dogs, I let them out in my back yard, which has a fence. But it's my understanding that coyotes can jump a six foot fence. So, the question is: can anybody define for me how I'm going to prevent my dogs from being attacked by predatory animals if a six foot fence can be leaped by a coyote? What is the requirement, then, and what do we say to folks who have a four foot fence around their yard to maintain a dog?

There's a slippery slope here, I think, and I have to agree with Mr. Smolowitz, as I said, that there's some definitions here that need more defining or we're getting ourselves into some unknown territory. Thank you.

THE MODERATOR: Mr. Patrick. Then Dr. Clark.

MR. PATRICK: Matt Patrick, Precinct 7. I have a question. I'd like a sponsor or town counsel to answer. I have a chicken house and it's not insulated.

[Laughter.]

THE MODERATOR: Virginia, do you have an opinion on this one?

MR. PATRICK: Would I be covered by this? Would I have to insulate my chicken house is what I want to know.

MR. DUFFY: I would defer to the Animal Control Officer for an opinion on that one.

[Laughter.]

THE MODERATOR: All right. Dr. Clark.

DR. CLARK: Mr. Moderator, Peter Clark, Precinct 1. I think until the Town comes up with the money to hire the Animal Control Officer 54 people to help him, we're not going to be worrying about four foot fences or insulated chicken houses.

FROM THE FLOOR: Question, question.

THE MODERATOR: Okay, Ms. Putnam.

MS. PUTNAM: Rebecca Putnam, Precinct 9. Just to touch upon I heard a lot of grumbling with the whole coyote jumping a six foot fence. Unfortunately, this past fall we did have a coyote enter our two acres which is completely surrounded by a six foot fence. We have no holes underneath. They killed one of our ducks and tried to get at our 28 guinea hens. I called the Department of Natural Resources, asking them how can I protect my animals from the coyote attacks, and she said to me, "You can't. They can jump over a six foot fence." And I said, "Are you sure about that?" And she said, "Yes."

So, I have a real problem with the issues of the protection rules here that they're putting into Article 50.

THE MODERATOR: Okay. Mr. Latimer, down here on

the right.

MR. LATIMER: Rich Latimer, Precinct 2. I supported the amendment that eliminated farm animals from this because I think Mr. Smolowitz made a very compelling case that it's impractical for farmers to do this kind of thing. I don't think it's impractical for pet owners.

Specifically, what we're talking about here is dog owners who have their dogs on a lease and are left outside on a lead. It doesn't apply to any other dogs. Dogs running loose are subject to being picked up anyway. But at least dogs on the loose can protect themselves by finding shelter under a porch or something else, whereas a dog that's on a lead and is tied where he is can't do that, can't find water unless the owner provides the shelter, provides the water and provides the protection for him.

Now, the Animal Control Officer made the case, which is persuasive to me, that is under the state law, which Mr. Smolowitz has cited for us, if he finds a violation all he can do is charge the person, bring him to Superior Court or District Court, and he's subject to either going to five years in the state pen or 2 ½ years in the House of Correction, I think, which seems somewhat extreme. Whereas, if the Animal Control Officer has this bylaw he has a means of controlling this activity, protecting the pets, informing or educating the pet owner, and in very specific ways what they have to do and if there's a violation it's just

a \$50 fine as opposed to trying to put somebody in jail.

So, I think this is a sensible regulation as long as it does not apply to farm animals. Thank you.

THE MODERATOR: Okay, the woman in the left aisle, over here. If you could stand up. I've got you, Maureen, you'll be next.

MS. SULLIVAN: Hi, Ellen Sullivan, Precinct 5. I was actually asked to speak on this article by a few people in my neighborhood, and I'm in favor of it as well. There are many animals, companion animals in town that do need a lot of help, that are tied up and are treated badly, and I think that's really the intent of this. The Animal Control Officer really has no authority to do anything except go to a court, which takes months, and in the meantime the animals are stuck outside being, you know, abused. And, you know, I think that in this session, we've taken care of children, we've taken care of veterans, we've taken care of everyone; I think we really should take care of our local pets. Thank you.

THE MODERATOR: Ms. O'Connell. Up there on the left.

MS. O'CONNELL: Good evening. Maureen O'Connell, Precinct 4. About Section B, a couple of issues. One is is that where, in the first sentence the -- we're discussing animals in general, we become way more specific further down and refer specifically to dogs, and I think that it's difficult: are we talking about companion animals or

are we talking about just dogs, or is it only dogs with short hair? What if you have a companion other type of animal?

The other issue is how are these -- how would this be enforced? Does this mean that someone would be allowed to come on your property and actually inspect your dog houses or companion animal shelters? Thank you.

THE MODERATOR: Animal Control Officer want to address how he's going to enforce this if we pass it? There's a microphone right there in the aisle.

MR. GARLAND: My job entails that I --

THE MODERATOR: Would you speak into the mic, Mr. Garland, please.

MR. GARLAND: My job -- my name's Tom Garland, I'm the Animal Control Officer. My job entails that I become --

THE MODERATOR: Just pick it up and speak into it, please. Just hold it in front of your mouth when you talk.

MR. GARLAND: Okay. Once again, my job entails that I be certified as a state animal inspector, and that gives me authority to go on any property where animals are housed. I can go and check their well-being. So, that's one question.

