

**Vol. Two Of Three**  
**191 pages**

**COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF FALMOUTH**

**ANNUAL SPRING TOWN MEETING**

**Lawrence School**

**Lakeview Avenue**

**Falmouth, Massachusetts**

**MODERATOR: David T. Vieira**

**TOWN CLERK: Michael C. Palmer**

**Tuesday April 8, 2008**

**7:00 p.m.**

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

# ANNUAL TOWN MEETING

## INDEX

| <u>ARTICLE</u> | <u>DESCRIPTION</u>   | <u>VOL-PAGE</u> |
|----------------|--|-----------------|
| 1              | Choose Town Officers   | 1-26            |
| 2              | Hear Report of Committees & Town Officers                                      | 1-28            |
| 3              | Authorize Bd. Of Selectmen to Settle claims                                    | 1-24            |
| 4              | Authorize Bd. Of Selectmen to apply for and<br>accept State and Federal Grants | 1-24            |
| 5              | Bond of Indemnity  | 1-24            |
| 6              | Fix Salaries of Elected Officials  | 1-24            |
| 7              | Revolving Funds  | 1-24            |
| 8              | Medicaid Services Program  | 1-24            |
| 9              | Amend Zoning Bylaw Article V Sec.240-23  | 1-57            |
| 10             | Amend Zoning Bylaw Art III Sec. 240-13   | 1-24            |
| 11             | Amend Zoning Bylaw Art III Sec. 240-13   | 1-24            |
| 12             | Amend Zoning Bylaw Art XIV Sec. 240-66   | 1-24            |
| 13             | Amend Zoning Bylaw Art III Sec. 240-13   | 1-24            |
| 14             | Amend Zoning Bylaw Art III Sec. 240-13   | 1-62            |
| 15             | Petition Rezone Beagle Lane  | 1-64            |
| 16             | Petition Rezone 762 E. Falmouth Highway  | 1-24            |
| 17             | Petition Amend Zoning Bylaw Sec 240-192  | 1-70            |
| 18             | Petition Amend Zoning Bylaw Sec 240-3  | 1-76            |
| 19             | Amend Zoning Bylaw Art XXV Sec 240-127   | 1-24            |
| 20             | Amend Zoning Bylaw Art EEE Sec 240-13  | 1-24            |
| 21             | Amend Zoning Bylaw Art XXII Sec 240-108.1B                                     | 1-85            |
| 22             | Amend Position Class. Plan - Council on Aging                                  | 1-24            |
| 23             | Amend Position Class. Plan - Town Council                                      | 1-87            |
| 24             | Amend Position Class. Plan - DPW   | 1-122           |
| 25             | Fund Fiscal Year 2009 Operating Budget   | 1-127           |

|    |  |       |
|----|--|-------|
| 26 | Fund DPW Capital Improvement Plan                                    | 2-112 |
| 27 | Fund Fire Rescue Capital Improvement Plan                            | 2-170 |
| 28 | Fund DPW Reorganization Project                                      | 1-25  |
| 29 | Fund Falmouth High School Completion                                 | 3-8   |
| 30 | Fund Wastewater System Odor Control Facility                         | 3-105 |
| 31 | Waterways - Eng, Permit, Minor Construct.                            | 3-108 |
| 32 | CPF - Historic Resources (Cranberry Bogs)                            | 1-25  |
| 33 | CPF - Recreation (Bicycle Racks)                                     | 1-25  |
| 34 | CPF - Affordable Housing Development                                 | 1-25  |
| 35 | CPF - Historic Resources (VFW/Schoolhouse)                           | 3-109 |
| 36 | CPF - Affordable Housing Retention Fund                              | 3-114 |
| 37 | CPF - Open Space (Grinnell)  | 3-116 |
| 38 | CPF - Historic Resources (Main St. Library)                          | 3-117 |
| 39 | CPF - Historic Resources (WWI Vets Monument)                         | 1-25  |
| 40 | CPF - Community Housing Reserve Account                              | 1-25  |
| 41 | CPF - Historic Resources Reserve Account                             | 1-25  |
| 42 | CPF - Open Space Reserve Account                                     | 1-25  |
| 43 | CPF - Community Preservation Act General<br>Budgeted Reserve Account | 3-118 |
| 44 | CPF - Administrative Expense   | 3-120 |
| 45 | Intermunicipal Agreement Solid Waste Transfer                        | 3-121 |
| 46 | Commission on Disabilities Membership                                | 1-25  |
| 47 | Amend Fal Code - Ch. 5 Council on Aging                              | 1-25  |
| 48 | Amend Fal Code - Ch 83 sec 13 Fees                                   | 1-25  |
| 49 | Amend Code - Ch 119 Sec 4  | 1-25  |
| 50 | Amend Code - Ch 235 Sec 8 Regulations                                | 3-122 |
| 51 | Town Beaches & Parking lots  | 3-170 |
| 52 | Petition - 419 Woods Hole Road                                       | 3-182 |
| 53 | Petition - 419 Woods Hold Road                                       | 1-26  |
| 54 | Funding Article  | 3-205 |

## SPECIAL TOWN MEETING

### INDEX

| <u>ARTICLE</u> | <u>DESCRIPTION</u>                                       | <u>VOL-PAGE</u> |
|----------------|--|-----------------|
| 1              | - Amend Zoning Bylaw West Falmouth Market                | 2-11            |
| 2              | - Amend Zoning Bylaw Ch 39, Sec 10                       | 2-45            |
| 3              | - Rezone Nathan Ellis Highway                            | 2-74            |
| 4              | - Amend Position Class Plan for DPW                      | 2-75            |
| 5              | - Unpaid Bills   | 2-76            |
| 6              | - Fund AFSCME Local 1636 Contract                        | 2-78            |
| 7              | - Fund Citizen Survey                                    | 2-79            |
| 8              | - Fund Wastewater Treatment Facility Expenses            | 2-80            |
| 9              | - Fund Unemployment Benefits                             | 2-82            |
| 10             | - Fund Veteran's Ordinary Benefits                       | 2-83            |
| 11             | - Fund Property Value Expenses                           | 2-85            |
| 12             | - CPF - School Administration Building                   | 2-86            |
| 13             | - Petition - Barnstable "In From the Streets"<br>Program | 2-87            |
| 14             | - Lease Cranberry Bogs                                   | 2-107           |
| 15             | - Funding Article  | 2-110           |

### PROCEEDINGS

THE MODERATOR: Would all Town Meeting Members

check in and take your seats. I want to remind all Town Meeting Members

that we're being broadcast live again on FCTV-13. Attendance will be published in the Falmouth Enterprise, so make sure you check in this evening.

Any Town Meeting members sitting behind the Town Meeting Members Only sign will not be counted by the tellers, so please make sure you're sitting in front of the Town Meeting Members sign.

Okay. Here we go. Let's establish a quorum. Our tellers this evening: in the first division will be Mrs. Tashiro, in the second division will be Mr. Dufresne, and in the third division will be Mr. Hampson.

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

[Pause.]

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

MR. HAMPSON: 56.

THE MODERATOR: 56.

In the first division, Mrs. Tashiro?

MRS. TASHIRO: 47.

THE MODERATOR: 47.

And in the second division, Mr.

Dufresne?

MR. DUFRESNE: 82.

THE MODERATOR: 82.

By a counted vote of 185, we have the necessary quorum and I call this Special Town Meeting into session.

Would all Town Meeting Members present please rise for the Presentation of the Colors by Boy Scout Troop 42.

[Presentation of Colors.]

[Pledge of Allegiance taken.]

THE MODERATOR: Mr. Nidositko will present our invocation.

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

communicating with us. Amen.

THE MODERATOR: Colors post. Let's have a round of applause for my alma mater, Troop 42.

[Applause.]

THE MODERATOR: I would remind all Town Meeting Members and those present tonight please turn off your cell phones and pagers or put them on a silent mode.

A couple of quick announcements:

During the precinct meetings, it was brought to our attention that some folks' mailing addresses and e-mail addresses that are on the Town website are not accurate, they haven't been updated.

So, I would ask all Town Meeting Members to when you get a chance go to the Town website and look at the Town Meeting Member list and see if that's your correct e-mail and mailing address. If not, please send an e-mail over to Michael Palmer, our Town Clerk, and he'll update that roster so that we can communicate with you as well as your constituents have the ability to communicate with you.

Also I have a quick announcement. The Falmouth -- Neighborhood Falmouth, Incorporated will hold an informational meeting on

Saturday, February 12th at 10:30 a.m. in the Morse Pond School auditorium.

This is a new nonprofit, intended to help members live independently, safely and comfortably for as long as possible in their own homes. There's a yellow flyer out in the lobby, if you didn't see it on the way in, that has the information about the meeting.

And lastly, on the front of the steps on the way in, someone dropped a religious pendant. So, if you're missing this, please see me during the break or at the end of the meeting. We found it -- somebody brought it up from the front steps of the auditorium.

At this time I'll read the Officer's Return of the Warrant for the Special Town Meeting:

By virtue of this Warrant, I have this day notified and summoned the inhabitants of the Town of Falmouth qualified to vote on Town affairs as said Warrant directs by posting an attested copy thereof in Town Hall and every precinct in the Town. Signed Constable James Pond.

At this time, I'd entertain a motion from the Chairman of the Board of Selectmen to dispense with the reading of the Warrant.

CHAIRMAN MURPHY: Mr. Moderator, I move that we

dispense with the reading of the Warrant.

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

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

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

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it

unanimous.

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

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it

unanimous.

At this time I'd recognize the Planning Board for a Notification of Public Hearing.

MS. RABESA: Good evening. In accordance with Chapter 40(a) Section 5, Mass. General Law, and Article 43 of the Falmouth Zoning Bylaw, a public hearing was held on March 4th on all Articles 1 through 3 for the 2008 Spring Special Town Meeting, and all those who wished to speak were heard.

THE MODERATOR: Okay. If you flip halfway through your -- or three-quarters of the way through your warrant

book, you'll find the Special Town Meeting Warrant.

We're not going to use the blanket on this because it's a small warrant. We're going to start right off with Article 1 and go right through it till we complete the entire Special Warrant, and then we will adjourn that meeting and we will re-establish a quorum and pick up where we left off in the Annual Town Meeting.

Article 1, the Planning Board will make its recommendation on the floor of Town Meeting.

For those of you who don't know our new Chairman of the Planning Board, Patricia Kerfoot. Some people asked last night who is that person you keep recognizing as Madam Chairman. This is the Chairman of your Planning Board, Patricia Kerfoot. Madam Chairman.

CHAIRMAN KERFOOT: Thank you, David.

The Planning Board recommends Article 1 be voted as printed. The reasons are that it's a modest change to accommodate some new technology that's needed for the business and to expand the parking.

The Planning Board has in the past recommended such modest changes, and we feel this is similar to what has been recommended before in similar instances.

THE MODERATOR: Okay. The main motion on Article 1 is as printed.

We had a little question about this last night. When the motion is as printed, it's the wording that appears under the title "Article." When the main motion is as recommended, it's below that, where you see "Recommendation," and then sometimes there's some wording changes.

So, if the main motion is as printed, it's what appears right after the title, "Article" number. If it's a recommendation, it's what appears below the posted article as the recommendation from one of our Town boards or committees. I just want to clarify that for everyone before we start tonight.

Any discussion on Article 1? Ms.

Siegel.

MS. SIEGEL: Debra Siegel, Precinct 6. I've had a number of letters and phone calls from people in my precinct who are -- have a concern about this. They fully support the West Falmouth Market's plan to do -- am I on the right article? Yes.

They support the West Falmouth Market's plan and they feel that they've been very accommodating, but they are asking about the

possibility of doing this through a special permit, which would then not change the zoning and allow more business zoning on West Falmouth Highway.

So, my question through you to the Planning Board is would a special permit allow the West Falmouth Market to do what they want as they've worked through with the Planning Board? Thank you.

THE MODERATOR: Mr. Currie.

MR. CURRIE: No, Debra. There's no special permit provision in the bylaw that would allow West Falmouth Market to do what they propose. Only Town Meeting has the ability to change the underlying district.

MS. SIEGEL (No microphone):

(Inaudible.)

MR. CURRIE: I'm sorry. What was your question then? I'm sorry.

THE MODERATOR: Microphone again, please, Ms. Siegel. If you could re-clarify the question. Or Ms. Johnson.

MS. JOHNSON: Patricia Johnson,

Precinct 5. I think the question is not -- I know Town Meeting has the only authority to change the zoning; however, according to what I have read, the West Falmouth Market is going to redevelop their lot -- business part of their lot by right. However, they only want to park on this little section that they want to rezone as B-3.

Now, is there a special permit that will allow parking in a residential zone as an accessory use to a business use?

MR. CURRIE: The answer is no.

MS. JOHNSON: No?

MR. CURRIE: The answer is no.

MS. JOHNSON: So, have you been aware of the letters that have been circulated?

MR. CURRIE: No, Pat, I haven't seen this letter.

MS. JOHNSON: Can you answer the question? Last night we were asked to rezone the parcel with -- next to Falmouth Marine that has parking on it. The Town Meeting turned that rezoning down with the thought that perhaps they could go for a special permit on that parking on that lot. Is that a different situation?

THE MODERATOR: Mr. Currie.

MR. CURRIE: Yes, it is. That special permit process for the parking for the marina does not exist today also. We would have to come back in the November Town Meeting to ask Town Meeting would you allow parking for off-site marina parking in a residential zone, because there is no ability to do that today.

MS. JOHNSON: Okay. I'm concerned generally about the number of lots in West Falmouth and in other strip zones in -- around Falmouth where they were just laid down without regard to lot lines.

Does the Planning Board have any policy on not extending strip zone -- B zone into the residential lots on split lots? We turned two of them down here at Town Meeting already.

THE MODERATOR: Ms. Kerfoot.

CHAIRMAN KERFOOT: The Planning Board does not have any policy on that. We've been looking at it individually.

MS. JOHNSON: Okay. Thank you.

THE MODERATOR: The gentleman in the aisle. Microphone.

MR. PARRISH: Good evening. My name is Jeff Parrish. I'm a resident of Precinct 6, and with my two partners I own the West

Falmouth Market. My father owned it before me, owned, operated for over 30 years.

Tonight we're asking the Town Meeting, and the Planning Board has recommended it, to extend the business zone of our market located in the middle of West Falmouth Village just a little bit to include the rest of our lot. Some of the areas for parking and the septic system are there. There's only about 4400 square feet total that we're asking to be rezoned.

Presently, we're working with plans to rebuild the West Falmouth Market, keeping the historic oldest part of the store in the front of the property the same, building an addition in the back that fits within the property, within its present zone, with two one-bedroom apartments above all, which is permitted in the business zone.

Everybody agrees West Falmouth Market is a very important institution in our village, and we'd like to keep it that way for many years to come.

The purpose for the request to rezone is to allow us to lay out the parking better, which would allow us to have some residential parking in a resident -- would allow us to have residential parking in a

residential zone in an area in question. But we have made arrangements for a long-term lease of property abutting the north side of the market, part of the driveway already used for parking for the apartments to access three spaces on that side of the property.

That's where we'd like to put the residential parking, where we have entered into this agreement with the abutter to the north, instead of having residential parking in the rear of the parking lot, which may create noise to our other abutters to the south. We'd like to alleviate that.

It makes more sense for us to be able to have business parking so our employees can park in the back of our property. They come once and they leave once a day generally. The store is generally closed about -- by 10:00, 10:30 at night in the summertime, which is about the latest that we are open. And by rezoning this property to business, we are able to do that.

We think the parking plan will be better for the neighbors, because it should be a lot quieter for them, other than having residential parking, where we have a right to do that in the back where we currently park cars now.

On two sides of the property, it's owned by the Clark Trust, which again has granted -- which has an apartment building next door and has no objection to the rezoning.

We appreciate that our neighbors do have some concerns and we've been addressing those concerns and working with those neighbors diligently.

A lot of those concerns have been -- are being raised because they are directly right next to the market. We're trying to improve the market in ways -- in response to the concerns for better storage, better laid out parking, landscaping, a better-looking building in the back of the store.

We have already had three meetings with the Historic Districts Commission and we think we're getting close to an approval, and we have hearings before Planning Board, Board of Appeals and Design Review coming up.

I know that the neighbors who have concerns have suggested that we don't need zoning changed, that we ought to just get a special permit to allow us to park where we've already been parking for as long as I can remember. What I understand from my

attorney and the Town Planner is that that's pretty unlikely.

So, what we have done is we have prepared a covenant that assures that the only use we would make of these 4400 square feet that we would like to get rezoned is for parking, no structures at all, which I guess in a sense is a deed restriction.

This has been given to the Town Manager with the understanding that it could be recorded if the property is rezoned. As a practical matter, given the very small area involved, and requires setbacks, we probably never would do anything on the property to be rezoned except for parking as proposed.

We have had a meeting with more than 50 people at the West Falmouth Library, with the West Falmouth Village Association. While that association has not been able to take a formal position, we think it's accurate to say that there's very, very strong support in the community for redevelopment and for the rezoning of the rest of our lot.

It's only 4400 square feet, it's been recommended by the Planning Board, and we would really appreciate your support. I also have signed petitions by close to 400 residents, mostly from West Falmouth, that would like to see this happen and do approve it. Thank you very much.

THE MODERATOR: Further discussion on Article 1?

Mr. Johnson.

MR. JOHNSON: Mr. Moderator, Leonard Johnson, Precinct

5. Could I ask Mr. Parrish a question, please?

THE MODERATOR: Through the Chair.

MR. JOHNSON: Through the Chair, yes, sir. Would he agree not to pave that parking area?

MR. PARRISH (No microphone): Yes, there are no plans to pave that part at all.

MR. JOHNSON: Thank you.

THE MODERATOR: In the aisle here to my left, the woman in the back.

MS. HENNESSEY GILBERT: Good evening. Thank you for this opportunity to speak to you. My name is Clara Hennessey Gilbert and my family's home is at 615 West Falmouth Highway. I'm to the south of Jeff Parrish's property.

It is in both the West Falmouth Historic District and the West Falmouth Business District. And I also own property that abuts a mixed used business, but is all residential. And I

believe he's showing the map of the residential area, the -- did Jeff show the map of the first one, the map itself of the -- it's a very small business district and a lot of people question where the business district is, and it was the second map you had up. Thank you.

My mother, Anna Lumbert Hennessey, was born in the house. My great-grandfather built the house in the late 1800s. It's our family home. My father, Arthur Hennessey, Sr., was a West Falmouth call man for years until he retired. He used to take my children down to Station 4 and they played cribbage, and it's a wonderful memory.

My older brother, Arthur Hennessey, Jr., and I both graduated here in Lawrence High School, or what was the Lawrence High School in the '50s. In 1965, as you know, my brother was killed in action in Vietnam. He was the first Falmouth soldier killed, and there is a scholarship in his name at the West Falmouth Library. The Board of Directors present it each year.

I'm now married. I have four children. I'm a life member of the American Legion Auxiliary. My husband, Reine Gilbert, who speaks later, is a member of the Falmouth Elks Lodge, a retired Vietnam-era veteran. I grew up in West Falmouth. I love the village. It's a wonderful

part of our family's life. It's just wonderful.

You did receive a card from me and a letter and it referred to Article 3. I'm sorry, this is Article 1 in the special town proposal, rezoning. I also must say that there was confusion of the special permit issue. It was mentioned March 4th by the Planning Board -- at the Planning Board, rather. It was a misunderstanding on my part. After speaking with Mr. Gore this morning, we understand that the special permit does not apply. You're absolutely right. But we believe there are still ways to improve the market, to deal with the parking and not do the rezoning of the property that is proposed today.

And you also received a letter from Mr. Todd Jackson. He abuts us to the east and he also asks you to please reject the proposal, I believe, if you all got the letter.

My concerns about the market, it's livability. We live right next to it, and as an abutter, noise is always a problem. We have the beep beep beep of the refrigerator trucks backing up into the loading zone. That's early in the morning, 6:00 or 7:00. The honking of security -- security systems of cars when they don't use the right key. Trash is unfortunately in our yard. It's there daily, weekly. My

husband, picking up the bottles and trash, as he mows. Other items I won't speak about.

Remember, I live in the historic district, in West Falmouth Business District. They don't, as I understand, allow fences. We're unprotected. We're there. It's unfortunate.

Customers from the market will take their lunch into our property, especially if they have their bicycles. We don't appreciate that. Trucks and trailers, you know, they park in front of my yard. They block my driveway. I mean, there are a lot of issues and they're unfortunate, but they are issues.

And there's a low area where the market is. It floods. It's flooded probably for 100 years. I used to ice skate there. And you know, actually the market sometimes pumps the water into Mr. Todd Jackson's yard, like a couple of days ago, or my yard. I hope that that can be resolved, but it's something that comes and goes, five or ten years, then it comes back. It's unfortunate.

I'm assured that all these bad and annoying problems are going to go away with the rezoning. It just doesn't sound logical to me. They want more business. That's why they're

building this. There will be more trash, more noise, more flooding, more issues, more people blocking my driveway. It's the way it is.

I'm also -- I hope this isn't true, but I also was told or heard that if the Town doesn't approve this rezoning, there will be no more West Falmouth Market. You know, there are tremendous opportunities here. This is a wonderful business area. West Falmouth is a great -- we have new businesses, it's a great area. And we really need to work towards something else.

So, I would appreciate tonight if you would please let us as neighbors and as abutters -- we're the only two, the Jacksons and we, are the only two single-family residences that directly abut the property. If you would let us continue to work with the owners and with the Town -- I think that this might be a rush to judgment. I really think that we -- more consideration should -- it's a small area, but it is a rezoning. And so if we continue to work with the issues, carefully consider what is best for the village -- and I told Jeff Parrish -- he asked me -- you know, I said I support the market, my family will always be his loyal customers. I've been a customer since 1943. I will always be there. But the market is a business and it's a great location for a business. It's been there for over 100 years,

mostly as a market or as a business. This is a large piece of -- large business within a small half-acre area, and I'm a tolerant person, but I disagree with Article 1 as the only solution.

So, I would really appreciate your consideration in this matter. Thank you.

THE MODERATOR: Okay. Further discussion? Microphone here to my left.

MR. BARROW: Bruce Barrow, Precinct 8. I was just wondering if somebody could point out on the PowerPoint there where the Gilberts' property is and the other gentleman that Mrs. Gilbert mentioned, the two residences. I'm not clear just where they are in relationship to the market.

THE MODERATOR: If you'd come down and you can point. Sir, if you'd like to come down and grab the laser pointer and show them which one it is. There should be a button. Don't look at it, sir. That happened to me one night. Mr. Latimer did that to me one night.

MR. GILBERT (No microphone): This is the market and this is their lot Clara just spoke about [inaudible.] That's our house. This is Todd Jackson's house and his land actually goes down and he owns a

portion of this here that is currently under easement to the market for the purposes of parking.

THE MODERATOR: Okay. If you'd like to speak from the mike so everybody can hear, that would be good.

MR. GILBERT: Thank you for the opportunity to speak, as well, following my wife Clara who just spoke. Could we have the first slide back just to give you an idea of what's being proposed?

[Pause.]

MR. GILBERT: There it is. The market is -- as it is presently configured is at the top. This is the side view as seen from our front yard of the market as it is proposed in its extended form.

The reason for seeking rezoning of the residential portion of the market lot is given as the need for parking -- additional parking. I believe that the present parking lot is adequate for most if not all of the market's expansion needs, excluding the parking for the multi-family apartments at the top second floor, which Jeff just described are being provided for to the north of the market.

The present lot is roughly about 98 feet. The next view

graph I think shows that -- is about 98 feet deep and about 60 feet wide, and there is an additional nine feet available that is not now being used for parking, four feet on the left, five feet on the right that, in the reconfiguration of the market and the lot, provided the special permits are granted to it, that nine feet would offset the requirements of the cafe-style porch that Jeff intends to put on the side of the building. That was seen in the previous slide.

Our objection following the observation that there is a real serious question as to whether the additional parking is needed. Certainly, as my wife said, it's inconceivable how adding parking in the back is going to resolve parking congestion in the lot overall, because that parking congestion stems from a narrow entrance and exit onto a very busy 28A. That's not going to change. More cars is going to be more congestion.

The next view graph shows again this business zone, B-3 in the Historic District of West Falmouth. The market lot you can barely see is right opposite Dock Road. The area shown to be rezoned admittedly is a small area, and Jeff brought that out. Truly, it's 30 percent of the total lot area, a modest amount, but in terms of small, a poison pill is very small but its effects can be devastating.

I believe that rezoning that portion of that lot from residential to business is going to set a precedent. If you look at the business district, there are 53 mixed zoned lots in that -- partially in that red band, and the rear parts of those 53 lots lie in residential area, just as does the market.

You can see there has been not one rezoning to B-3 in any of these 53 lots. This will be a first and it will set a bad precedent. There are 33 residential -- completely residential lots on either side of this red band of mixed zoned lots that are right now buffered from business activity, business structures, business traffic by a strip of residential land that comprises the rear of these mixed zone lots.

If that buffer disappears, then over time as the precedent leads others to seek the same treatment from the Town Meeting, that buffer will disappear and people will be increasingly exposed to the business activities and the very character of West Falmouth as a historic village is going to be degraded.

I'd like to give an example on the next view graph of what I call zoning creep. I guess you're familiar with the phrase. A precedent, once you open that door, it's a little bit like Pandora's Box. It's, to mangle a metaphor, you can't really stuff Pandora back into the box.

This is pictures of Teaticket. The picture on the right shows the McDonald's which was at one time to be the end of the business district. And a rezoning exception was made and residential area converted to Business 3, and the construction of the right building, I forget the name of it, on the left-most picture. And following that, a whole little mini shopping center inside followed. And I'm told that the pressure to rezone residential to business is continuing even to this day. We don't want to see it start in West Falmouth.

I'd like to address the issue of the special permit. We thought that that would be bound to be a solution where Jeff could park his employees' cars back in that back area and it wouldn't require rezoning. We understand now that that is not true. In fact, in reading the entire -- or most of the zoning code, there's no mention of mixed zoned lots. There's no provision for such.

The next view graph shows the Chapman Funeral Home. And if Mr. Chapman is here or any relatives, I'm sorry if I'm offending you, but I'm using this as a good example of where parking on the back parts -- the residential back parts of mixed zone lots makes sense.

This is -- what you see there is a

paved parking lot entirely located on residential area. There's no provision for it. It's just happened. What the funeral home does is assemble its motorcades back off the street, where it's safe, for funerals. What a logical thing to do. The alternative, if somebody comes in and says you can't do that because it's not provided for in the zoning code, is assemble that motorcade out of 28A. You can imagine the havoc that it would produce in traffic and pedestrian safety. It's a logical thing to do, what they're doing.

And my recommendation is that the Town Meeting effect a change to the zoning code, It's paragraph 240-51 Special Permit Uses in B-3 Districts, add a special permit provision that when in the interest of public safety, as in this case, or pressing economic reasons or for the good of the community, that parking be allowed on the residential part of these mixed zone lots.

If that happens, I think that it will make this whole rezoning proposal by Mr. Parrish moot, because the bottom line is my wife and I and as I understand it Todd Jackson, my neighbor, we don't object and never have objected to Mr. Parrish having his employees park in that residential part. It's, like Jeff said, it's been happening since he can remember. It's been happening as long as I can remember. And we don't

mind.

So, if they want to do it and we don't mind them doing it, there should be a provision in the zoning code under special permit where the people will have an opportunity to control and restrict the issuances of such things to park where it makes sense.

So, my request to you tonight is that you not approve this proposal. The approval by the Planning Board that we attended the discussion of was two to one out of a total of seven members. There were only two that voted in favor, one against, and the rest were abstentions or not present. So, to me it doesn't seem like the Planning Board has had -- the full Planning Board has had a full opportunity to address this issue.

We think this thing should be sent back to the Planning Board. The Town Meeting should implement a change in the zoning code, and this problem will all go away. Thank you.

THE MODERATOR: Mr. Latimer, you were next on my list. And then we'll go to Mr. Parrish, and this Ms. Taylor.

MR. LATIMER: Thank you. Richard Latimer, Precinct 2. I do not relish speaking against a Planning Board recommendation. The gentleman was correct. I was in Pat Kerfoot's

absence the acting Chairman. I would have voted against it, but I decided not to vote to make a tie. I just don't want to do that. Otherwise, there would have been no recommendation, and I think it's better that we come with some recommendation for purposes of discussion. Still, this was, as the gentleman pointed out, not a very strong endorsement by the Planning Board.

But leaving that question aside, I think what's more important to note is that we have this past session considered three similar proposals, two in addition to this one, where zoning -- extensions of the business zone has been requested along these secondary state highways where we have business zones.

The two other ones, one was in Teaticket, which we heard about, the Beagle Lane extension, and the other one was in East Falmouth, which went on IP in the blanket.

Now it's correct, the Planning Board has no policy, put in quotes, about extending these business zones, but we have in the past had a very strong antipathy towards doing that, which is part of the reason I would have opposed this if I had voted. It's part of the reason that the other two members who spoke against this at the hearing, one of whom

abstained, would have voted against it.

The gentleman's correct. Once we do this here, well, then you go up and down the road, somebody else is going to say, "Well, why I can't do this?" I have nothing against this project. I think it's a fine project. But you know, we looked at an existing parking area on Scranton Avenue last night where a business has been in existence with parking in a residential zone for 50 years. Some neighbors complained about it, so they were shut down. Those neighbors bought those houses knowing that parking was there.

We have the obverse of that here. We have people who have been living in residences -- you can see where the hatch marks are on that extended business zone, where you can see that yellow lot there? That's a gentleman who's been living in that house -- who acquired that house with no parking -- commercial parking next to him, and now this applicant is asking this Town Meeting to come and put a parking lot there.

Well, I see an anomaly there. Maybe others don't, but I do. We don't have a written policy against extending these business zones, but I think it is a bad policy to do so. This is something that will not benefit the Town as a whole. It will certainly not be as beneficial as say

allowing a major industry like the marine industry on Scranton Avenue to have existing parking. There's no reason to make this change.

We heard last night that -- we heard tonight that there is no present mechanism for a special permit to do this or to do the parking project on Scranton Avenue, but we promised that we would look at that one and we would try to see if we could work the special permit law -- bylaw to allow that.

Well, we can do that here, too. We can do two at once. We can look at this problem and the problem on Scranton Avenue and we can see whether a better way to do this without setting any bad precedents would be simply to enact a special permit criterion which would allow this, and then the applicant will come in before the Zoning Board or the Planning Board, whoever has the special permit authority, with very detailed plans, much more detailed than we are getting here tonight. And there'll be much more understanding of what is going to be involved and a much more tightly drawn permit, if that's going to be issued, than would be available under the blanket rezoning that's being requested here tonight.

So, I would vote this down. Thank you.

THE MODERATOR: Mr. Parrish.

I'll put you on the list, Ralph.

MR. PARRISH: I want to clarify: for one, we're not a McDonald's. Nor do we ever plan on being. As far as curb cuts go, they're all going to be improved. The whole parking layout is going to be improved, much better than it is now. Presently we have a loading dock that comes onto the side of the building that blocks a lot of traffic coming into the business now. Again, that's all going to be improved.

If there was a special permit in place, if we were able to do that, I would certainly do that. I have no problem with that, because the only thing I am looking for is to park cars, about five cars that we currently park cars now for. We've been parking cars there for 40 years. This basically opened up a can of worms when we went to enter into this project to rebuild the market. So, this is why we're here. This is something that we're currently doing.

A lot of thought went into this with my -- as far as I go, with my neighbors, in my mind, and that was the reason why I entered into a long-term lease with my neighbors to the north, the Clark Realty Trust, which allows me to park the residences and use their driveway to park

along the north side of the West Falmouth Market. Thinking about that with my neighbors, knowing that people come and go at all times at night depending, you know, some people work the night shift, some people go out at night, they have guests that come over and visit with them. I felt and my partners felt that this was the best way to go for the simple reason when people do come home late at night, parking in the back there, lights won't be shining in my neighbors' parking -- in their windows.

Noise travels, as we know, at night, especially on calm nights.

People get out of the cars and they could just be having a normal conversation and that could definitely disturb my neighbors. That was the point of this.

This project is going to go forward, I think, you know, no matter what. There was never anything said that if I don't get this re-zoning that the market won't be there. That's not how -- there was never any statement like that at all.

So, again as far as the layout goes, it's a much improved layout. It will work a lot better. It will work a lot better for my neighbors. They obviously don't realize that now, but it will definitely help the whole

situation. Thank you very much.

THE MODERATOR: Ms. Taylor.

MS. TAYLOR: Very briefly. I live in back of C.H. Newton, another wonderful business in West Falmouth, and my property is residential and they have the same kind of lot. Probably because they had some pre-existing non-conforming use in the back in the residential area, they were able to go for a special permit to make some changes and expand their parking and build -- rebuild the building, in fact, as part of their business, in the residential area. And I felt very comfortable going through that process with them and making sure that, you know, it was going to be a good deal for them and not offensive to us.