As far as the companion animal versus the dog, I mean basically it's just a method of describing what would need extra insulation

or whatever as far as the house goes. It would be a short haired ferret or a short haired cat. You know, whatever you kept outdoors, you know, that wasn't accustomed to the weather would need an additional care taken. So, that's where I'm going with that.

THE MODERATOR: Okay, Ms. Borden. Microphone in the center, here. It's actually coming from behind in this.

MS. BORDEN: Meg Borden, Precinct 7. It appears that the contention with this article seems to be over Section B. What would happen if we eliminated Section B and we had Section A and then C?

Can I do that?

THE MODERATOR: Well, you could strike the section, yeah.

MS. BORDEN: Okay, then I move that we strike Section B.

THE MODERATOR: Okay. There's an amendment to strike Section B. Any discussion on the amendment to strike Section B?

Hearing none, the question will come on the amendment. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It is the opinion of the chair that the Ayes have it and Section B is stricken. Section C now becomes Section B.

Any discussion on the main motion as amended twice?

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

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

Article 51, Mr. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MURPHY: I move Article 51 as printed.

THE MODERATOR: Article 51 as printed. This is dealing with kennel license. Who held this article? Mr. Hampson.

MR. HAMPSON: Mr. Moderator, I held this article -- George Hampson, Precinct 5. I held this article because I figured there might be a penalty involved. But I was assured by our Town Animal Officer that there is a penalty involved but it's inherent, it doesn't have to be stated again. So I withdraw my hold, thank you.

THE MODERATOR: Okay. Any further discussion on Article 51?

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 52, Mr. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MURPHY: I move Article 52 as printed.

THE MODERATOR: Article 52 as printed. This is the restraining of dogs required; exceptions. And who held this article? Ms. Hayward. Microphone to the right.

MS. HAYWARD: Mr. Moderator, I would ask that in the paragraph before A in Article 52 that we strike after the "or", where it says, "under the immediate and effective voice and sight control of a

competent handler,” I would as that that be struck from this article.

THE MODERATOR: Which “or” are you starting with?

MS. HAYWARD: Paragraph 83-18 or section whatever that squiggle thing reads as a word: squiggle 83-18, we have a sentence which starts “In accordance with the provisions of”.

THE MODERATOR: Okay.

MS. HAYWARD: Third line, two-thirds of the way over, there is an “or”, after which it says “under the immediate and effective voice and sight control of a competent handler”, I would like to strike that from this article.

THE MODERATOR: Okay, so that it would read, “In accordance with the provisions of the General Law, all dogs shall be restrained from running at large, unless said dogs are leashed and accompanied by the owner or keeper or a person authorized by said owner or keeper,” period.

MS. HAYWARD: That’s correct.

THE MODERATOR: Okay. Okay, we have an amendment to remove that part of the sentence. Discussion on the amendment. Mr. Putnam.

MR. PUTNAM: Brent Putnam, Precinct 9. I’m not in favor of this amendment simply because it sort of defeats the purpose of the article. I believe it was to allow for dogs to be unleashed under certain

circumstances, those circumstances being when they are in control or under the control of their owner or handler. I would note that this actually happens. I think it's important to remember that there are oftentimes and in various places in town, and you know the cranberry bogs across from my street are one of those places where dogs are allowed to run without leash -- in violation of Town law -- but it happens; a lot of folks do it. And they have their dogs under control: they call their dogs, they come back. They tell their dogs to sit, the dog sits, the dog stays. There are places in town where you do see dogs unleashed and the dogs are under control of their handler.

I think it's important to remember that what we're talking about here is not the dog's behavior, it's the person's behavior. And it's the behavior of the owners that needs to be addressed and not necessarily the behavior of the dogs. If you have a dog who responds to voice commands and is under your control, then the dog should be allowed to go unleashed under certain circumstances. If you don't, then you should be a competent enough owner that you recognize that your dog will run free, will not come back, will not be under your voice commands and that you should restrain your dog. That, I believe, was the purpose and the intent of the article and I believe that removing this line basically puts us back at square one and then you have to ask why are we passing the article in the first place. Thank you.

THE MODERATOR: Mr. Smolowitz.

MR. SMOLOWITZ: Thank you, Mr. Moderator. I have a question. The term “running at large”, what does that mean? Does that mean on public property or does it mean on your own private property? What is “at large” mean?

THE MODERATOR: Mr. Duffy.

MR. DUFFY: It would be off your own property.

MR. SMOLOWITZ: Thank you.

THE MODERATOR: Okay. The next one I have is Ms. Hayward again.

MS. HAYWARD: I have heard what Mr. Putnam has said. I had several people speak to me about this article who are people who are very fond of dogs, who have dogs themselves. They consider that dogs are animals, that dogs generally speaking can be well under the control of an owner, but in spite of that you cannot 100 percent know what a dog is going to do.

I personally spoke against this at Precinct 5 and there was another person at Precinct 5 meeting who spoke very eloquently about a dog who attacked his dog. I do not believe it is appropriate for animals to be off their leashes, even if their owners think that they are 100 percent under the voice control of the owner. Thank you.

THE MODERATOR: Okay, the gentleman in the back in

the aisle. If he could come down. The gentleman in the back. Yes. If you could come down to that mic right there on the stand.

MR. MARTIN: Craig Martin, Precinct 9. I urge all to respect the integrity of the intent of the brewing of this article and at least leave this open for discussion. It really is an insult to all to change that. I know I've been here all last night and all today to discuss the article. And I really think we deserve that and I urge all to reject this amendment and let's go on with the discussion. Thank you.