So, I would recommend that the Planning Board move on this kind of thing very quickly so that it could go that special permit route.

MS. FLYNN: Pat Flynn, Precinct 6. I live on West Falmouth Highway and actually I live right next door to C.H. Newton's business where he used to do his woodworking before the fire, and it was a lot noisier then.

But I think that 28A is the most extraordinary mix of business and residential use. When I walk up the

street in the morning and take a right, I pass C.H. Newton, the fire station, there's a new real estate office across the street, there's the funeral home, there's the West Falmouth Library, there's a veterinarian.

You go a little further, there's another real estate office. Then you come to the West Falmouth Market. Across the street from that is a real estate office. And on the opposite corner is the Ideal Spot motel, which has recently sold and I don't know what the new owner is planning to do.

Then you move on past the market and there's Europa, which is a very eclectic shop. There's a hair salon. There's an ice cream shop, The Stone Store, and then on up to the gas station.

But in betwixt in between are people who live in their homes and in the residences. And I just think it's an extraordinary way to live, to be able to live on a road like that that has that kind of mix of residential and business in a very quaint historic village. So, I would urge that you support this article.

THE MODERATOR: Mr. Herbst. Microphone down here for Mr. Herbst.

MR. HERBST: Ralph Herbst, Precinct 8, member of the

Planning Board and a person who knows the Gilberts personally. I'm one of the Planning Board members that voted in favor of this. The fact that several Planning Board members chose to abstain doesn't mean anything to me. They had a chance to vote up or down and they chose not to, and for whatever reasons, it's -- that's a moot point. The fact that two of us felt it was a worthy project and voted in favor of it, and one person didn't, is what the Planning Board voted.

When the Gilberts came to the Planning Board and made their presentation, they convinced me beyond a shadow of a doubt that things right now are not good, and I looked at this as an opportunity to make things better for the abutters, not worse.

Now, Mr. Latimer, my colleague here, seems to think that the fact that the Planning Board voted IP on several other zoning changes but in favor of this one is not -- is not a good example of what the Planning Board does. Well, in fact, it is a good example that we look at each project individually and we don't automatically say up or down. So, it's actually a perfect example of the way the Planning Board looks at these things with extreme scrutiny and takes them on a one by one basis.

So, I urge you to support this so that we can make this

situation better.

THE MODERATOR: Anything new before we take the vote on the main motion? Mr. Latimer, something new? Come on, Folks. Mr. Latimer.

MR. LATIMER: Real quick. I'll just reiterate it. This is not a policy decision. This is a decision on an individual piece of property. I think we should do our zoning according to public policy. Thank you.

THE MODERATOR: The question will come on Article 1. The main motion is as printed. This requires a two-thirds. 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: In the third division, Mr. Hampson?

MR. HAMPSON: 29.

THE MODERATOR: 29.

In the second division, Mr. Dufresne?

MR. DUFRESNE: 36.

THE MODERATOR: 36.

And in the first division, Mrs.

Tashiro?

MRS. TASHIRO: 33.

THE MODERATOR: 33.

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

[Pause.]

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

MRS. TASHIRO: 17.

THE MODERATOR: 17.

In the third division?

MR. HAMPSON: 30.

THE MODERATOR: 30.

In the second division?

MR. DUFRESNE: 42.

THE MODERATOR: 42.

By a counted vote of 98 in favor and 89 opposed, the necessary two-thirds does not pass on Article 1.

Article 2 is another zoning bylaw. This is the creation of a B-4 District. The Planning Board will make its recommendation on Town Meeting floor.

Madam Chairman, for your recommendation.

CHAIRMAN KERFOOT: The Planning Board recommends indefinite postponement on Article 2.

THE MODERATOR: Okay. The recommendation is indefinite postponement.

Do we have a positive motion?

MS. THOMPSON: Good evening. Diane Thompson, Precinct 2. Mr. Moderator, I'd like to make a motion that Town Meeting adopt Article 2 as printed.

THE MODERATOR: Okay. The main motion is as printed. Ms. Thompson.

MS. THOMPSON: In addition, I'd like permission from Town Meeting to allow three non-residents of the Town of Falmouth to

speaking: Attorney Mark Gilday on behalf of CLSV; John Callahan, who is the property owner; and Jeff Robinson of SALMON Health and Retirement.

THE MODERATOR: The question will come on allowing those interested parties to this project to speak before the Town Meeting. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

THE MODERATOR: The Ayes have it by the majority. Permission is granted.

MS. THOMPSON: Thank you.

THE MODERATOR: Who's going to go first?

MS. THOMPSON: Mr. Gilday, Mr. Moderator.

THE MODERATOR: Okay, folks. Could I have your attention up front here.

MR. GILDAY: Mr. Moderator?

THE MODERATOR: Go ahead, Mr. Gilday.

MR. GILDAY: Town Meeting Members, my name is Mark Gilday. I'm an attorney from Mashpee.

THE MODERATOR: A little closer into the mike, please.

MR. GILDAY: My name is Mark Gilday. I'm an attorney from Mashpee. I'm here tonight with John Callahan, a principal of CLSV Associates Limited Partnership, and Jeff Robinson, the managing partner of SALMON Health and Retirement.

CLSV -- if I could have the first slide, please. CLSV is the owner of 31 acres of land located at the end of Route 151. It's shown in the circle in the screen before you. It's at the end of 151 at the intersection with Route 28. The land is bordered by 151, Route 28 and the railroad tracks.

The Route 151 corridor that is before you shows our land on the left-hand side, and if you go down to the other Falmouth end of Route 151, you'll see the Barnstable County Fairgrounds and you'll see the Paul Harney Golf Course shown in light green.

The dark green portion of this map --

FROM THE FLOOR: Point of order.

THE MODERATOR: Mr. Jones?

FROM THE FLOOR: Is this Article 2 or 3?

THE MODERATOR: This is Article 2 and I know that they're talking about the project in Article 3. They're asking to create a zone and then rezone a portion of property for the project.

FROM THE FLOOR: Can we discuss the first [inaudible, no mic.] --

THE MODERATOR: And we -- well, I'm going to let Town Meeting think about this. We can try to have a theoretical discussion which in no way relates to the project that everyone's concerned with. And then have another discussion about the second project on the second article. Or we can put the issue out on the floor and then we'll be taking two votes back to back on each article.

Ms. Lowell, did you have a thought on that? Microphone for Ms. Lowell, please.

MS. LOWELL: I think this -- you're supposed to be thinking of zoning as a new classification that could be applied many places. And I think Article 2 is quite complicated in that it combines senior residence with commercial uses. And I think -- my understanding is the Planning Board has even a problem with the concept of Article 2 and that it would be useful

perhaps to focus discussion first on the article and not get too much into the details of what they'd like to do.

THE MODERATOR: Okay. That is the standard procedure that is normally used, each article independently. I know these zoning projects become difficult when they're so inter-related, but I'd ask the petitioners to please limit your discussion to the zoning district at this time and then we'll get to the project in Article 3.

Ms. O'Connell, you have a point of order?

MS. O'CONNELL: I imagine it could be, but I would suggest -- Maureen O'Connell, Precinct 4. I was wondering if I might suggest that we table Article 2 and go instead first to the discussion of the project itself.

THE MODERATOR: It would be inappropriate, only because Article 3 would place a district which doesn't exist on the map.

MS. O'CONNELL: Thank you.

THE MODERATOR: Discussion on the change to the zoning bylaw for the creation of a B-4 district.

MR. GILDAY: Article 2 would create a new Business 4 zoning district, which would allow limited commercial use and includes a provision for a senior care retirement community.

The B-4 zoning article was prepared because CLSV was approached by SALMON Health and Retirement about the possibility of building an independent living senior care retirement community on the 31 acres that CLSV owns.

We believe this is a well-established need in the Town of Falmouth. Your own Planning Board had been working on an amendment to its bylaw with respect to the senior care retirement facilities.

In addition, a feasibility study prepared by SALMON Health and Retirement indicated that there was a need in the community and they were wishing to move forward with that.

In addition to the independent living retirement community, we have included a commercial component in this B-4 zone. It would allow for a grocer or a pharmacy-like use. There would be a limitation on the square footage that would be allowed. Some of the other uses provided for in the B-4 district are business or professional offices, a bank or a medical clinic. Any commercial establishment within the B-4 zone that is 7,000

square foot or larger would be required to obtain a special permit from the Planning Board.

Any commercial establishment that would exceed 10,000 square feet in area would be required to obtain approval from the Cape Cod Commission.

We used the Planning Board model with respect to a senior care retirement community when drawing this article. There was a proposal for a retirement overlay district which we worked with. The changes that we have included with respect to this bylaw are based upon input from SALMON Health and Retirement, which would operate the facility we hope to succeed in building here.

Uses such as stand-alone restaurants, fast food restaurants, motor vehicle service stations and numerous other uses found in B-2 zoning districts would not be allowed under the proposed B-4 district.

There was a provision provided for in the B-4 district for commercial accommodations, and we included this because the provision is found in all residential, all agricultural and all commercial zoning districts within the Town of Falmouth. It's not in a light industrial district.

Multi-family housing was included in the event that a retail

development was required as a part of a regulatory process to provide affordable housing.

The density for housing in any proposal that would come as a result of this B-4 district would not exceed six units per acre, which is standard language in the Falmouth zoning bylaw.

There is an open space requirement in the B-4 proposed bylaw, which is standard for what is required in other business districts in Falmouth, 30 percent of open space.

In the event that there is a development that exceeds 10,000 square feet, a higher requirement for open space up between 50 to 65 percent would be required as a result of the bylaw.

There was a provision in the proposed B-4 district for a municipal parking lot, because we had heard that this was a much-needed use in this particular area. And in our efforts in the past with respect to rezoning, we have heard that the Town would like to have that use included.

We've been here before with respect to trying to create a district and trying to rezone some parcels, and we have come back to you

again because we feel this would address certain needs that have been raised and shown to be apparent in the town.

In 2005, CLSV was before Town Meeting seeking a mixed use rezoning plan, and that plan was voted down. CLSV returned in November of 2006 with a proposal which would have allowed 125,000 square feet of retail space, 100 units of residential development and a hotel conference center. That plan also would have allowed for the development of a pool and a hockey rink on the facility as a result of CLSV's intention to donate land. That rezoning was voted down, as well.

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

That was in 2006. There was no further discussion. There was no further refinement. So, CLSV took it upon itself to create a new proposed B-4 district, and one of the components in this B-4 district would allow for a senior care retirement facility, and I would ask Mr. Robinson to briefly describe that use to Town Meeting.

MR. ROBINSON: I'm Jeff Robinson. I'm the managing partner for SALMON Health and Retirement group. We're a third-generation, family owned and operated provider of senior living in the Commonwealth. We've been in business for about 55 years.

What we're proposing on the site is an independent living community which would be approximately --

THE MODERATOR: Talk about the zoning. We already went through this, Mr. Robinson. Talk about the zoning proposal.

MR. ROBINSON: Okay.

THE MODERATOR: You'll get a chance in Article 3.

MR. ROBINSON: Basically -- [Hands off microphone.]

MR. GILDAY: You're making it tough on us, guys. If I could ask for Slide 8 to be shown. 8, please.

This is what the B-4 zone that's

proposed would allow for: A 200-unit independent living senior housing facility. A 40,000 square foot grocer, such as Whole Foods or Trader Joe's. A 12,000 square foot retail building, likely a pharmacy.

Now, any proposal that would be allowed under the B-4 zone is going to result in an increase in traffic. We acknowledge that. However, the B-4 zone would still require review of any proposal by your Planning Board and by the Cape Cod Commission, and certainly there would be a requirement of traffic mitigation. The B-4 zone wouldn't change that in any fashion at all.

We're hopeful that you will give us the opportunity to expand on the proposal so you can understand the full ramifications of the project in order that you can understand the potential future uses for our land. There's no question we've owned this land since 1993. CLSV has worked with the Town to create a very successful Ballymeade development up there. It has value of over 200 million dollars and generates taxes in excess of a million two.

The proposal, the B-4 zone, would if adopted, and if Article 3 were adopted, would change the tax structure from a \$6,500 amount -- that's the amount presently paid to the Town by CLSV -- to an amount of

300 to \$400,000. I hope you will find that attractive enough in these times of fiscal constraints to allow us to consider moving forward and give us the opportunity to tell you more about our proposal. Thank you.

THE MODERATOR: Madam Chairman. Dr. Clark, I'll put you on the list.

CHAIRMAN KERFOOT: Thank you. Pure and simple: this is bad zoning. What they're asking for is to combine two zoning districts, if you will, a business district and a senior care residential district. We already have one senior care residential zoning bylaw on our books.

If you pass this, as it is currently written, there will be now be two on our books. You have a conflict right there.

Somebody comes in, how are you going to decide which one is going to be used? If B-4 passes, once a property is rezoned, it would be unclear which of the two or combination of the two would result. Are you going to get complete business development as it's defined in here? Are you going to get only a senior care district, as they're defining it in here? Are you going to get a combination of the two?

Then you have to look that the underlining development -- underlying development requirements are those

of B-2. You have 70 percent lot coverage involved. If you were a senior wanting to locate -- let's say it's mixed used. If you were a senior wanting to locate in what's likely to be your last residence, are you going to want 70 percent lot coverage, a lot of pavement, or are you going to want 65 percent open space as the Planning Board bylaw is proposing? And by the way, we are bringing that back to you in the fall.

We reached out to you all first in the meeting in which it was turned down, and then we sent you the proposal, got your input, it will be coming back to you.

One of the huge problems with this is the Planning Board -- other than the marriage of two dissimilar zones -- the Planning Board was presented with this plan one month before this meeting. That was hardly enough time to consider all the ramifications of it. It's not written as we would want it to be written. It's not written as closely as we would want it to be written. It didn't get the kind of review that we normally do for zoning, which is a good deal of back and forth public hearings. It hasn't gotten that kind of review. And I would ask you to indefinitely postpone it for those reasons, and I'm sure there are others who will think of others, as well.

MR. GILDAY: Mr. Moderator?

THE MODERATOR: Mr. Gilday.

MR. GILDAY: With respect to having two senior care districts, first of all, the present district you have is an overlay district. What we propose is a separate zone, a B-4 zone.

Secondly, I would ask you to look around the town and see how many developers have come in and said they want to build a senior care retirement community under your present overlay district. It doesn't work. If it did, Mr. Robinson would be building and proposing a project. But it doesn't work, and that's why he worked with us to come up with a new B-4 zone.

The Chairman is correct with respect to the timing. We're here on a special meeting because we were late in getting it to the Town, and we were late in getting it to the Town because presently CLSV is undergoing a process under 40B to build 175 units at this parcel.

While undergoing that process, Mr. Robinson of SALMON Health and Retirement approached CLSV and asked us to consider working with them and see if the Town would work with us to change the zoning and allow a senior care facility. So, we are

late, but we are late because of a reason and I ask you to consider that.

Thank you.

THE MODERATOR: Mr. Currie, did you --

MR. CURRIE: I just need to stand up and correct some of the things that Mark has told you, only because I don't consider them to be accurate or represented in a fashion that the Town Meeting Members should be hearing.

The senior care portion of this bylaw is not modeled after the Planning Board's three or four attempts to get the bylaw changed here at Town Meeting. Just for your edification, there is no affordable component to this senior care component of this bylaw. There is no open space provision. Right now it's 70 percent lot coverage. It covers the model that you would have under a B-2 scenario. So if you want to use that 31 acres as your model, you would have 21 acres of paving. The Planning Board's model had 65 percent open space.

We're essentially looking at, as Pat tells you, a combination of a Business 2 district and a senior care district. But the difference here is that there's no guarantee that anyone who wanted to use this bylaw would utilize senior care, whereas the Planning Board's model there's a great

emphasis and great need to look at the senior care component to make it work.

With this component, with this B-4, you could have a wholesale club, so the characterization of limited commercial development put forward includes a BJ's Wholesale Club or a Sam's Club on this site, because there's no upper limit to the gross floor area that could occur.

So, just for those few reasons alone, the Planning Board suggests that these two types of business districts, a Business 2 and a senior care, and our senior care district is not an overlay district. It's an actual district.

This is not needed from a point of public policy. The Planning Board is working very hard to craft something for you in November that I think you're going to really like. It takes its time to do things, and it doesn't set artificial political deadlines for the satisfaction of any profit center, and we would hope you would think the same.

THE MODERATOR: Mr. Latimer.

MR. GILDAY: Mr. Moderator?

THE MODERATOR: Let's get some other folks and we'll

come back. Mr. Latimer. And then Mr. Clark, Dr. Clark.

MR. LATIMER: Richard Latimer, Precinct 2, more comfortable now endorsing the Planning Board's recommendation of indefinite postponement.

You know, the gentleman who spoke here, who has been in the business for 50 years or so, has I'm sure a very successful business model. That's what he's proposing for our rezoning. We don't do planning according to somebody's business model in this town.

The major sticking point for me with this has been the commercial aspect of this. As Mr. Currie said, you could have a BJ's Wholesale there. As Mr. Gilday said, they're looking at Trader Joe's. Now, no matter where this goes, Trader Joe's is a magnet. My wife told me that she would drive eight miles from downtown to Waquoit to go to Trader Joe's, and there's lots of people who would do that.

And when we're looking at that, that's bad planning, to just give a carte blanche to somebody to put that kind of commercial installation into what we need to have is a senior care retirement district, which as Mr. Currie said, we have on the books, which we've been promoting, which we need to fine-tune and come back with a decent

working model that is based on public policy and not on somebody's business model. Thank you.

THE MODERATOR: Dr. Clark.

DR. CLARK: Peter Clark, Precinct 1. Does the senior care retirement zone that the Planning Board is looking at specify that it has to be for all levels of senior care, or like this one, can it be defined simply as senior housing when it is called senior care retirement community?

THE MODERATOR: Ms. Kerfoot.

CHAIRMAN KERFOOT: The language in the Planning Board proposed bylaw does provide for the possibility of all phases.

THE MODERATOR: Is it required?

CHAIRMAN KERFOOT: It is required.

THE MODERATOR: Ms. Bumpus.

MR. GILDAY: Mr. Moderator, could I just ask Mr. Currie to clarify that statement, because it may not be required. I think the answer may be it could be required.

THE MODERATOR: It's a draft form, so - - Mr. Currie.

MR. CURRIE: Yes. It could be

required. The Planning Board's version of senior care could require independent living units, assisted living units or skilled nursing rooms, and they set the proportion.

THE MODERATOR: Ms. Bumpus.

MS. BUMPUS: Catherine Bumpus, Precinct 1. Through you, Mr. Moderator, to Mr. Currie. Could you please speak on the status of the 40B application that has been referred to this evening?

MR. CURRIE: Is it in order, Mr. Moderator?

THE MODERATOR: It's really not in order. Can you do it in one sentence? Because everybody's wondering now. It's the big secret.

MR. CURRIE: My understanding is that there is a pending site approval or project eligibility letter up at Mass. Housing -- speaking of the site we're talking about -- that was alluded to by Attorney Dilday. And my understanding at this point is it's going through that process and no decision has been reached, and that additional information is being required from the applicant on that project, and that no decision could be forthcoming at the earliest sometime in May.

THE MODERATOR: Mr. Gilday, is that an accurate portrayal of the status?

MR. GILDAY: Well, Mr. Moderator, if I could ask that slide 3 in your numbers. That plan that's before you is --

FROM THE FLOOR: Can't hear.

MR. GILDAY: That plan which is before you is before Mass. Housing with a completed application and we await receipt of a site eligibility letter.

THE MODERATOR: Okay. In the aisle to my left there, and then Ms. Taylor.

MR. MCNAMARA: Thank you, Mr. Moderator. Matt McNamara, Precinct 7. With all due respect to the applicants, to coin -- or to use Pat Kerfoot's phrase, this is bad planning.

Our Planning Board thinks for the entire town. The petitioner is thinking for themselves. No spot zoning is ever good. It can't be, by definition, because it does not take into consideration what is good for the entire town.

To create a B-4 zone looking at one parcel does this town a

disservice. Rather, the Planning Board should look at whether or not a B-4 zone is valuable in additional places in the town.

Mr. Currie and Ms. Kerfoot have already indicated that this is not at all modeled with the prior Planning Board's presentation. The open space, a variety of things. This is a bad move. And if no one else wants to say it, I don't think we should be moved to make zoning changes based on threats. Thank you.

THE MODERATOR: Ms. Taylor.

[Applause.]

THE MODERATOR: Folks. Come on.

MR. GILDAY: Mr. Moderator?

THE MODERATOR: Ms. Taylor.

MS. TAYLOR: Julia Taylor, Precinct 6. I'm not enamored of this plan, but it's been a long time since I got excited about the idea of senior housing; I think I was maybe in my early '50s. I'm now going to collect my Social Security check in September at 65 and ten months.

Now, I hope I'm not going to need the senior housing in the next couple of years, but I want this accomplished. And we're having to waste time at Town Meeting after Town Meeting really with proposals that

are responding to a real need, and I beg the Planning Board to do its job and get something done so that the rest of us can, you know, have a chance in a couple of years to have something really nice.

[Applause.]

THE MODERATOR: Mr. Gilday.

MR. GILDAY: Mr. Moderator, with respect to the claim of a threat of a 40B project, we referenced the 40B project not as a threat, but simply to indicate to the Town that it has a choice. And it's not unprecedented for this Town Meeting to be given such a choice.

I refer you to the Nautilus Inn, which you made a decision to rezone, because you did not like the other choice that was proposed for that site.

With respect to the developer being given carte blanche under such a zoning change, I would ask if we could look at slide 12, please. Because the issue was raised, Mr. Moderator, I would like to point out to Town Meeting that the property owner has signed and delivered a covenant to the Town Manager which would limit certain things from happening on this project, such as the big box that Mr. Currie referenced.

He knows that covenant provides that that can't happen.

There are other limitations included in this covenant.

Town Meeting has been provided -- Town Meeting members were provided with a copy of the signed covenant, and I would ask you to give that consideration.

With respect to the affordability component, what Mr. Currie did not tell Town Meeting is that the affordability component of the proposed zoning bylaw is as a result of a bonus. It's a bonus provision. It's not automatic.

And I think Mr. Currie would agree that as we went through the process in permitting such a project, specifically with the Cape Cod Commission, there is more likely than not going to be a requirement of some affordable component.

In addition, I would offer to Town Meeting that the type of project that Mr. Robinson would propose does not involve the sale of the units. The property would be -- continue to be owned by CLSV and SALMON Health and Retirement. Residents would pay an entry fee and then a monthly fee. They would not get a fee interest in the property.

And with respect to open space, as I indicated to Town Meeting, as we went through the process to permit any such project, open space requirements for such an amount of square footage would be between 50 and 65 percent, and we would have to comply with that requirement. Thank you, Mr. Moderator.

THE MODERATOR: Mr. Currie.

MR. CURRIE: I would ask my friend Mark to, if the motion is as printed --

THE MODERATOR: It's the main motion.

MR. CURRIE: I can't find the bonus provision in here, Mark, that you alluded to, for the affordable housing.

THE MODERATOR: Mr. Gilday, do you have it in there?

MR. GILDAY: No, it's included in your proposal.

THE MODERATOR: Mr. Currie.

MR. CURRIE: Mr. Moderator, my understanding is the motion is as printed in the Warrant.

THE MODERATOR: That's correct. It's as printed.

MR. CURRIE: I will ask the question again: Where as printed

--

THE MODERATOR: It doesn't exist.

MR. CURRIE: Thank you.

THE MODERATOR: Okay. Ms. Kerfoot.

CHAIRMAN KERFOOT: I would suggest that what Mr. Gilday just presented to you as the covenant could be considered sort of a smoke screen, if you will, because you cannot consider a covenant when you're considering this article.

This article, as has been pointed out by Mr. McNamara, will apply -- can apply throughout the town. You have to consider it as a bylaw that can be used wherever in the town it could be made to be used.

So, you must keep that in mind. Is it good zoning or is it bad zoning? And don't pay attention to a covenant.

THE MODERATOR: Ms. Lowell. Then Mr. Rhodes.

MS. LOWELL: Vicky Lowell. I think we're ready to vote this -  
- or -- but I just want to point out that I don't think it's a good advertisement for rezoning when you say that it has to be accompanied by a covenant. We ought to -- I think it's a dangerous precedent that every zoning change now is coming in with covenants, because they only last for a limited time. It says 30 years, but I think if you got into -- you built a shoe store and

nobody wore shoes anymore, you'd come in addition try to get it changed.

So, I think it's another reason to not vote for this. Thank you.

MR. GILDAY: Mr. Moderator?

THE MODERATOR: Mr. Rhodes.

MR. RHODES: All set.

THE MODERATOR: You're all set. Mr. Gilday, something new?

MR. GILDAY: To thank you and to thank Town Meeting and to thank the Planning Board and the Planner because we learned more tonight about their views of these proposals than we did in the Planning Board process. And we want to work with the Town. We went to the Planning Board to work with them. I would ask you to send a message to the Planning Board to try and do what they said they were going to do.

We've been back here three times and we will continue to come back as we try and do what we believe is to be responsible development for the town. Thank you.

THE MODERATOR: Okay. The question will come on Article 2, the main motion as printed. This requires a two-thirds vote for the creation of the B-4 district. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It's the opinion of the Chair is that the No's have it and the two-thirds majority does not pass.

Article 3, to rezone a piece of property on Route 151 to the B-4 district, which doesn't exist. Madam Chairman for the main motion. Article 3.

CHAIRMAN KERFOOT: Article 3. The Planning Board recommends indefinite postponement.

THE MODERATOR: The recommendation on Article 3 is indefinite postponement. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 4, to see if the Town -- there was a typo here. To see if the Town will vote to amend the Town's classification plan to add a

business systems manager. Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 4 as recommended.

This is a key position included in the DPW matrix study. Generally, the Finance Committee views this position favorably, but it should be included with the entire DPW Reorganization Plan referenced by Article 28 in the Annual Town Meeting Warrant. That article was indefinitely postponed by the blanket vote last night.

THE MODERATOR: So, the main motion is as recommended and the recommendation is indefinite postponement.

Is there anyone who would like to place a positive motion on the floor?

[No response audible.]

THE MODERATOR: Hearing none, the question will come on 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 5. Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move that the Town vote to transfer the sum of \$7,006.92 from Certified Free Cash to be expended under the jurisdiction of the Board of Selectmen for the purpose of paying unpaid bills from a prior fiscal year as follows: Facilities maintenance, Verizon, \$3,671.50; Recreation Department, Hess Corporation, \$2,760.36; Council on Aging, Hess Corporation, \$575.06.

THE MODERATOR: So, the main motion is what you have in your warrant booklet and adding the Verizon bill for \$3,671.50, bringing the total from free cash to \$7,006.92.

Any discussion on Article 5?

[No response audible.]

THE MODERATOR: This requires a nine-tenths vote. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No. Oh, you had a question? Get up so I can see you. Ms. Lichtenstein, grab the mike.

MS. LICHTENSTEIN: Leslie Lichtenstein, Precinct 9. I would just like to request as Town Meeting has in the past that when we do have changes to monetary figures like this that we have a graphic that has those figures on them, please.

THE MODERATOR: She has it. She just couldn't pull it up quick enough.

MS. LICHTENSTEIN: Thank you.

THE MODERATOR: Sorry for going so fast.

The addition is the first line on the graphic: Verizon, the \$3,671.50 and the change of the total to include that.

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

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The opinion of the Chair is that the Ayes have it by the nine-tenths majority and I so declare.

Article 6. Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 6 as recommended.

THE MODERATOR: Article 6 as recommended. This is to transfer the sum of \$85,000 from Certified Free Cash to be distributed by the Town Accountant to the accounts affected for purpose of funding the provisions for the contract period commencing July 1st, 2007 as agreed to by the Town of Falmouth and the American Federation of State, County and Municipal Employee Local 1636.

Any discussion on Article 6?

[No response audible.]

THE MODERATOR: 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 7. Mr. Chairman.

CHAIRMAN ANDERSON: I move Article 7 as recommended.

THE MODERATOR: Okay. The recommendation for Article 7, to fund a citizens' survey. The recommendation is indefinite postponement. Is there anyone who would like to place a positive motion on the floor for Article 7?

[No response audible.]

THE MODERATOR: 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 8. Mr. Chairman.

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

THE MODERATOR: Article 8 as recommended. This is the transfer of the sum of \$26,200 from Certified Free Cash and \$31,800 from the School Department prior year payroll budget line item 01300-51119 for a total of \$58,000 for the purpose to close out the Falmouth Wastewater Treatment Facility Improvements Project.

Mr. Johnson.

MR. JOHNSON: Leonard Johnson, Precinct 5. This is in the nitpicking department, but didn't we hear last night that we weren't going to make any transfers from Certified Free Cash?

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: Yes, the reference last evening to the use of Certified Free Cash was to support our operating budget. What we'd hoped to do is use free cash more for the one-time purposes, which this is the closeout of a prior project. So, we were talking last evening about supporting the operating budget.

THE MODERATOR: Further discussion on Article 8?  
Mr. Pinto.

MR. PINTO: Greg Pinto, Precinct 3. I notice that we're

being asked to transfer \$31,800 from the School Department prior year payroll, and I apologize for skipping ahead a little bit, but in Article 10 we're going to be asked to transfer \$40,000 from the same line item.

I guess my question is how is it that we have nearly \$72,000 left over in this payroll budget and yet the School Department is straining for money?

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: The amounts that are in this particular line item are left over as a result from a prior year -- as a result of positions that were left vacant or not filled. It does take a Town Meeting vote to move the money from this line item, since it's from a prior year.

THE MODERATOR: Further discussion on Article 8?

[No response audible.]

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

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it by a majority.  
Article 9, Mr. Chairman.

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

THE MODERATOR: Article 9 as  
recommended. This is to transfer the sum of \$36,607 from Other  
Employee Benefits, Long-Term Disability, budget line item 01919-51180 to  
Unemployment, budget line item 01913-51174 for the purposes of  
increasing the funding for the Town's obligations for unemployment  
compensation benefits.

Any discussion on Article 9?

[No response audible.]

THE MODERATOR: Hearing none, the  
question will then 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.

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

THE MODERATOR: Article 10 as recommended. This is to vote to transfer the sum of \$40,000 from School Department Prior Year Payroll, budget line item 01300-51119, to Veterans Ordinary Benefits, budget line item 01543-57770, for the purpose of increasing the funding for the Veterans Ordinary Benefits.

Any discussion on Article 10?

Microphone down here, please.

MR. STECHER: Bernie Stecher, Precinct 3. I really don't have any objection to this. I just have a question. What are Veterans Ordinary Benefits?

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: Veterans Ordinary Benefits are benefits that returning veterans are eligible to receive under certain circumstances. It may be rental assistance, it may be medicines, it may be heating assistance.

It should be noted that these ordinary benefits through Mr. Jay Hill's department are 75 percent reimbursable by the state. That money then goes back into the General Fund.

THE MODERATOR: Mr. Dufresne.

MR. DUFRESNE: Adrian Dufresne, member of the Veterans' Council. The Chairman rightfully explained, Massachusetts General Law Chapter 115 allows the benefits to returning veterans and their families. This money is reimbursed by the state to the tune of 75 percent. So, this \$40,000 is really -- the Ordinary Benefits line item in the veterans' budget is really an unknown item, as numerous veterans returning from combat, or as the aged veterans come on the need for services, the Town of Falmouth adopted Chapter 115 back in 1947 and these moneys have to be paid if the person is qualified. Thank you.

THE MODERATOR: Any further discussion on Article 10?

[No response audible.]

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

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it  
unanimous.

Article 11. Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article  
11 as recommended with a change in -- there's a typo in the second to the  
last line where it says Article 10, that should read Article 11.

THE MODERATOR: Okay. The main motion is as  
recommended to transfer the sum of \$27,610.46 from Article 38, the  
November '05 Re-evaluation, budget line item 01141-58001 to Article 30 of  
the November '04 Re-evaluation, budget line item 01937-58014 for the  
purpose of funding expenses related to the cyclical property valuation.

Discussion on Article 11?

[No response audible.]

THE MODERATOR: Hearing none, the  
question will then 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. This is a Community  
Preservation Committee article. Mr. Chairman.

CHAIRMAN CLARK: Mr. Moderator, Peter Clark, Chairman of  
the CPC, and Precinct 1. I recommend Article 12 as recommended which  
in this case also means as printed.

THE MODERATOR: Okay. The main motion here is to  
amend the purpose of the Community Preservation Act funding  
appropriated for the historically appropriate roof and gutter replacement of  
the School Administration building under Article 41 of the Annual Town  
Meeting in April 2007 so that the replacement of the HVAC system may be  
added to the project scope of work.

Discussion on Article 12?

[No response audible.]

THE MODERATOR: Hearing none, then the question will

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

[Aye.]

THE MODERATOR: All those opposed?

[None opposed.]

THE MODERATOR: The Ayes have it  
unanimous.

Article 13. Mr. Chairman.