THE MODERATOR: Okay, further discussion on the amendment to remove the sentence. Mr. Latimer on the amendment. Microphone for Mr. Latimer over here.

MR. LATIMER: Rich Latimer, Precinct 2. This, as Mr. Putnam said, the point of this is to allow people to do what people are doing, which is owners who do have good control of their dogs, and they are many, and often the dogs that we are talking about are some larger breeds, or even some small breeds, but particularly dogs that for their own health they need to get out and run. It's animal cruelty to me to take a large or an active type of dog and to confine him and not give him what he needs to do.

But the crux of this is you have an owner who has effective control of the animal. Oh, sure, mistakes can happen. Mistakes happen when we drive cars, and that's why we have liability laws. That's the

protection against mistakes that can happen. Nothing's perfect in this world, but let's be sensible, common-sensical, and let people do with their dogs what they can do properly, having the dogs under control without being overly restrictive. So I would reject this amendment, thank you.

THE MODERATOR: Okay, on the amendment. Ms. Putnam and then Ms. Chapelle.

MS. PUTNAM: Thank you, Mr. Moderator. Rebecca Putnam, Precinct 9. As Brent had said, we have Labrador Retrievers who we breed and show, and it is, as Mr. Latimer said, very important to be able to keep your animals, especially when you are showing dogs, in top condition. And especially with Labs, any hunting dogs, you know, they're not necessarily as stated here in C -- I mean B, I'm sorry -- are they all trained for hunting. There are those of us who spend quite a bit of money in going to obedience courses in order to keep our animals well under control and keep them off leash only at appropriate times, such as in conservation areas like bogs where I can actually throw a ball much further with a -- we use a lacrosse stick sometimes. My dogs are able to stay conditioned. And I think it's very important that we consider this article as it has been written.

THE MODERATOR: Okay. Right behind you there in the aisle.

MS. CHAPPELL: Thank you, Mr. Moderator. Rena Couture Chappell from number 4 precinct. I am a dog owner, I have been raised with dogs. I have been with horses. I had my dogs trained from horseback. I am a nurse. I have taken care of children and adults that have come into the emergency room because of a dog that bit. It was not the dog's fault. It was the responsibility of the owner.

The Putnams I believe are well trained and their dogs are well trained. It's the people that are not responsible dog owners. I myself was attacked two years ago gardening in my front yard. I lost seven months of my life. I have a fifteen year old collie right now.

I am also talking about our blind people that live in Falmouth and Rusty the seeing eye dog. Val was supposed to have been interviewed for the newspaper; it didn't happen. I talked with her again tonight. Rusty doesn't like to be jumped. The seeing eye dogs are trained that when they're walking and a dog becomes aggressive that the owner and the dog just keeps on walking. Well, sometimes when the dog gets bit, the seeing eye dog gets bit. He doesn't -- he's been trained not to respond.

I'm also in reference to the 89 year old lady that got knocked over walking because somebody's dog knocked her over at the beach. The elderly man that was bit at Old Silver last summer. We need a play yard for the dogs. If the dogs can run at the bogs, put that

as an amendment.

The dogs -- I'm also the Mutt Mitt lady, and people say, "What the heck is the Mutt Mitt?" We have stations at all our beaches and 80 percent of our beaches are cleaner because people are using them.

In the summertime after the lifeguards leave the beach, there's the Rottweiler that goes after the child at Old Silver Beach. There's a gentleman that takes his dog at the Sea Crest, he has a German Shepherd that is the most magnificent trained dog I have ever seen; he is under control with sight and verbal control. But you have somebody else, like the Rottweiler -- and I love these dogs. I've been with Dobies that, you know, I've been around all these dogs. Again, it's the training.

So, I stress for now, until we have a play area for dogs, until you open up the bogs for dogs to walk, please do not have your dogs off the leash. Thank you.

THE MODERATOR: Okay, center section. If you could stand for a microphone there, and then Ms. Lichenstein.

MR. JONES: Clayton Jones, Precinct 9. It's certainly understandable that this is an emotionally-charged issue, with 38 percent of the households in the U.S. with one or more dogs and that's increasing, there will be more dog and human interaction. And, in

corresponding with that, there will be an increase of complaints; that comes as no surprise. And a common reaction will be: let's have stiff levels of keeping your dogs on a leash or constrained, controlled.

Now, I believe that we can all agree that allowing dogs to roam loose, unsupervised, is unwise and unhealthy for our community. And that condition in here is covered by this bylaw. That is, it's not allowed; it's illegal. But if you'll permit me, however, I believe there's a reason to support this bylaw change, to put down this amendment, and further, that absolute and restrictive leash laws are a detriment to a community and to the animals themselves.

Dogs are social animals, and proper socialization requires regular off-leash exercise and positive interaction with strangers and other dogs. Many of the same principles that apply to child rearing apply to child -- to dog training in general in both raising good humans or good human and canine citizens. So, dogs are pack animals and they need to learn their place or their position in the pack and what is appropriate and inappropriate behavior. The CDC, because I went on the computer today just like Ron Smolowitz, says the Center For Disease Control states that a tethered dog is more likely to bite than an untethered dog, and this is in part due to a response to show aggression when there is no ability to escape. A well-socialized and exercised dog is far less likely to be aggressive.