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

THE MODERATOR: The recommendation of the Finance  
Committee is indefinite postponement. Is there anyone that would like to  
place a positive motion on the floor? Yes, sir. Microphone. You can use  
that one.

MR. SCHMITT: Edward Schmitt, Precinct 8. I would like to  
put a positive motion on the floor to approve Article 13 for the following  
reasons: Operation In From the Streets is a program established two years  
ago to provide overnight shelter for some of the homeless of Cape Cod. It  
is sponsored by the Town of Barnstable Human Services Committee in  
Hyannis.

On nights when the temperature drops below 30 and wet snow falls and a bitter wind blows in from off Nantucket Sound, the homeless shelter in Hyannis can sometimes be filled to capacity. There is no room at the inn, so to speak. But these desperate people need help. So, instead of turning them away, Operation In From the Streets provides shelter for the night at an inexpensive motel. This is followed by counseling to try and help these people get back on their feet.

As far as you and I are concerned, the people helped by the program may be anonymous, but they are in fact somebody's son or daughter or sister or brother, and if they're knocking on our door, I don't think we can turn them away.

The Towns of Barnstable, Chatham, Eastham, Dennis, Harwich and Orleans, as well as the Cape Cod Council of Churches supported the program last year, and Falmouth is now being asked to join.

We've been asked for only \$5,000, which if I have done my math right amounts to just 20 cents for the average property owner. Now, these are challenging times financially, but I do think we can spare a couple of dimes, and I ask you to support this article with a positive vote. I

think it will make a big difference in somebody's life next winter and I know they will appreciate our help. Thank you.

THE MODERATOR: Excuse me, sir. We're just going to need a funding source, and it will be under the -- I'm assuming that it's going to the Town Human Services Director or his or her designee?

MR. SCHMITT: I need a little help on this.

THE MODERATOR: What have we got left? We've got free cash, we've got overlay surplus, raise and appropriate. Free cash? Finance Committee would say if you're looking for a source, free cash is probably a good place to ask for it.

MR. SCHMITT: I'd recommend free cash.

THE MODERATOR: So, the main motion is as printed from Certified Free Cash. Discussion on the main motion? Mr. Dufresne.

MR. DUFRESNE: Adrian Dufresne, speaking -- member of the Finance Committee. I would hope that you would support the Finance Committee on this particular article.

The Human Services budget currently is approximately \$500,000. There are three line items in the Human Services budget which supports housing needs totaling about 21,000. If Barnstable has a problem

with their street people, I can sympathize with that.

THE MODERATOR: Folks.

MR. DUFRESNE: What did I say wrong?

THE MODERATOR: You weren't politically correct,

Andy.

[Laughter.]

MR. DUFRESNE: What's that?

THE MODERATOR: Watch what you say. Watch what you say. Go ahead.

MR. DUFRESNE: I'm going to repeat it. Barnstable has a problem. We have a problem and we're taking care of the people in the Town of Falmouth. If Barnstable has a problem, it should probably be addressed through the county budget. I don't believe we should start supporting things for the town of Hyannis. I really believe Falmouth is struggling right now to meet its own tax expenditures. Thank you.

THE MODERATOR: Over here to my right, and then, Mr. Latimer, I'll put you on the list. Mr. Rhodes, you wanted to speak again.

MS. GORDON: Helen Gordon, Precinct 8. I made a

promise to myself years ago I wouldn't speak because I get so nervous, so I apologize. But it seems to me that since the only homeless shelter on Cape Cod is in Hyannis, that is why we don't see one in our town.

When there are homeless people in our town who need to go someplace, the police drive them to Hyannis. There are a consortium of churches and synagogues and other places that offer overnights of hospitality by taking one night every couple of weeks, and those people in Falmouth who do it have to drive to Hyannis and get the people from Falmouth or wherever and bring them back to Falmouth for the night and then take them back to Hyannis in the morning. It's not Hyannis's homeless. It's the whole Cape.

[Applause.]

THE MODERATOR: Jayne, I've got you on my list.  
Okay, folks. Mr. Rhodes.

MR. RHODES: Scoba Rhodes, Precinct 8. There are a couple of people here from the program. They are not residents of Falmouth, so I would appreciate your giving them the vote so that they can speak and tell you more about what this program really accomplishes.

THE MODERATOR: Who are the individuals that would

like to speak? If you can give me the name of who we're trying to give permission --

FROM THE FLOOR: Jan Burke [sp?].

THE MODERATOR: Ann Burke?

FROM THE FLOOR: Jan Burke.

THE MODERATOR: Jan, okay.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it  
unanimously.

MS. BARTON: Thank you very much for allowing me to speak. My name is Janice Barton. I'm a town councilor in the Town of Barnstable. It's nice to come and see your Town Meeting.

I am the liaison for the Human Services Committee in the Town of Barnstable and it's our subcommittee that began the program known as Operation In From the Streets. I'd also like to thank the people that have spoken in favor of it, and also the 200 people that signed the

petition to get this on the Special Town Meeting ballot. And Deacon Richard Murphy, also a member of the committee, and who helped make that happen. And you, too, Scoba. Thank you.

Operation In From the Streets is in its third year as a collaborative effort by local human service agencies and volunteers to bring our region's most critically in need population, the chronically homeless, into services and supported housing.

This year, Operation In From the Streets brought in -- in its first year, Operation In From the Streets brought in 25 individuals over a three-month period, with ten individuals being placed in housing at the end of the program, which is a remarkable success for what is considered the most challenging population to serve.

The only criteria when we developed the problem for Operation In From the Streets was that the person needed to be actually sleeping outside at serious risk either physically, mentally or otherwise, and to have no other options. That means that while the person -- either the shelter in Hyannis wouldn't have room or the person for some reason either couldn't or wouldn't be able to stay at the NOAH Shelter or the overnights of hospitality, which meant that this person's only option was living outside.

Operation In From the Streets extended the program in its second year and it went into April 2007 before it had to reduce activities due to shortage of funds. It continued in a limited format until July, until the funds were totally depleted.

It was a collaborative effort of human service agencies, Barnstable Police and volunteers. In the second year, we served 54 individuals with 16 placed in housing, 15 entering supportive programs and six returning to family and other homes of origin.

This was all accomplished through donations from public and private entities, as well as many hours of volunteer time devoted by the members of the committee. All donations go directly to the housing of the individuals and in many instances the individuals themselves, the clients, contributed to the cost of their housing as they were able. The cost on average was about \$1,000 per person.

Through Operation In From the Streets, we hope to raise awareness of the situation of the chronically homeless living on the streets of the village of Hyannis in the Town of Barnstable. And to clarify some of the misperceptions about these individuals, first, the chronically homeless are

not living outside on the streets by choice. Unfortunately, these individuals suffer from primary physical, mental and emotional disabilities that create secondary issues for them, such as difficulty interacting with others, self-medicating with tobacco, alcohol or drugs, and an inability to function within normal societal conventions.

A significant percentage of the homeless individuals are also veterans, and we do have someone from our Veterans Services on our committee.

As shown by Operation In From the Streets, these individuals are not looking for a handout so much as a hand to help them out, to access the services they need to turn their lives around. Operation In From the Streets has provided that with meaningful intervention, assistance and support.

The second: Although the overwhelming majority of chronically homeless individuals are living on the streets of Hyannis Village in the town of Barnstable, we've counted about 80 so far this winter, between 80 and 100, it is not their home of origin. A preliminary survey of the homeless by the Barnstable Police Department found that less than 22 percent of those surveyed came from the town of Barnstable, the rest

coming from towns on and off Cape and they come to access the services available in Hyannis.

This year we've placed 39 individuals so far, and six of those people -- six of those individuals originate from Falmouth, six from Barnstable, the rest -- I think three or four from out of state, and the rest are from other towns on the Cape.

This year we've had another successful year for Operation In From the Streets with the help of seven towns mentioned by the gentleman to my right.

Where was I? 39 individuals have been brought in. Some of these individuals have moved into -- 17 of these individuals have moved into housing, eight into supporting housing programs, five into supportive programs, and three have returned to their homes of origin. Two more have pending applications to get into housing.

The goal this year is to continue to raise funds to keep this successful program going -- we've been saving lives -- and continue the cooperative effort of the agencies that serve the chronically homeless and to include everyone on Cape Cod in the effort to sustain this help to our most vulnerable neighbors. Thank you very much.

THE MODERATOR: Okay. Ms. Abbott, I had you next on my list.

MS. ABBOTT: Jayne Abbott, Precinct 7. I believe there was a telethon last December to raise money for this same purpose. Not for this? Just for NOAH? Okay. Thank you.

THE MODERATOR: Okay. Ms. Abbott.

MS. ABBOTT: I guess it was for another cause, but the homeless benefited from that, also.

THE MODERATOR: Mr. Nidositko. Ms. Taylor, I've got you on the list.

MR. NIDOSITKO: This is a very small amount of money to expend for such a good cause. In my retirement years, as a taxicab driver, I've had the experience of driving a number of people in the winter months from Falmouth Hospital to the homeless shelter which we do not have in Falmouth, and this was paid for by a voucher type of system from the hospital.

I think eventually something of this nature could be under the umbrella of the Falmouth Human Services, and I believe the precedent has already been set. We have a free clinic that started out as the

Falmouth Free Clinic. It is now the Cape Cod Free Clinic, if my memory serves me correctly. We have the Thorne Clinic, which primarily was based in Pocasset and now has satellite offices in Falmouth and in other surrounding towns. And that clinic has been funded by at least Falmouth, Bourne and Sandwich.

So, I hope this body does the right thing for these people, because it's a very, very serious and very, very needy cause. Thank you.

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

MR. LATIMER: Yeah, just a personal anecdote to respond to Andy Dufresne's comment that this is Hyannis's problem. A while back I was in downtown Hyannis and I thought I recognized somebody that I used to know. And sure enough, it was somebody that I used to know. And I knew this person had problems, and I also could recognize immediately that this person was a Falmouth person who was homeless living in Hyannis. And that's just one that I know of. I'm sure there are many others.

You know, we're so close -- you know, closer than we realize to being in that same condition, and I think that the amount that's

being requested here from free cash, \$5,000, I don't know if it's going to help all that much, but it would help me feel a little better when I go to Hyannis to know that I've done something. Thank you.

THE MODERATOR: Mr. Putnam.

MR. PUTNAM: Brent Putnam, Precinct 9. I have some experience with this, having volunteered in a halfway house before. However, I would urge a little bit of fiscal restraint this evening. We saw last night that our expenses are outpacing our revenues, and when we talk about adding, we've already added, for example, another individual to our payroll, which we were told would add \$20,000 in benefits cost. This would be another \$5,000. It's this incremental creep, because year after year we're not going to -- once we've assumed a new position in the town, we're not going to take that position away. And once we start contributing to this cause, worthy though it may be, we're probably going to have to continue to this cause.

Now, all that said, I would be more than happy, and if you'd see me during the break, I will write a check this evening for this, but I do not feel comfortable providing this money out of our taxpayers' dollars.

THE MODERATOR: Mr. Netto. To my

right. Ms. Perry, I'll put you on the list.

MR. NETTO: Mike Netto, Precinct 9. I believe that people in need should be assisted, regardless of what town they're located in. And I also feel that this small financial contribution to the Town of Barnstable is an act of being a good neighbor, and I strongly urge this body to pass this and perhaps Mr. Putnam could contribute, as well, in addition. Thank you.

THE MODERATOR: Ms. Taylor. You're next on my list.

[Applause.]

THE MODERATOR: Come on, folks. Let's go. Ms. Taylor.

MS. TAYLOR: I'm sorry to delay the vote, but I did feel I should mention to Andy that the county does take its responsibilities very seriously, that homelessness is clearly a regional issue. The homeless congregate in Barnstable, but they come from Falmouth and other towns. And in this horrible fiscal environment where the state has unfortunately had to cut way back, and now even the county doesn't have any money and the towns are struggling, it's going to take this kind of public/private partnership to help people in need.

THE MODERATOR: Mr. Woods.

MR. WOODS: Mark Woods, Precinct 4, and your Finance Committee. Just very briefly, we have a responsibility to this Town Meeting, and our decision was based on the fact that we didn't have some of the very pertinent information that we were provided with tonight. Had we had that information put before us, maybe our decisions would have come out differently on it. In the Human Service budget, there is line items that cover this issue, so it's not like we don't have a heart down there. We just didn't have the information as was presented to us tonight.

THE MODERATOR: Mr. Murphy.

MR. MURPHY: Carey Murphy, Precinct 7. I would ask that this is -- I would remind this body and this community that we're a community that cares. This is a serious Cape Cod issue. I'm sure there are people in that shelter who are from Falmouth, have been from Falmouth. So, I would strongly urge that we support our brethren in Barnstable and I would ask that you call the question. Thank you.

THE MODERATOR: The woman to my right there. Last couple here and we'll wrap it up. Anything new? Go ahead.

MS. TOBEY: Linda Tobey, Precinct 4. I have a suggestion

on how to fund this. I don't know if this would work. It would require reconsideration of something that we've previously done. We set aside -- we added \$10,000 to the Town Clerk's line item to pay to have the charters provided, but I believe the cost of the charters was \$6,000.

THE MODERATOR: That's in the Annual Town Meeting, so we can't --

MS. TOBEY: We can't go back?

THE MODERATOR: Not till we close out the Special. Certified Free Cash is a funding source. The Finance Committee said there's money there for this, if you want to do it.

MS. TOBEY: Okay. Thank you.

THE MODERATOR: Ms. Perry.

MS. PERRY: Thank you. Good evening. Thank you, Mr. Moderator. Jane Perry, Precinct 8. I too hope that you will support this article. Yes, we are in difficult times, but I'd just like to remind you of an issue. You know, this could be your family member in this shelter. Times are tough. And things could bring them to this point. I became disabled late in life, so, you know, it could happen to you, just like being disabled happened to me later on in life.

And you know, I take public transportation every single day of my life. And like Mr. Nidositko said, it is very sad to see someone get on down at the Falmouth Mall with just a duffle bag and their whole life is in that duffle bag, and they get off down by the transportation center to go to one of these shelters. We are so very lucky and so very fortunate that we have a place to live and to call home. So shouldn't they. Please vote this article. thank you.

THE MODERATOR: The last gentleman I had on my list is on the left. Okay, I'll add you to the list after this gentleman.

MR. LEWIS: Wayne Lewis, Precinct 7. There is a good reason why you see all these people in Hyannis, these homeless people, because that's the only place they can go to get help. Hence, the transit authority on cold mornings lets the people come in and sit down on their benches to keep warm.

The Salvation Army fixes up meals, counseling, clothing for these people. The Vietnam Veterans does a lot of work for the veterans that are homeless there and there's -- it just goes on and on and on. And that's why they all congregate there. But they are from everywhere on the Cape and they are our brothers and sisters, let's

face it. Thank you.

THE MODERATOR: Mr. Kirwin, last word on this, and then we'll vote.

MR. KIRWIN: Mr. Moderator, Peter Kirwin, Precinct 5, and Director of Falmouth Human Services. I have not spoken on this article because the Finance Committee did recommend indefinite postponement, and I'm trying to be a team player. That was hard to do.

However, Mr. Woods made an incorrect statement. I did provide his colleague, Mr. Fassett, with the information in regard to In From the Streets, and I just wanted to correct that misimpression.

FROM THE FLOOR: Question, question.

THE MODERATOR: The question will come on the main motion of Article 13 as printed for \$5,000 to come from Certified Free Cash.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it by the majority.

We have one more article left on the Special, Article 14. Mr. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MURPHY: Mr. Moderator, I move the Town Meeting vote to authorize the Board of Selectmen with the concurrence of the Conservation Commission to lease the Town cranberry bogs for a term of up to 20 years upon such term and conditions they deem appropriate; and further, to authorize them to petition the General Court for special legislation to satisfy the provisions of Article 97 of the Amendments of the Constitution of the Commonwealth.

As an explanation, this presents the motion in a more appropriate form. Thank you.

THE MODERATOR: The motion is up here on the overhead to authorize the Board of Selectmen with concurrence of the Conservation Commission to lease the cranberry bogs for up to 20 years, to petition the General Court for special legislation to satisfy the provisions of the Constitution of the Commonwealth.

Discussion on Article 14? Over here to my right.

MS. SHEPHARD: Susan Shephard, Precinct 1. I know that there was some wrangling back and forth about terms of the lease,

and I'm just wondering what became of the provision for the \$25,000 bond.

Is that in the lease or not?

THE MODERATOR: Ms. Harper.

MS. HARPER: That was reviewed with the Inspector General's office who has required that we include the bond. That's currently being considered by the insurance agent, and I heard earlier this week that that shouldn't be an issue that we'll have trouble satisfying. So, it's required and it will be in.