Now, overwhelmingly the majority of aggressive incidents occur on private property, not on public properties. So, I looked for a case study. Now, there's recently been an unsuccessful push to repeal an off-leash law in New York City that has been in existence for 20 years now. Now, although Falmouth has been detrimentally compared to New Jersey at times, we're certainly not New York City. However, the statistics do prove interesting. There are 1.5 million registered dogs in New York City. There are probably more than that, but those are the registered ones. And about eight million people. Prior to the off-leash policy, there were 40,000 bites annually. Since the off-leash policy, there are less than 4,000 bites; that's an order of magnitude less. Primarily because dogs are being exercised and socialized with people and other animals. Of these bites in 2005, only 86 of them, or 2.2 percent, occurred on public way or parkways. Everything else is on private land and in fact usually occurs at the home of the dog.

Now, in Falmouth, we are also several orders of magnitude fewer instances than in New York City. Last year we had 40 dog versus person bites, and just because I was there, we had nine cat versus person bites.

[Laughter.]

MR. JONES: In closing, if a dog owner allows his or her dog to be a nuisance, then it is that individual dog owner who should be

penalized. In a civilized society, we expect to be held accountable for our own actions, not the actions of others, and rather than penalize all with this blanket policy that exists today, this bylaw, not the amendment, is congruent with what exists in much of our own town today: a mixed use of leash and verbal control. And it's up to the Town Officer to decide does this capable -- you know, is this going to work for people or not? And they can come down and penalize people that it's not working with.

I hope you would vote the amendment down and vote the bylaw up; thank you.

THE MODERATOR: Mr. Murphy.

MR. MURPHY: Mr. Moderator, the way that this article is currently written, I don't think I could support it, either. However, I was taken a little aback by Nancy's amendment, but I believe there's a nice compromise here. The reason that this article came forward was because of instances and I might add scenarios like at Beebe Woods. Occasionally people walk their dogs there. It's pretty hard to walk a dog in a park or in the woods on a leash, unless you want to get tangled up in a tree. There could be designated areas. And I was originally believed -- understood tonight that the Animal Control Officer was going to have someone make an amendment, and I don't believe this was the amendment.

However, there's a way that I think everybody could be satisfied tonight. And, to keep Nancy's amendment alive and to vote for that amendment, but to add a second amendment if I might add?

THE MODERATOR: What is it?

MR. MURPHY: The second amendment would keep Nancy's amendment and you would keep that and add a Section C that would say "Dogs may be off leash in areas approved by the Board of Selectmen provided they are under the immediate and effective voice and sight control of the owner or keeper or persons authorized by said owner and keeper." This would provide an opportunity for the Board of Selectmen to designate certain areas -- not downtown, not sidewalks, but certain areas where a dog could be off leash, not generally throughout the entire community. I believe this is a good compromise. You would vote for Nancy's amendment and then in fact vote for this second amendment.

THE MODERATOR: No, we would vote for your amendment first. If you're putting an amendment on the floor, that would be the first amendment, then the second amendment would be whether or not to remove the other sentence. Do you have that in writing?

MR. MURPHY: Yes, I do.

THE MODERATOR: Is that what was just handed to me?

MR. MURPHY: Section C.

THE MODERATOR: Okay. So, Section C, if we add this, this is the second amendment on the floor, here, would add that the Selectmen would designate the areas where you could do the voice control, sight control thing. And then, if you vote that, we'll go back to the first amendment to remove the voice and sight control from the introductory paragraph and then we go to the main motion.

Discussion on the amendment to have the areas designated by the Board of Selectmen. Ms. Lowell.

MS. LOWELL: Vicki Lowell, Precinct 1 again. I spent the last couple of years on the Beebe Woods Management Plan Committee and we talked a lot about dogs and met with dog owners and I'd like -- I think the discussion tonight is somewhat awkward by the fact that Mrs. Hayward made her motion as an amendment because it would have been cleaner if she could have just been opposed to the bylaw because really her amendment pretty much defeats -- as Mr. Putnam pointed out, it defeats the purpose of the bylaw. But, so, now we have two amendments on the floor and it would be cleaner if she would just withdraw her amendment and say, "Please don't vote for this bylaw," but that's not what she did so I guess we'll all to just have to move on from that.

I was just concerned that we tried to -- there are people who walk their dogs off leash and it's wonderful for the dog and the people really enjoy it and in fact those users dominate the use of Beebe Woods. And but there are, I think probably a minority, but there are people who are really concerned who feel that that interferes with their enjoyment of the Beebe Woods and they don't go there because they don't want to have a dog -- they just -- they feel uncomfortable that a dog might run up to them and they're not sure whether the dog is under the control of a competent handler or not.

So we were searching for a compromise in that area and but the voices we heard the most were the people that enjoyed walking the dogs off leash and so we didn't feel that the compromises that we had in mind, like perhaps alternate days when you could walk on leash or off leash, there wasn't enough support for us to recommend that or to take part of the woods and make that an off leash area. But, perhaps with more time and more talk about it or with the Selectmen taking the lead, maybe there could be a compromise.

But, one thing we did come up with was that when you took your dog out of a car in the Highfield parking lot, which is where most people enter the woods, that the dog would have to be on the leash and on the leash until the dog was 500 feet into the woods. So because -- and we did that in conjunction with Tom Garland the Animal Control

Officer because he said that dogs tend to settle down if you get them out of the -- take them out of the car on an leash. They're very excited if you just let them out. And this was -- dogs just jumping out of the car and running around has been a problem at the Conservatory, and frightening little children plus going into the pachysandra and leaving some droppings.

So, but so I just want to make sure we don't get into a bylaw that wouldn't allow us to post certain areas so that for example if this passed without Mrs. Hayward's amendment and we did say that you could have dogs off leash, well, I just wanted to make sure that we could still post certain areas where dogs would have to be on leash, or we could go your route and say we post certain areas where dogs could be off leash. But I think it's important that we have the right or the ability to have special rules for certain areas. Thank you.

THE MODERATOR: Dr. Antonucci. This is the amendment to let the Board of Selectmen designate areas for voice.

DR. ANTONUCCI: I strongly recommend we vote the amendment down. I strongly recommend we vote the first amendment down and I recommend we vote the whole article down and refer it back to the Selectmen and come back in the fall. Everybody here tonight made good sense, but I still don't know what everybody said. It's confusing. We're going to pass a bylaw that's not going to help

anybody. So let's just take a deep breath, turn everything down, come back in the fall to give everyone the opportunity to respond, take all the ideas we came up with tonight and come in with a good bylaw.

[Applause.]

THE MODERATOR: Ms. Siegel. Come on, folks. Let's go. No, Ms. Siegel doesn't want the floor. Mr. Netto, on the left, here.

MR. NETTO: Joe Netto, Precinct 9. Agree to disagree with Dr. Antonucci. I would first agree that you should defeat both of these amendments. I think we have a job to do, and we have to make decisions. And, you know, this is what happens when we get articles at the end of the night, we all want to go home and it's the last one. But we have a responsibility, and that responsibility again is to make some decisions.

But to speak against the article, first of all in Selectman Murphy's article, do you really think that you'd be able to find a couple of places in town that would be designated as dog or cat walking areas? Have you ever heard of "Not in my back yard?" I notice right away we excluded Main Street. Send them all down to East Falmouth. Let's go down by the bogs.

[Laughter.]

MR. NETTO: No, sir.

On Mrs. Hayward's amendment, I think we are an intelligent group of people. My mother thinks I am.

[Laughter.]

MR. NETTO: And, Mr. Jones just got up, Clayton Jones, and I just listened to the figures; and that's what we want to hear. If you listen to the figures that he gave you, the City of New York has those figures and we're worried about dogs biting people here in Falmouth -- of course that's a concern. But are we holding the animals that we have as pets to a higher degree than we do as human beings towards each other? Check out the paper and look under "Court News", and, I'm sorry, that's -- I want to vote this tonight. And if it doesn't work, and that's where I disagree with what Dr. Antonucci said at the end -- let's do the job that those representatives asked us to do. You know, let's not put it off until tomorrow.

THE MODERATOR: Okay.

MR. NETTO: The dog officer says that he has had a problem --

THE MODERATOR: Let's go, then.

MR. NETTO: -- and let's do this job. And if it doesn't work, we can come back and change it with documented proof that it doesn't work instead of suppositions. Thank you.

THE MODERATOR: Okay, I'm going to take the question

on the amendment, here. Whether or not to include the Section C where areas would be designated by the Board of Selectmen. All those in favor of that portion of the amendment, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It is the opinion of the Chair that the No's have it on the first amendment.

We'll go back to the second -- that was the second amendment. We'll go back to the first amendment, which was Mrs. Hayward's amendment to remove "or under the immediate and effective voice and sight control of a competent handler." All those in favor of the first amendment signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It is the opinion of the Chair that the No's have it and the first amendment is defeated.

The question will now come on Article 52, the main motion as printed. All those in favor of -- is it something new, Ms. Lichtenstein? Then get a microphone; make it new.

MS. LICHTENSTEIN: Sorry about that. I want to thank

the Animal Control Officer for bringing these articles, but I think the big problem we have here is this is an article that addresses an effect and not a cause. Mr. Murphy tried to correct that cause. There needs to be some places in town, either designated areas we already have, or acquire property. here are lots of places for people do to different things.

THE MODERATOR: Okay. Okay --

MS. LICHTENSTEIN: So --

THE MODERATOR: -- we've already voted on that amendment.

The question will come on the main motion as printed. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, NO.

[No.]

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

[Pause.]

THE MODERATOR: Division one, Mrs. Tashiro.

MS. TASHIRO: 25.

THE MODERATOR: 25.

Division two.

MR. DUFRESNE: 29.

THE MODERATOR: 29.

Division 3.

MR. HAMPSON: 21.

THE MODERATOR: 21.

All those opposed to Article 52 signify by standing and the tellers will return the count.

[Pause.]

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

MS. TASHIRO: 19.

THE MODERATOR: 19.

In the third division, Mr. Hampson.

MR. HAMPSON: 23.

THE MODERATOR: 23.

In the second division?

MR. DUFRESNE: 49.

THE MODERATOR: 49.

By a counted vote of 75 in favor and 91 opposed, the article fails.

Okay, now let me preface a decision that we need to make here. We have a new main motion that will be introduced on Article 54, and that main motion is to authorize the Selectmen to conduct a comprehensive review but not to do any taking of property or spending of

money.

We're also around the time that we normally take a break, and I know folks are getting a little antsy and I want to make sure that this issue gets the attention of Town Meeting that it deserves, as well.

So, I'm going to allow you to vote whether or not to take a break, knowing what the new main motion will be.

What's that?

FROM THE FLOOR: 53.

THE MODERATOR: 53? 53's not held in my book.