MS. SHEPHARD: Okay. Thank you.

THE MODERATOR: Further discussion? Mr. Johnson.

MR. JOHNSON: Leonard Johnson, Precinct 5. What are the provisions of Article 97 that we have to satisfy?

THE MODERATOR: That's a very good question. I actually pulled out a copy and read it last week. Ms. Harper -- or Mr. Duffy. Who wants this?

MR. DUFFY: We purchased this land originally for Open Space. And whenever Open Space land is being leased or otherwise disposed of, you need permission from the legislature and a lease is considered disposal for purposes of the amendment. That's why.

THE MODERATOR: Further discussion on Article 14?

[No response audible.]

THE MODERATOR: Hearing none, the question will come on the main motion. This requires a two-thirds vote because of the petition to the legislature and the lease of land.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

I never thought I'd see anything on cranberries go through that quick. I almost wanted to take the break before that article.

[Applause.]

THE MODERATOR: Mr. Chairman, for the main motion on Article 15.

CHAIRMAN ANDERSON: Mr. Moderator, I move that all articles approved at this Town Meeting be funded as voted for a total of \$259,224.38.

THE MODERATOR: Okay. The main motion is to fund everything we just did for \$259,224.38. Any discussion?

[No response audible.]

THE MODERATOR: 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 2008 Special Town Meeting be closed.

THE MODERATOR: Okay. You've all heard the main motion to close the Special 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.

We're going to close this meeting. We're going to take a  
20-minute break and we'll come back and reconvene for the Annual Town  
Meeting.

Oh, and the bags. I'm being reminded your blue bags, if  
you didn't bring the blue bags, the Service Center is asking that you could  
make contributions during the break or bring your blue bag tomorrow night  
if we come back tomorrow night.

[Recess.]

THE MODERATOR: Let's see if we can finish off a couple  
of a big ones tonight and then we'll make our work easy for us tomorrow  
night.

Okay, folks. We completed the Annual Town Meeting last  
night with Article 25, the operating budget. We will reconvene this evening  
and pick up Article 26.

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

count.

[Pause.]

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

MR. HAMPSON: 59.

THE MODERATOR: 59.

In the first division, Mrs. Tashiro?

MRS. TASHIRO: 53.

THE MODERATOR: 53.

And in the second division, Mr.

Dufresne?

MR. DUFRESNE: 82.

THE MODERATOR: 82.

By a counted vote of 194, we have a quorum and the Annual Town Meeting is back in session.

Article 26. Mr. Chairman of the Finance Committee for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 26 as recommended. The Finance Committee understands and wholeheartedly supports DPW's need for capital improvements to our

infrastructure. However, our recommendation contemplates a capital exclusion for one year rather than a debt exclusion over a few years.

The tax impact of this, our recommendation will be 8.9 cents on the tax rate, or \$45 on a \$500,000 property for one year.

Our reasons for this recommendation are as follows: Two of the Selectmen's strategic priorities are financial and economic stability, and leadership and public trust.

We believe that having the DPW come before Town Meeting each year and describe in detail what it plans to do in the way of infrastructure repairs, then allowing Town Meeting to vote, and finally submitting it to the voters for approval brings transparency to the process. Such openness and communication with Town Meeting and the taxpayers is a healthy way to build public trust.

Since a capital exclusion is a tax inference for only one year, it will allow the DPW to come back in the spring Town Meeting next year and show all of us what it actually accomplished.

I'm sure Mr. Jack and his DPW team would welcome this kind of accountability and we would be pleased to

showcase their results.

Plans and priorities often change, even within short periods of time, much less over a multi-year period. By coming back each year to present the projects they intend to do for the upcoming year, the DPW can more accurately describe what they'll be focusing on and adjust the dollars they're requesting if necessary.

This approach also allows for modifying the plan when priorities or emergencies dictate change. Emergencies and unknown events change taxpayers' priorities, too. A capital exclusion puts the taxpayer in control. They have a chance to say yes or no each year given their circumstances.

As I said in my presentation last night, we're at a fork in the road. This is a new approach to funding capital improvements. We no longer have the free cash or other one-time revenues to fund these projects as we have in the past. We do need to take care of our infrastructure. However, the Finance Committee is recommending a go slow approach. Let's just stick our toe in the water and see if this works. With a capital exclusion, we can reassess our approach after one year.

Again, the Finance Committee supports maintaining our infrastructure by doing it in a reasoned, measured way through capital exclusion.

THE MODERATOR: Okay. Mr. Chairman of the Board of Selectmen.

CHAIRMAN MURPHY: Mr. Moderator, I'd like to make the following motion: I move that the Town vote to raise and appropriate the sum of \$3,200,000 for the purpose of funding a multi-year capital improvement plan for the Department of Public Works, including costs incidental and related thereto, and to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under the provisions of General Law Chapter 44 and any other enabling authority, and to issue bonds and notes of the Town therefor; provided that no money shall be borrowed unless the Town shall have voted to exclude by debt exclusion the amounts necessary to pay the bonds and notes for the provisions of Proposition 2 1/2, so-called, in the May 2008 Annual Town election, said sum to be expended under the jurisdiction of the Board of Selectmen.

Let me read an explanation. The Board of Selectmen

voted to support the Town Manager's capital plan to fund three years of capital needs for the Department of Public Works. The free cash generally used to support the annual needs for this department are not available and not expected to recover in the three-year planning horizon.

These needs have been well established and the multi-year exclusion will allow the Department to program and plan for the work, and to take advantage of better pricing for the three-year scope of the work.

A year-to-year plan will require additional mobilization in bidding that could add to the actual cost of the work. And on the motion, Mr. Moderator, if I may?

THE MODERATOR: Let me just explain this to Town Meeting Members. The Chairman of the Board of Selectmen is introducing an amendment to the main motion, which in essence strikes in its entirety what the Finance Committee recommended.

So, the main motion from the Finance Committee is that we do a one-year capital exclusion. The amendment placed on the floor by the Board of Selectmen is asking that we do a three-year debt exclusion.

The discussion to go to the three-year debt exclusion for the amendment requires a majority vote to adopt the language that the

Board of Selectmen just read. The question would then come back on the main motion and it requires a two-thirds vote, because we'll be borrowing money.

If Town Meeting does not vote by a majority the proposition that the Board of Selectmen have placed on the floor, then discussion would open back up on the main motion as presented by the Finance Committee, which is the one-year capital exclusion.

So, currently the debate will be around the amendment to do a three-year debt exclusion for the DPW. Mr. Chairman.

CHAIRMAN MURPHY: Before I ask our Department of Public Works Director, Ray Jack, to come down and speak, I'd like to just speak to the audience a little bit in regard to many of the issues that the Chairman of the Finance Committee brought up, except the issues are the same, but the Board of Selectmen looks at them differently.

The Board of Selectmen's five-year plan -- strategic plan does stress leadership and public trust. We wouldn't be providing you leadership if we led you down a road and said we think we only need this money for one year. These costs are costs that are annually expended by

this Town Meeting, but out of free cash. We no longer have that free cash.

You will see in Mr. Jack's presentation that these costs represent things like sidewalks, bridge repairs, and road improvements that typically we've been able to fund out of a capital -- our capital budget in the fall.

The idea and the ideal of leadership and public trust is that we want you to know that we believe there are tough times here, and we don't foresee a coming out of these tough times until the next three years. And the idea of borrowing, we would only short-term borrow for that year. We would not go out and borrow the 3.2 million dollars. We would only borrow what we are appropriating per year.

In regard to financial stability, we believe this is a financially stable and smart thing to do, because yes, it costs a little money to short-term borrow in those one-year periods, but we get the bang for the buck and we get the economies of scale to be able to bid out and to be able to mobilize and demobilize on a better basis.

The Department is able to be able to have the stock and the inventory to proceed, to be able to provide the infrastructure that this

community needs.

Folks, last year we had roughly over a million dollars left for issues like this. You're going to start to see the infrastructure in our community diminish, and that is one thing we don't want to see.

This is a smart long-term goal in the short-term. This will be able to provide us an opportunity to bridge the gap, to see how things work, how the economy will recover. But it's necessary to be able to do this to stay up with the process of repairing our roads and infrastructure.

If we don't and they diminish, we may pay double. So, I would like to turn over to our Department of Public Works Director Mr. Ray Jack to explain the rest of the issue. Thank you very much.

THE MODERATOR: Mr. Jack.

MR. JACK: Thank you, Mr. Moderator. Ray Jack, Precinct 9. Selectman Murphy is correct. The items that you're about to see on this short presentation, which is a modified version of the presentation that was given to the Board of Selectmen and the Finance Committee -- well, they didn't actually get the presentation, they got the documentation behind it -- represents what would normally be considered annual maintenance, not capital improvements per se, and these are items that typically appear in

the November Town Meeting and were paid for in free cash.

If you think back over last night's discussion on some of the budgetary issues, we used to have approximately four million dollars in November for free cash. The actual operating expenses that we're talking about here under a capital improvement program are about 1.7 to 1.8 million dollars.

Last year at Town Meeting, we only had one million dollars.

So, therefore, that's not even enough to fund just about 50 percent of the Department of Public Works, no less any other items that the Town wants to do.

So, one of the things that became important over the course of the last year was to evaluate the Department of Public Works overall from a staffing perspective, the equipment perspective, performance perspective, and then try to evaluate what the Town's needs are and how we're going to achieve those needs.

Unfortunately, and I think most of you probably believe there was no plan with regard to reorganization; let me assure you that there was. The matrix study was very comprehensive. It was \$30,000. It was 220 pages. I know it inside and out. There was no need to rewrite the

organizational plan as much as it was to present that plan.

The question became if we're going to move forward, either from a capital perspective or from an operational perspective, how are we going to do that when you don't have the money. And that's a reality.

There are no money to fund positions. Of the eight positions that were frozen, four of them are Public Works. We're working with less, less personnel, less money. If for no other reason, forget about the funding issues themselves, if for no other reason, inflation has cut deeply into the Department overall. Thirty percent increases in steel and associated metal products. We had 30 percent increases in some of our chemicals. These are big ticket items for us. We have to pay large electric bills. The biggest electric bills in the Town belong in this department, running the water and the wastewater systems. They're huge.

We can no longer continue -- you can no longer afford to continue to operate in this manner. So, the question becomes what do you want to do about it and how are you going to do it? If you can't afford it on an annualized basis and you can't afford it on a budget basis, what is left? The only option left at this point is to take both of them, meaning staffing

and the capital improvements, and put them out as either a debt exclusion or an override. The capital improvements are clear for a debt exclusion or a capital exclusion. The personnel would have been an override. You don't even know the cost of that override, because none of it was discussed last night or this evening, but yet all of those failed.

The total cost would have been about \$350,000 to fund all of the needs for the Department for the present and foreseeable future. Since that did not happen, don't expect that there's going to be a plan, a similar plan like that before you in the foreseeable future. We're going to fight just to try to get back the positions that were just frozen. That's going to be difficult enough over the course of the next year or two.

Where the additional personnel are going to come from? I do not know. Nonetheless, I realize you're going to have a very busy evening, because I'm not the only one up here asking for this type of exclusion. So, I'll try to get forward with it. It's a very short presentation. Hopefully it will only take a few minutes.

There's a distinction between a capital improvement and a capital plan, and towns handle them differently, so Falmouth is somewhat unique. First of all, with regard to the types of items that you're going to

see, as I said before, they're not really capital improvements as much as they are annual maintenance. And theoretically, in many towns they would actually appear in the operating budget where they belong. Why?

Because they're something that you must do on an annualized basis.

Capital planning, I usually do a five- year and a 20-year capital plan, but let's take a five-year plan for example. We project out over five years those things that we need to perform on a regular basis and those that are one-time type events. If you're going to build a building, whatever it may be, it's a one-time event. So, that's part of a capital plan. It can be considered a capital improvement. But what we have here is called a capital improvement plan that we include in November Town Meeting. And that means the things that are more or less annualized maintenance expenses are included in that capital improvement plan and funded annually.

One of the bigger type things that many people make a mistake with, if you will, is whether you buy something or whether you build something, and that's all part of infrastructure. Infrastructure is whatever makes the Town move. It could be the Police Department, it could be the Fire Department, the School Department, Public Works Department. It is

providing all the logistical needs of the Town in order for the Town and the community to be able to operate in the form that it wants to.

Once you build something or once you buy something, the presumption is there is no maintenance. Oh, we're not going to have to worry about it for a very, very long time. It's not true. If you buy a car, within three months you should be changing the oil. And if you don't, you're going to be buying a new car a lot sooner than you think.

Same thing is true of a building. We just built a library, nine million dollars. It is an absolutely drop-dead gorgeous building. I feel bad, however. One of those positions that was cut -- or not cut but frozen, happens to be one of the custodians. We have 27 buildings of this Town, of which 14 come under facilities maintenance that require custodial services. We're not even close to providing any of the level of services that you would expect to see.

That building alone, you need a tractor vactor going through that library in order to just clean the floors. We have a total of eight custodians, of which one position was just frozen, which takes it down to seven, and then there's another position that is currently out on a disability, takes it down to six. And we just opened the library up. That wasn't even

enough to handle things over the last couple of years without the library.

So, please understand from a facilities maintenance perspective, that maintenance is not going to be there. That happens to be a fact. The maintenance has to start as soon as you acquire the infrastructure. And if you don't, the costs are going to escalate. And one of the reasons why the library was so expensive is the maintenance wasn't able to be performed over the years.

Next, please. This is an example of what our typical requests are or what you would see at Town Meeting in November. For road maintenance, \$300,000. What was appropriated last year? \$100,000. The year before that it was slightly more. And this November it will be less because the money is not there. \$300,000 to handle 270 miles of Town-owned road. We have 400 miles in town. There's another 130 that are privately owned, and we do provide some services on those, such as grading and snow removal. That's a lot of work and that's a lot of mileage. I stretch that mileage together and it would take you from here to the State of Delaware. \$300,000 is a drop in the bucket. And believe me, that is not paving roads, that is not building roads. That is trying to maintain the road system that we have.

We are allocating virtually nothing and completely relying on the state to provide us with Chapter 90 funding every year. And I've looked over the Chapter 90 funding for the last 20 years, and I can tell you it's cyclic in nature and that last year we got \$963,000. Next year, we'll be lucky to get that. The year after, it's going down. And if it doesn't happen that quickly, it is inevitable, because the cycles are there. There were five cycles in a 20-year period that took us down to 300,000 on some years. If that happens, we're not going to be paving anything, because the money just isn't there.

So, \$100,000? Literally a drop in the bucket. But when I get to the next two items, you'll see that the 100,000 wasn't even just for the roads.

Sidewalk maintenance and construction. Asked for 100,000. It was included in the 100,000 for roads. Bikeway maintenance and construction, 50,000. That, too, was included in roads. So, it's not \$100,000 for road maintenance. It's \$100,000 for sidewalk maintenance and bikeway maintenance and roads.

Bridge maintenance, \$75,000. \$75,000 was appropriated because it had to be if you want the Eel Pond Bridge to open. And if it

does open, by some chance, that maybe it will close, which periodically it hasn't been doing.

Vehicles and equipment, \$350,000. We got \$200,000 last year. The rolling stock for the Department of Public Works alone is well over a million dollars. Some pieces of equipment cost over \$150,000 to acquire. As part of the reorganization, which is not happening, but as part of that anyway, and as part of my evaluation of the department, I had to analyze the rolling stock we have.

Town Meeting consistently, and to Mr. Netto's credit, demands to know what's being replaced and why. And I understand that. So, in looking at it, the life cycle of the vehicles before was in accordance with industry standards, which was typically seven years for the smaller vehicles and ten years for the larger vehicles. I extended that life cycle to ten and between ten and fifteen years for those pieces of equipment. And even doing so, you're going to see another slide -- it's a pretty busy slide that's going to show you how many vehicles come up.

But that is a huge investment that you have. If you were to look at the actual infrastructure investment in the Town, it's over 237 million dollars. And what we're talking about here is 1.7 million dollars a

year to try to maintain some of it. And understand this: this is the department that takes care of all of it.

Coastal drainage, 100,000. We got zero. What is coastal drainage anyway? Those are the embayments that are so precious that everybody's talking about that we allocated absolutely nothing to take care of. These are the direct discharges from the road going into those coastal embayments and degrading the water quality. But we're talking about priorities here. So, nothing got put into that one.

Road management system. When we determine what roads are going to be repaired, which ones are going to be replaced, which are going to be reconstructed, we have a system for that. It's a very sophisticated system. It takes \$25,000 in order to maintain that system. We allocated nothing.