Okay, so, like I was talking about: Article 54. I'm going to allow you to choose whether or not to take a break. All those in favor of taking a break, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: Article 54, Mr. Chairman, for the main motion.

CHAIRMAN MURPHY: Thank you, Mr. Moderator. I move that the Town vote to authorize the Board of Selectmen to conduct a comprehensive review of the Town's options to facilitate repairs to the sea wall at 54 Gardiner Road in Woods Hole, including whether to recommend acquiring land or easements identifying sources of funding

to acquire the land or easements, and to make the necessary repairs and to enter into such agreements as they deem appropriate for the purposes of this article.

THE MODERATOR: Okay, the main motion is to authorize the comprehensive review. The recommendation initially of the Finance Committee was indefinite postponement so the main motion was put on the floor by the Board of Selectmen. Discussion on Article 54.

The gentleman in the aisle to my right.

MR. FINLAND[sp?]: My name is Michael Finland, I live at 66 Gardiner Road in Woods Hole. Before you vote on this amendment, I want to make sure that you understand certain things that there's been a lot of misunderstanding about. The wall that we're talking about -- I wonder if the person that's running the -- there. The wall that we're talking about was built by the Town in 1941. It was built in the aftermath of the 1938 hurricane. What it does is prevent high tide flooding from overtopping Gardiner Road and flooding into the Mill Pond and flooding approximately 30 homes that are in the low-lying areas surrounding the Mill Pond.

The wall was destroyed in the December storm of 2005, and the -- before it was destroyed, the top of the -- the elevation at the top of the wall was at eight feet above mean low water. That is, mean

low water in Buzzards Bay at the location of the wall.

In the last year and a half there's been a study done by Leslie Field at the Woods Hole Group who has land elevation data for all of the homes in -- all of this land in the surrounding area, and the likelihood of flooding for these 30 homes has been scientifically established by that study.

The normal range of tide in the vicinity of the range of the tide, in other words the difference in height between high tide and low tide in the vicinity of the wall is about four feet. However, there are periodically five foot, six foot and seven foot tides. There are five foot tides at this wall approximately twice each month. And there are six and seven foot tides at the wall on a cyclical basis; they're called proxigian tides, but in any case they happen at approximately the same time as eclipses. And the current elevation at the top of the broken wall is about four feet.

So, in other words, to simply this, three or four times every month Gardiner Road itself is flooded with sea water. Now. And when the extra high astronomical tides occur, there will be several houses in Woods Hole that are flooded with sea water. And that's without any reference to what happens when the height of the tide is forced by a strong wind.

So, in any case, when the wall was knocked down in 2005,

it was approximately a seven foot tide that was forced by an 80 mile an hour wind. If that happens again, all 30 of these houses will be flooded.

It's very likely in any case that 20 or 30 houses will be flooded at least once every two years and possibly two or three times in some years.

So, in any case, the town was involved in the initial construction of this wall. It needs to be involved in the reconstruction and it really is very important that the wall be reconstructed. And I hope you'll vote in favor of authorizing the Selectmen to proceed with their study. Thank you.

THE MODERATOR: Mr. Murphy.

SELECTMAN MURPHY: What we're really -- Carey Murphy, Precinct 7. What we're being asked of Town Meeting here is to not really get into the details of deep into the details of this very complex situation, but what we're asking for is almost what we were asking earlier, is to let us take a step forward to, like it says in our article, conduct a comprehensive review of the Town's options to facilitate repairs. There are Town assets under Gardiner Road that need to be protected. There are sewer lines, water lines, the road itself. It is a complex and it's almost a confusing situation about the legalities and things that we need to look at: getting state grants to fix it and others. And it's really about the wall, it's about the land behind the wall, between the wall and the road, and it's the land behind the road. It's very

complex. And what we're asking town Meeting to do is to allow us to pursue a comprehensive review, and that's what this article asks for and I would ask that you vote it forward so that we can have that discussion. Thank you.

THE MODERATOR: Okay. Mr. Dick.

MR. DICK: Henry Dick, Precinct 8. When I'm not supervising the cutting down of Christmas trees, I'm a geologist. And you'll note that, if you listen to the news, this year's hurricane season is forecasted to be pretty terrible. And you'll note that that wall was built by the Town in 1941 to protect all the houses in that area. If you go down to New Orleans, there's a lot of houses that weren't protected, and that's what we're facing here in a mini-situation.

MR. MURPHY: Point of order, Mr. Moderator?

MR. DICK: I urge –

THE MODERATOR: What's the point of order, it's procedural?

MR. MURPHY: The point of order is this is a little outside of the scope of the article. We're just looking to move forward –

MR. DICK: Um, excuse me –

THE MODERATOR: Mr. Murphy, you're out of order. Go ahead, Mr. Dick.

MR. DICK: I urge Town Meeting to give the Selectmen

this go ahead to do this, because I think it's extremely important. There's no more fundamental job of government than to protect the citizens. Thank you.

THE MODERATOR: Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6. We may want as a town to help this neighborhood, but acquiring this land at no cost – which is impossible to do because there's always paperwork and everything else, so there's going to be cost – but that means forever. We're going to have to maintain that property, maintain that wall, we'll be responsible if that wall comes down or something happens to it and the storm comes in. Please vote no on this. We do not want to own that wall or that land the wall is on. Thank you.

THE MODERATOR: Mr. Latimer then Mr. Goulart.

MR. LATIMER: Rich Latimer, precinct 2. I have a question and then a comment. But my question is when the article talks about easements and access, does that include public access for use of the shore for bathing purposes and fishing purposes, yes or no?

THE MODERATOR: Well, the main motion now is to put together a comprehensive review to look at questions like that with easements and all.

MR. LATIMER: Well, my point would be then if we were talking about what is now private beach land and it were to be open to

the public – and I'm not talking about necessarily parking there, but if people could come up there on foot or on bicycle and go onto that property and use it for fishing or bathing, I think it would be a bargain. On the other hand, as Mr. Shearer says, why would we want to take on a liability such as this for ongoing maintenance whereas if we're talking about 40 homes out there, \$90,000 repair costs, that's \$3,000 a house, which isn't overly burdensome for people to protect their home against flooding. I think it all comes down to what's the bargain going to be? If the bargain is, yeah, we get public access to that beach, I'm all for it. If not, I'd probably vote against it. Thank you.

THE MODERATOR: Mr. Goulart.

MR. GOULART: Richard Goulart, Precinct 9. I have a question. I agree with Selectman Murphy that we need to move forward with this, but I have a question: if we built this wall in 1941, why don't we own it?

[Laughter.]

THE MODERATOR: That's a question that's been floating around Town Hall for over a year. Anyone want to take a shot at it? Mr. Murphy?

SELECTMAN MURPHY: Well, that's one of the questions, and part of that comprehensive review we'll look at those options that the town has or does not have on that issue. That is conflict

and it's in conflict and that certainly is part of the complexities of this issue at this point. And that's something that we'll have to address down the road. And I don't know if Town Counsel has ruled an opinion, and the neighbors have an opinion. So, I think part of that comprehensive review will be just to do exactly that, to take a look at that and see if we can work it out.

THE MODERATOR: Okay, the gentleman down here on the left, you wanted the floor. If you could stand so that the mic carrier could see where to go.

MR. TOMPKINS: Jack Tompkins, Precinct 7. A question, Mr. Moderator, for the chairman. I seem to think we're getting off topic here. Could you just once again because I get confused give us the motion one more time so it's clear? Because I think all you're asking for is permission to look at all the issues –

THE MODERATOR: To authorize a comprehensive review. That's the motion.

MR. TOMPKINS: Thank you.

THE MODERATOR: To authorize a comprehensive review. Okay, Mr. Dufresne, you were next on my list.

MR. DUFRESNE: Adriene Dufresne, Finance Committee. The Finance Committee weighed very carefully the long-term financial ramifications of the petitioner's article. I do believe that the Selectmen, if

they want to take the actions that they'd proposing under there, do not require a vote of this Town Meeting. They could do it and come back with a proper article sponsored by the Board of Selectmen that we could review exactly what they want. I would urge that the Town Meeting vote down this particular article because of its long-term financial ramifications.

THE MODERATOR: Okay, Ms. Poole was next on my list and then Mr. Murphy. If you could just stand.

MS. POOLE: Thank you. Diane Poole, Precinct 9. At our precinct meeting the question came up that since we don't own the wall, why couldn't we treat it as a betterment situation like you would a sewer system or something like that, and I'd like to address Mr. Murphy and ask him if that was ever considered.

THE MODERATOR: Mr. Duffy.

CHAIRMAN MURPHY: I'll let Town Counsel answer that.

THE MODERATOR: The same question I asked last week.

MR. DUFFY: There's no authorization in state law for a betterment under circumstances like this, so that's not an option, although it's a good idea.

THE MODERATOR: Okay. Could we pass the mic right down there? Who wanted the mic – no? Did you want it or did she

want it? I saw both hands.

FROM THE FLOOR: Both.

THE MODERATOR: Oh. One of you go first.

MR. MURPHY: Bill Murphy, Precinct 3 and Finance Committee. I was on that subcommittee that we basically did – recommended indefinite postponement, but now my question to you, Chairman of the Selectmen Carey: the motion that you made just wasn't as the moderator explained, it just wasn't to conduct a feasibility study, period. It was – and I don't know what the exact words were, but it was also to facilitate the – and if you would tell the rest of that, because my problem with your motion is the second half, is to facilitate the – whatever else you might want to do. I could go along with you trying to understand, but I'd like — this gentleman asked the same question.

THE MODERATOR: Yeah, he can read the whole thing, and that was the question I had before the motion was put on the floor. The verbs in the second half refer to what the comprehensive review -- they're not self-enacting. So we don't allow them to go out and do the easement. If you want to read the whole thing, but that was a question I had before the motion was put on the floor. Mr. Murphy, if you want to read the whole thing.

CHAIRMAN MURPHY: Well, part of the – I can read – do you want me to read the motion?

THE MODERATOR: Just read it, yeah.

CHAIRMAN MURPHY: We move the Town to vote to authorize the Board of Selectmen to conduct a comprehensive –

FROM THE FLOOR: [Inaudible.]

CHAIRMAN MURPHY: Sorry. I was accused of mumbling by Joe Netto last night, so I –

THE MODERATOR: I'll read it. [Reading:] "I move that the town vote to authorize the Board of Selectmen to conduct a comprehensive review of the Town's options to facilitate repairs to the sea wall at 54 Gardiner Road in Woods Hole, including determining whether to recommend acquiring land or easements, identifying sources of funding to acquire the land or easements, and make the necessary repairs to enter into such agreements as they deem appropriate for the purposes of this article." So the verb to conduct the comprehensive review is the only action. The rest refer back to what the review will include.