Rivers and pond maintenance. I asked for \$50,000, got \$50,000. For Fresh River, we're about to blow 40,000 of the 50,000 that we have on hand in order to get that one done. And anybody who drives down Grand Avenue will find out that we are not, nor are we capable financially of taking care of those embayments.

NPDES, that's the National Pollution Discharge Elimination

System. It's mandatory. It's a federal requirement. It came into effect after the Clean Water Act was enacted in 1972. It's the one that got rid of the ocean outfalls. Next is the next logical outcropping of that, and that outcropping is the coastal discharge that's going into the embayments. We are going to be mandated this year that we have to start doing something about that. And that's as it should be. So, it's not something that's optional for the Town. It is something that's mandatory for the Town. And if we do not do it, we will have the feds down here and there will be fines for it.

The \$25,000 here is for the administrative portion of that. Very little of that is for any remedial action to be taken care of.

Water mains, \$200,000 requested, \$186,000 authorized. Water meters, 250,000 requested and that was included in the mains. So, for \$450,000 of requests for your water system, in order to try to maintain it, how much was allocated? \$186,000.

Well, I'll give you a couple of facts. Last year we pumped 1.6 billion gallons of water. That's a lot of water. But we lost 300 million of it. We know we pumped it because we calibrate the meters at the sources every single year. Where did it go? Who knows? Is it lost forever? Was it

leaks? No.

As utilities manager for 12 years, I can assure you that's not the case. Where did that water go? Faulty metering. There are 22,000 water accounts out there. That's 22,000 meters.

We had a meter replacement program that was in effect for over ten years that was being funded at 200 to 250,000 dollars a year to replace those meters. There are water meters out there right now of 1937 vintage. Believe me when I tell you they're getting free water, and you're paying for it.

When your rates go up, thank your neighbor. The point is those are your cash registers. \$186,000 for water mains and water meters when you need 250,000 for the meters alone. So, for each year that you don't fund it, you're losing over \$500,000 in revenue.

Building maintenance, \$110,000. We allocated \$90,000. Wastewater collection system maintenance, \$30,000. We allocated \$30,000. That number alone should be well over \$100,000. The Woods Hole system was built in the '40s and '50s. It's had virtually no maintenance, other than mandatory maintenance that was performed when we built the sewer system in the '80s to get rid of the outfall.

For the whole wastewater system that was built in the 1980s, which was over 20 years ago, all down Main Street, Beebe Acres and Woods Hole, no maintenance has been performed on any of that.

Next slide, please. And just for that previous slide, you can see that the requests were almost 1.7 million, and all that was allocated was less than \$800,000.

For the proposed debt exclusion, what was proposed here was a three-year debt exclusion. It wasn't an annual debt exclusion. At the end of my presentation, any questions or issues regarding whether it should be one year, three years or not at all, those are issues for you to decide. Those are issues or questions to be asked of the Board of Selectmen and the Finance Committee. But my goal here is to just tell you what the facts are.

So, we have three years here, '09, '10 and '11. For road maintenance, \$350,000 for the first two years, and 400,000 in the third. Sidewalk maintenance/construction, 100, 150, 200,000. And let me back up here for a minute for the road maintenance. I want to tell you where it goes, because the Finance Committee has been talking about a plan. Tell you what the plan is.

First of all, what kind of snow year did we have? If it's an easy year, 50,000 of this is going into the spring to fix those cracks in the road and the potholes that opened up all winter long. If it's a bad winter, over \$100,000 of that money is going to do that.

Then in the fall, after the summer traffic, because we can't do most of it in the summertime, six months later, in order to get ready for the winter, we have to do it again.

One of the key things here is road striping. I think if you look around the roads now, and you can see after a fair winter, and this was just a fair winter, most of the striping is already gone. It's worn away. The crosswalks are worn away, the striping is worn away. How much do you think it costs to fix that? It's \$90,000 a year. We have \$40,000 in the operating budget and the other 50 comes out of this.

We're about to go through that in the next month. And if you don't fund this or if you don't do something in the foreseeable future, you're going to have to figure out which lane you're in at night. And I kid you not, because the money will not be there to stripe the roads. I'm a Falmouth resident, and for me that's an embarrassment.

Some of the remainder of the money goes for guardrails.

When we catch somebody who hit a guardrail, they'll pay for it. If we don't know who hit it, what do we do? Leave the guardrails go? If you hit a guardrail in good condition, its purpose is to protect you. If you hit a guardrail that's already damaged, it's going to rip your car open like a can opener.

Sidewalk maintenance/construction. Under the Transportation Commission, they recommended 100 to 150,000 dollars a year. Anybody who walks the sidewalks in this town would understand that we do have a problem. I haven't seen a good one yet.

We have ADA requirements which are a federal requirement. That's the Americans with Disabilities Act. We are mandated to repair existing conditions. We are mandated under new construction to make sure we do it in accordance with the Act. That's the letter of the law. What's the spirit of the law? I feel bad. I really do. I think I'm a privileged individual. I can stand up before you here. I have all my facilities. Not everyone can say that, and I feel bad for the disadvantaged. I feel bad for the handicapped. And then it becomes a question of what do you want to do about it? This is an opportunity to take advantage of that in accordance with the spirit of that Act. We can fix things that we don't have to wait until

we're mandated to do it. We can do it when we want to. And it's something we need to do.

One of the things that we're looking at right now is the area down by the village green in order to try to redevelop that area and fix things. In thinking about that and looking at that area, try to get across Palmer Avenue. You can't do it. Think about it. Try a child getting across that road in the summertime. Take a handicapped person in a wheelchair. You better have a rocket booster. And I'm not trying to make a joke. But it's that bad. It is extremely dangerous. And personally, I'm ashamed that we don't fix it.

Bikeway maintenance and construction. We have four miles of bikeway now; we're getting ready to put in another six and a half miles. We're about to triple the bikeways that we have that we're so proud of. How are we going to take care of it? That too has a stripe that goes right down the middle of it. Where is the money going to come from?

Vehicles and equipment, \$300,000 a year. As I already indicated, some of our capital equipment -- and you've already seen some of the examples on the photos that have been up on the wall. With a guy up 90 feet in the air in a bucket truck. That bucket

truck costs \$150,000.

The vector truck, in case the Sewer Department has a problem, is another \$150,000. Typical loader today that we have to use because we have a waste management facility, a regional transfer station to take care of, snow, that's \$140,000. Backhoe, \$90,000.

You're going to see in a couple of slides one of the pieces of equipment we were just talking about is just to mow the grass, \$75,000. It's not cheap.

But the problem is, these are things that you absolutely have to have. It is an investment that you have already made and it is one that you need to take care of.

Waste management facility improvements. We know we have a dump. We have a waste management facility up there. Most of you use it. What's the condition of it? Are you happy with it? I'm not. I think that, too, is a disgrace. I think that, too, is in much need of improvement. It is a revenue source for the Town, but we're not able to achieve the objectives that I would like to see out there.

But without any money, there is nothing I can do.

Next slide. This is a brief

description of the vehicles, primarily because I can give you the vehicle ID numbers, the plate numbers, the years, the mileage and everything else, but the question becomes what's the likelihood of this passing? I'm not quite sure. But nonetheless, there's another slide that you're going to see that just comes after this to give you an example of the extent of something like this.

For the first two years, I allocated almost 300,000 for the first year and 350,000 for the second year, and you can see the vehicles and the size that we're replacing, but they're really not our larger vehicles, with the exception of that aerial lift truck. But there are a number of other vehicles that come just beyond year fiscal '11 for replacement. But this is a planned program that would take it out over its life so that you can actually see a \$300,000 year expenditure. Otherwise, there would be some years where we'd be asking for \$500,000. What I'm trying to do is balance this out.

The third year, I stopped at \$130,000 for one of the sweepers and \$55,000 for one of the smaller bucket trucks, even though in that particular year, that's another \$350,000 as well.

But on the next slide you'll see why I stopped there. Next

slide, please. I know it's rather busy, and I didn't expect you to be able to see this. I couldn't see it when I was putting it together. This is only a piece of the fleet. This is not the whole fleet. This is not all of our equipment. This is only a portion of it. This is that portion of it that this spreadsheet which I created in order to calculate the replacement times on this is for the next three years. That's all you're looking at.

The important thing about this slide is that bottom number that you can't read over on the right-hand side on the bottom. It's 1.7 million dollars. The debt exclusion is asking for 1.1 million dollars, over three years, not 1.7.

So, what I'm trying to show you here is I'm trying to understand that the Town has difficult financial times. This is not asking for the moon. This is not asking for what is actually necessary, because what's necessary is almost double what's being asked for. So, somehow, we'll Band-Aid the fleet. We'll get it through the tough times. But only if something like this goes through.

Next slide, please. I found this in a comic book and I thought you'd be interested in it. No, actually, it came out of the ICMA Manual, which is the International City Managers Association Manual for

the Operation of Public Works, but I think it makes a very, very clear statement here.

Typically, we talk about deferring maintenance for just one year, and last night I heard someone say that at this Town Meeting. "Well", in anticipation of this, I'm sure, "Well, we'll just defer this for just one year." No, it hasn't been just one year. I already showed you what you did last year. You cut it in half, less than half. And the year before that, it was only slightly more.

So, this will be the third year that you're referring this maintenance. So, let me show you what's happening to this 270 miles of road that we own. This slide here -- this axis up here is the road condition, and across the bottom is years. Now, it stops at year 16 there. These lines that you see in the middle, the dashed lines, that's the fair rating. That's where you want to get down to or at least be able to maintain a road in fair condition.

So, we're going to take a road that starts out right up here at the top, very good condition, because it's a brand new road, and this presumes that it was properly constructed.

Right over here at the 12-year

interval, you can see that road's already down at the bottom of the fair. That's with no maintenance on a brand new road that was properly constructed. The time that it took was 75 -- and like I said, this is only 16 years here. This presumes a 25-year life cycle of a road, but it's only using the first 16 because it's going to show you where the failure occurs, which is at 16 years.

But in only 40 percent of the overall time -- or, I'm sorry, 70 percent of a 16-year time frame, you're going to lose 40 percent of that road surface as far as quality goes.

If right here at this point you don't do anything, the next 40 percent is not going to occur over the next 12 years. It's going to occur over the next four. And within that next four years, you're going to lose another 40 percent. So then you're right over here. 16 years, you have a complete failure of the road, and the only option at that point is to reconstruct it. You're not going to be able to overlay it and you're not going to be able to do any maintenance on it. You're going to have to replace it. And the cost is huge.

So, right over here it says for every one dollar that you think you're saving when you get down to the fair category, it's going to cost you

four to five dollars if you delay it any further. That's a fact.

Next slide. I know I put something in there. So, the capital improvement plan funding -- and that's not the entire capital plan of the Town, this is the annualized maintenance that I'm talking about when I reference the CIP. It's been diminished over the past three to four years, not just this year. Last year, that funding was only 45 percent of what was necessary. The O & M budgets, which has nothing to do with this article, but it will be interesting for you to know, that they've been level-funded for the past five years or more, and last -- well, not last year, but the last budget session that we had, which is this year coming up, fiscal year '09 will start July 1st, Department of Public Works budgets across the board were cut between five and eight percent. Cut. After five years of level funding, you cut it by five to eight percent. And I just told you that across the board, the operating expenses of the Town and the Department are going up anywhere between 15 and 30 percent.

So, even if you just left it at level funding, the purchasing power is diminished fully by one-third. Theoretically, over the last couple of years, these budgets should have been going up by a third. So, as far as holding the line, we've done more than hold the line.

Simply stated, if you don't fund it, there is no maintenance, and I kid you not. We are getting ready to stripe the roads; it's the end of the money. We are getting ready to do some dredging; it's the end of the money.

What minimal roadwork we are getting ready to do, it's the end of the money. And all those capital funding that were provided last year will be gone in the next couple of months, and there will not be any money. So, if there are any emergencies, you're going to have to come up with the money. Normally, we tried because of the funding levels we have, we tried to hold off some of that in advance of the next year just in case there are some emergencies that may override planned events.

But if you have no funding, you have no maintenance. The catch-up cost will definitely be higher. I can assure you I have yet to see it cheaper to do something next year than this year. The debt exclusion at this point, you can argue the point if you will, I live here, too. I got to pay this bill, as well.

If you don't do it, the issues don't go away. They're coming back in November. It's coming back at 1.8 million. You're not going to have the money at that time. Decide what you want to cut. Decide what's

important to you. What do you want to cut? You want to cut the dredging? Do you want to cut the ocean out -- or not the ocean outfalls, the coastal drainage? Cut the new DIPSES [sp?] program? Cut the roads? That's the biggest ticket item. Or you can cut the water meters, or you can cut the water mains. We built our water system in 1898. The main in front of Town Hall is what year? 1898. It's an accident waiting to happen. I've been trying for years to get you, the Town, to replace that main. Hasn't happened yet. Well, fine for the last 100 years, I guess we'll make it through the next 100 years. If I showed you the inside of that main, you'd be shaking your head. And I teach this over at the school as what needs to be done.

I love what I do. I loved working here. I am very saddened that you did not accept any element of the reorganization plan. You expect a lot of us, but yet you froze four positions and you keep cutting the money off. We're good at it. I am thankful to have the dedicated people that we do have in the Department of Public Works. But I can tell you if you don't provide the money, you don't provide the people, the work doesn't get done. Thank you.

THE MODERATOR: Ms. Martin.

MS. MARTIN: Mr. Moderator, the Chairman -- the motion that was prepared for the Chairman of the Board of Selectmen was missing a factor. The motion read Chapter 44 and any other enabling authority. I'd like to amend that motion because we need to at least -- in order to borrow the money, we need to at least state whether or not the funding -- the borrowing will be inside or outside the levy limit.

THE MODERATOR: It says provided, however, that no money shall be borrowed unless a vote to exclude by debt exclusion in the May 2008 --

MS. MARTIN: The Chairman of the Board of Selectmen -- we need to at least state whether or not we're borrowing inside or outside the debt limit -- I mean the levy limit.

THE MODERATOR: To exclude the debt by debt exclusion -- it's in there.

MS. MARTIN: So, I'd like to amend --

THE MODERATOR: No, it's up there. Look at it, Carol. That the Town shall have voted to exclude by debt exclusion.

MS. MARTIN: That's not what I'm talking about. It says of Chapter -- General Laws Chapter 44 or any other

enabling authority. We need to add right after Chapter 44 a section, and the section tells us whether or not it's inside or outside the levy limit, not the debt limit.

So, we need to -- and so I see nothing on this list that is borrowable outside the debt limit -- or the levy limit, I'm sorry -- the debt limit. I'll get it right.

Anyway, so I would like to amend the motion by adding a comma after 44, Section 7, which is inside the debt limit.

THE MODERATOR: Mr. Duffy, do you want to comment on that because you -- you wrote this up. Oh, you didn't write it. Who wrote the motion? Who wrote the motion for the Board of Selectmen?

Well, does Section 7 satisfy the Board of Selectmen or should it be Section 7 paren 9 paren, as you're using with the Fire Department or not? Mr. Whritenour, if you could address that.

MR. WHRITENOUR: Chapter 44, Section 7 is appropriate, and that's a perfectly fine amendment, and I'd like to get a chance to speak briefly on that -- on the motion, as well.

THE MODERATOR: Is there any discussion on just adding that section so we don't have a million motions on the floor? Can

we just add Section 7 to this motion?

All those in favor of that amendment, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous and we've added that section. Mr. Whritenour.

MR. WHRITENOUR: Yes, I'd like to thank Mr. Jack for his presentation. I think he did a good job distilling a lot of what we've been talking about for the last three years. And just one key point that I want to try to hammer home, because it's an issue that we discussed last evening. It's an issue that we discussed last fall. And I think that that is -- what we're trying to achieve here is to base a lot of the financial decisions that we're asking Town Meeting and the Town to make on some multi-year financial planning.

And as you can see by the slides that Mr. Jack presented that we have a fairly sophisticated system, especially with respect right now to the capital improvements and the maintenance of those capital items that we have here in town. We have a highly detailed

analysis of what the specific needs and what the investment over time is required to maintain these items. And based on this multi-year planning, our initial proposal was to come in and try to have a permanent type of an override because we know that they come year after year. But in discussing it with the policymakers, we decided that the best approach right now would be to go for a three-year debt exclusion to give the economy some time to turn around and at that time we could assess what our financial position is and the most appropriate level potentially for a permanent override.

But one thing that we would really caution against is we'd like to see the decisions based on our multi-year financial planning. To us it's really not acceptable to just try to do this for one year when we know darn well exactly what the amount is going to be required in Year 2 and Year 3. We absolutely know that the funds are not available in Year 2. And by just doing it one year, it really jeopardizes the entire program and it makes it more costly every year.