MR. MURPHY: Thank you, Mr. Moderator.

THE MODERATOR: Further discussion? Mr. – Ms. – go ahead.

FROM THE FLOOR: Would it come back to Town Meeting, then, for a vote on anything that you –

THE MODERATOR: If we're going to do an easement or

spend money, it has to come here by law.

FROM THE FLOOR: All right. Could I also ask, when the wall came down in '91, how many houses were flooded? Does anyone know? Because that seems to be the big issue. And that seemed to be a very big storm, so. All five were flooded?

THE MODERATOR: Anybody want to answer that question?

FROM THE FLOOR: 2005, I'm sorry. All five houses were flooded?

THE MODERATOR: I don't know. I guess we have an answer back here on the right.

MR. FARRELL: Sam Farrell, 61 Gardiner Road. I assume you're asking about 1941, right?

FROM THE FLOOR: No, no.

THE MODERATOR: No, the last storm, when this thing fell down.

MR. FARRELL: Oh, you're saying 2005, how many. There were at least four or five houses flooded. We didn't get any official statements, but I certainly know that 67, 61, 50 and maybe one other. Oh, and 73.

THE MODERATOR: Okay. I had Ms. Putnam first. Mr. Putnam, you're on the list.

MS. PUTNAM: Thank you, Mr. Moderator. Rebecca Putnam, Precinct 9. I guess I'm a little confused in what you've read because in here I'm trying to figure out are we being asked to allow the Selectmen to also appropriate the sum of \$90,000?

THE MODERATOR: No. You are authorizing the Board of Selectmen to do something they can do without your authorization, and that is conduct a comprehensive review.

MS. PUTNAM: Okay, thank you.

THE MODERATOR: Okay, Mr. Pinto. Mr. Pinto.

MR. PINTO: Thank you, Mr. Moderator. Gregg Pinto, Precinct 3. I believe the gentleman a couple of rows in front of me sort of alluded to this. But, through you, Mr. Moderator, I would like to ask the Chairman of the Board of Selectmen: is it not your job to do what you've suggested? You and the Town Administrator? The Board of Selectmen and the Town Administrator? Are you not elected and he hired to do exactly what you've asked us for permission to do? As we've just heard from the Moderator, you don't need our permission.

THE MODERATOR: But I do need a main motion on Article 54, and I think this was the way that we thought we were going to move forward.

MR. PINTO: Well, I think you thought wrong, there, Dave.

THE MODERATOR: Yeah, okay. All right, here we go.  
I've got Mr. Dufresne, something new?

MR. DUFRESNE: Again, Town Meeting Members,  
Adriene Dufresne, Finance Committee. The Selectmen have within their  
authority as was just stated the right to do this. What I am trying to  
explain: you people have elected us, Members of the Finance  
Committee, to look into the financial ramifications of this type of project.  
I would urge that you vote down Article 54 and let the Board of  
Selectmen, acting in the capacity as elected officials, to come back with  
the recommendation of their choosing if we're to help these people out.  
But let's turn this article down.

FROM THE FLOOR: Question. Question. Question.

THE MODERATOR: Something new? Something new?

MS. GORDON: Point of order. If we – Helen Gordon,  
Precinct 8. If we vote down the main motion, are we then saying no,  
you cannot take the next steps since that's what –

THE MODERATOR: No. The Board of Selectmen is an  
independently elected entity. We dealt with this a lot over a big issue  
not too long ago. The Town Meeting is being asked to authorize them to  
do something they have independent statutory authority and  
constitutional authority to do.

MS. GORDON: So it doesn't matter whether we vote it up or down, they can still do it anyway?

THE MODERATOR: They can, and then you go to the ballot in May and you decide whether or not you like what they did.

Okay, the question will now come on the main motion of Article 54, to authorize the comprehensive review of the sea wall. All those in favor of Article 54 main motion signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

Article 56, Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move that all articles considered in this Town Meeting be funded as voted for a total of \$107,936,121, and that the Board of Selectmen be requested to place questions on the May, 2000 Town Election ballot as voted in Articles 14 and 34.

THE MODERATOR: Okay, the main motion is to appropriate \$107,936,12 -- well, excuse me \$107,936,121 and to request that the Board of Selectmen, under their independent statutory authority, to put questions 14 and 34 on the ballot. Again, they don't have to do

that either but we're going to ask them to do that.

[Laughter.]

THE MODERATOR: Okay, 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.

Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, ladies and gentlemen, I move the April –

THE MODERATOR: Oh, oh, oh, one second. Mr. Chairman of the Board of Selectmen for notification of the next annual town meeting.

CHAIRMAN MURPHY: November 13<sup>th</sup>.

THE MODERATOR: Okay, the next annual town meeting will be November 13<sup>th</sup>. For those interested in the Rules Committee, the Rules Committee will be meeting on April the 19<sup>th</sup> at Town hall at 7:00 p.m. It'll be posted in the Enterprise.

Mr. Chairman for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, ladies and gentlemen, I move the April 2007 Town Meeting be closed.

THE MODERATOR: Okay, you've all heard the main motion to dissolve the Annual Town Meeting. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous and this meeting is dissolved.

[Whereupon, Meeting ended at 9:37 p.m.]

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing transcript represents a complete, true and accurate transcription of my audiographic recordings taken in Falmouth Town Meeting, April 5, 2007 to the best of my knowledge, skill and ability.

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

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