And I think the main point is -- you know, Mr. Jack is out there. He sort of fell out of the boat and he's swimming to shore now. It's a little too late to just dip our toe in the water here. We have some very

serious needs. We have a completely detailed financial analysis over the next six-year period for what we need for investment for those needs. And what we're asking for now is just a little bit of breathing room so that we can keep that infrastructure moving forward.

Next year we don't want to have another DPW infrastructure question on the ballot, and do it every single year. We'd like to be able to address some of the other operation and maintenance needs that have been discussed. And I would say that from a financial planning standpoint that to have three years of flexibility it would be really kind of a minimum just to keep this ball rolling. And to just simply place it as a permanent ballot question every year is probably not the way to go.

THE MODERATOR: Okay. Further discussion on the Selectmen's amendment? Mr. Boyer, then Mr. Netto, and then Mr. Pinto.

MR. BOYER: Mr. Moderator, Peter Boyer, Precinct 5. I appreciate Ray's passion. I think we're past the question of whether or not to do it. What really we are focusing on is what's the mechanism, what's the financial mechanism? And I think the latest comments of the Town Manager are really expressing it in a nutshell.

The proposal by the Board of Selectmen is still to spend a million or a million one each year in three years. But via the tool of debt exclusion, he has that guaranteed over that period of time, and the short-term borrowing: borrows a million one in year one, pays it off in year two; borrows another million in year two, pays is off in year three; borrows a third million one in year three and pays it off in year four.

That's the tool that the Board of Selectmen has recommended. I'm not persuaded that there's an economy of scale of purchase, because I don't think you're going to bid three years worth of project in year one. But nevertheless, it is a guarantee.

The Finance Committee proposal doesn't offer a multi-year guarantee. It offers you one year at a time. It offers you: this year a vote for a capital exclusion, and then next year another vote for a capital exclusion, and a third year a third vote for a capital exclusion. I suspect that there's no one in this room who is opposed to funding the money. Yeah, I know it's a bad year given the high school, but I think we're all persuaded that we must keep on a program that we've had now for 15 or more years: annual commitments to these projects.

I don't know that -- the decision maybe isn't so much

financial as it is political. If you believe that this question should come to the Town Meeting and to the voters every year, then the capital exclusion is the way to do that, because that will allow the voters to decide if they want to spend it or not. The debt exclusion has the certainty of the three-year period under the Selectman motion.

I think you each have to come to your own conclusion about that.

In this stepped borrowing, one of the reasons for that, I'm sure, is minimizing interest costs, because when the Town Manager borrows for -- or Town Treasurer with the approval of the Selectman, borrows for one year a million dollars, that's --and call it three percent, that's \$30,000 in interest. And then borrows another million, that's another 30. And a third million, that's a third \$30,000. So, the total is \$90,000 for all of the borrowing.

If, on the other hand, you were to borrow three million dollars in year one, then you have a substantially higher interest cost. So, the stepping of the borrowings really minimizes that.

So, the Selectmen program provides you -- provides the Town with the certainty and the guarantee in being able to plan it. The

Finance Committee version provides annual testing of whether or not we have the will to continue at this level, or as the Chairman of the Finance Committee suggested, a different level, either higher or lower.

In either case, it's clear to me that we have to continue this.

And one of these two ways is the only way to accomplish it.

I happen to believe that any savings in the multi-year approach are used up by the interest cost. I also believe that we are destined ultimately to make it into an override, which means that it would become a permanent part of -- and back in the budget where it should be, I think.

I believe that the only way to do that is through the capital exclusion and the repetitive reinforcement with the voters that this has to happen every year. So, I personally prefer the Finance Committee version of this particular question.

THE MODERATOR: Mr. Netto. Mr. Herbst, I'll add you to the list. Microphone for Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9. I would like to commend Mr. Jack for an excellent presentation. He gave us a lot of information, and many of it maybe we didn't really want to hear because it

had to do with dollars and sense. But I think he's doing the job that we hired him for: telling us what we need. And sometimes we don't want to hear that need.

It's bothered me personally in seeing his budget get cut, get cut, defer it to next year, because he and I share some similarity in background. You just can't keep equipment rolling without money.

I've met with Mr. Jack informally numerous times. We've talked about these issue. I was amazed, as you -- when the first time he showed me the chart of what happens when you don't maintain a road, because when it comes to the roads, we all have that in common because we all drove over that road to get to this building tonight. And when you see what happens for 12 years, you don't have to do anything in another four years when you reach -- you know, 16 and you hit those potholes and now you're saying, "Those DPW guys, they don't do anything. How come they don't have this road fixed?" Well, we forget to remind ourselves that we haven't given them the money. And he reminded us of that tonight. He's the conscience that we need from department heads. Not a wish list, but what I liked about his presentation, it was matter of fact, this is it. It's the Fram oil filter now advertisement of pay me now or

pay me later.

One part I thought he didn't mention, a service that we all demand of the DPW immediately is in a natural disaster. Not only the snowstorm, but those northeasters that just a short while ago covered up the whole Shore Road. When I went down there with my son, you know, immediately to look at the damage, there was the DPW already clearing the road. I was amazed at the devastation that good old Mother Nature can give us. The sea is a tremendous power, and look what happens. We live right by it.

I think that the Selectmen's plan -- and I commend them for it -- of three years gives Mr. Jack over the presentation from the Finance Committee, which is a start, and I have to commend everyone that I'm glad to see that we have people starting to put heads together and come up with sensible solutions, because we are in some hard economic times.

But a three-year plan, if you just look at what he's asking for, not only in equipment, but just think of the permits, the supplies, the logistics. And giving this department head three years and a figure that he needs to work with is commendable. I would hope we would adopt this, the financing of it. People like Mr. Boyer and the Town Manager I'm sure will

give a better description than I ever could, but I think we should adopt and I would hope that we adopt this three-year plan. You know, it's the correct way to go. Thank you.

THE MODERATOR: Mr. Pinto. Mr. Swain, I've got you on the list.

MR. PINTO: Greg Pinto, Precinct 3. First of all, I'd also like to agree with Mr. Netto that I think that the Selectmen's three-year plan is probably a better option, but I would like to know, and I may have seen this in a slide during Mr. Boyer's comments, are we still looking at \$46 in the first year on a \$500,000 home?

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: Yes, it's \$46 on a \$500,000 home. And I think that's a very similar number, whether you do it every year or you do it for three years, that's still the number.

MR. PINTO: Thank you.

THE MODERATOR: Mr. Herbst was next on my list. Down here on the right.

MR. HERBST: Ralph Herbst, Precinct 8. A couple of comments. One is that the young woman behind me here who broke her

promise about never speaking at a meeting here, I think that's the best move you've ever made, and you helped us pass something, and I only encourage more people here to speak up.

Also another comment. It sounds to me as though if CLSV wants to get anything passed in here, they ought to hire Mr. Jack.

[Laughter and applause.]

MR. HERBST: Sorry, Mr. Moderator. The point -- my point is this: It appears to me as though everything I've heard recently from the Selectmen is that their five-year plan is what we're working towards. Everybody's trying to get together, work together and do long-range planning, and I think the Finance Committee's making a mistake here by asking us to do a one-year plan. So, I would highly recommend that we adopt this.

If you get the Cape Cod Times, and you saw the article that they printed several months ago, it was a synopsis of the 15 towns on the Cape, and there was a lot of good information in there. One of the bits of information per town was the tax rate. And I took the time to plot those out on a simple little chart. And Falmouth ended up right in the middle. We're

Number 8, so there's seven towns ahead of us and seven towns behind us. So, we're not exactly leading the way in spending money on ourselves.

I'm an infrastructure guy, and Ray knows that, and it seems to me as though this is just something that we've neglected for a while and we have to do this. And if you want to take care of something, you've got to maintain it. So, let's pass this.

THE MODERATOR: Mr. Swain. In the back there. Then Mr. Murphy.

MR. SWAIN: Charlie Swain, Precinct 7. As a taxpayer in this town, we're talking here about \$45, that's the total amount for a \$500,000 home. Now, that's not per thousand, but that's for 500,000. Is this correct?

THE MODERATOR: That's correct.

MR. SWAIN: Now next year will that be 90,000? A third year will that be 135,000?

THE MODERATOR: No, it will be --

MR. WHRITENOUR: No, 45 per year.

MR. SWAIN: And will that be the same probably as the Finance Committee's?

MR. WHRITENOUR: That's correct.

MR. SWAIN: Now we've got other articles which we're not discussing, but we've got the Fire Department and the high school. And we're facing -- so that's additional taxes. So, what are we talking about overall?

THE MODERATOR: Put that slide up. Do we have that slide?

MR. WHRITENOUR: Rather than just read off the numbers, I have them right here, but we also have a slide, as well. And if we could get the slide that has a brief analysis of -- it's a different PowerPoint presentation than that one that shows the override exclusion impact on the tax rate.

Yes. There's two slides here that I want to call your attention to. It has Articles 26, 27. Twenty-eight is off; that was indefinitely postponed. And it also has Article 29 for the high school.

The DPW capital, what it shows in this slide is the impact on the Town's tax rate. So you're talking 15 cents for the high school, nine cents for the DPW capital -- and the years are mentioned there. You've got 20 years for the first one. The DPW capital is only three years. The fire

apparatus is ten years. It shows what the first year amount for the debt service would be and also the impacts on the tax rate. And just to finish that off, the fire apparatus is two cents on the tax rate.

Again, the last one, Article 28, that has been postponed. We're going to take that up at a subsequent Town Meeting, so that three is off. And if you go to the next slide, what we tried to show is -- and again, we just selected the \$500,000 home, which is not really the average, it's, you know, maybe close to the median, it shows first of all the fiscal year '09 projected tax bill up there, that \$2,937 without these questions. And then it shows how many dollars per \$500,000 evaluation for Article 29 would be an additional \$76. Article 26 would be \$46. Article 27 would be \$11. And Article 28, again that 15, that's off the table for now. That's not a part of the program.

MR. SWAIN: Thank you.

THE MODERATOR: The total would be \$133 for the \$500,000 home.

Next one on my list was Mr. Murphy.

CHAIRMAN MURPHY: My fellow Town Meeting members, we saw by Mr. Jack's presentation tonight the

frustration that runs through each and every department in this community now. The frustration is driven by the fact of the lack of money. We all know that within our own households.

I find it kind of comical that I sit up here and support items that are going to increase our taxes, because I've always been a fiscal conservative. But the time has come. The time has come to make some tough actions. The frustration is driven by the fact that each and every department, not only Mr. Jack's, but other departments if they were able to stand up would express the same type of frustration.

The Board of Selectmen isn't happy with that, as well. But you know what? Just like in a family, we've had to make some tough decisions, and one of the decisions was we looked at a board up there and we saw all of those debt exclusions, and we knew that they were facing us this year. So, that's why this Board, the Board of Selectmen, did not support the Proposition 2 1/2 override for the Department of Public Works, not because we didn't think it was important, not because we don't think it's needed. It's just that we understood and prioritized.

This was not handled in a light manner. The Board of Selectmen looked at it long and hard. But if I can use an example of what

this is all about, you know, Mr. Jack still has a crew, he has a Department of Public Works that has highway divisions, tree divisions, as well as other parts. And you know what? It's kind of like building a house. If you have some carpenters there, you might not have the whole crew. You might not have ten of them. You might only have six. But if you haven't got any lumber, you're not going to be able to build the house.

And that's what we're asking for. This Department does not have the complete manpower that we probably need to be optimal. But you know what? They might be standing around because we haven't got any tar for them to put on the roads, or we haven't got a truck so they can go to the job, or something of that nature.

Bottom line is what we have left, we have to be able to maintain. We have to give them the resources to be able to at least do the job. We don't have a full staff. We will be back at some point in time to implement some form of the matrix study. But until that time comes, we need the ability and actually the inventory to be able to move forward and keep things on the up and up. And I hope that you approve this on a three-year level. Thank you.

THE MODERATOR: Mr. Lewis, something new? Mr. Lewis,

something new? Microphone for Mr. Lewis, please.

MR. LEWIS: Mr. Moderator, Gardner

Lewis, Precinct 6. I would support -- I would encourage people to support the Finance Committee on this one. And basically I don't --

THE MODERATOR: Can you speak into the mic? Folks in the back are having trouble hearing.

MR. LEWIS: Yes. I question very much when the Selectmen tell me it's going to be a lot cheaper to go three years than one year at a time. As Mr. Boyer said, he didn't see the savings in that. I also look at \$96,000 worth of interest over three years. I don't see what's wrong with saving that. And I think if -- Chairman Anderson spoke about the possibility of next year we'll revisit, we'll see what's been done, and the possibility of asking for more money. If we give them a three-year deal now, there is set money for three years. There's no variance for next year.

THE MODERATOR: The question will come now on the amendment. This will require a majority vote to amend the main motion. If you vote yes at this time, you're voting for the three-year debt exclusion versus the one year capital exclusion.

So, all those in favor of the three- year debt exclusion language, 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. This is a majority. Remember, the main motion will require two-thirds.

[Pause.]

THE MODERATOR: In a third division, Mr. Hampson?

MR. HAMPSON: 38.

THE MODERATOR: 38.

In the second division, Mr. Dufresne?

MR. DUFRESNE: 51.

THE MODERATOR: 51.

And in the first division, Mrs.

Tashiro?

MRS. TASHIRO: 38.

THE MODERATOR: 38.

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

[Pause.]

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

MRS. TASHIRO: 15.

THE MODERATOR: 15.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 31.

THE MODERATOR: 31.

And in the third division, Mr. Hampson?

MR. HAMPSON: 21.

THE MODERATOR: 21.

By a counted vote of 127 in favor and 67 oppose, the new main motion has been amended to include the language of a three-year debt exclusion. The procedural vote to enact this is the main motion as amended and this requires a two-thirds vote.

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

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It's the opinion of the Chair is that the Ayes have it by the necessary two-thirds, and I so declare. Article passes as amended.

Do one more? One more and then we'll come back tomorrow night? I'm hearing yes, so let's do it.

Mr. Chairman of the Finance Committee, the main motion for Article 27.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 27 as recommended with the following changes. If you look at the recommendation in your books under Article 27 on page 8, the third line from the bottom begins with, "shall be borrowed." Continue on to "debt exclusion." The two words after that, "this appropriation," please strike, and instead insert the words, "the amount requested to pay for the notes and bonds."

And our IT people are looking for the article.

THE MODERATOR: Okay. This is some wording change so that it passes all the legal muster with bond counsel. So, this is the

main motion. It's just replacing the words "this appropriation" with the words "the amount requested to pay for the notes and bonds from."

Discussion on Article 27? Chief held this. Mr. Brodeur.

CHIEF BRODEUR: Mr. Moderator, Town Meeting members, good evening and this will be enjoyable; I'm not frustrated like Ray Jack or -- at this stage.

[Laughter.]

CHIEF BRODEUR: I didn't come from New Jersey, so I'll give you the real skinny. If you've been on the New Jersey Turnpike lately, you'll know why we don't want a casino in Massachusetts. But anyway, if I could. We'll get a little music first. Heather Harper doesn't like the noise, but it kind of livens up the presentation a little.

[Laughter.]

CHIEF BRODEUR: We're talking about a debt exclusion, Article 27 at the Town Meeting, and the Falmouth Fire/Rescue Department is asking for a debt exclusion to the Fire Department to bring it back on track with its capital improvement plan.

If you will, thank you. One more. Thank you. And to the next slide, again, please. Thank you. In order to know what the Fire

Department's doing, you have to know what our mission statement is. This mission statement was designed in 1997 to give everyone in the department an idea of where we were going and how we were going to get there, and also to let the citizens of the town and the visitors know that we do have a mission.

So, the mission for the Fire Department is to provide to the citizens and visitors of our town the most effective, efficient and expedient emergency services for the entire town for the protection of life and property, which is usually what the charge of the fire service is traditionally, for: because of fire, medical emergencies and natural or manmade disasters.

Now, the key to this Fire Department capital plan, if we go to the next slide, is we also save lives on a daily basis. We save lives by a very active fire prevention bureau, and we also save lives with our ambulances on a daily basis.

Next slide, thank you. So, what we're all talking about is money, as Ray alluded to, and what the debt exclusion question for the Falmouth Fire/Rescue Department is for two fire engines to the tune of one million dollars, one brush-breaker, \$410,000, and a monitor/defibrillator is

times five for \$125,000, not to be confused with the automatic external defibrillators. These are the monitor/defibrillators that are in the ambulances, same as in the coronary care unit, if you happen to be that old, and also intensive care unit. The electronic ambulance reporting system for \$65,000. For a -- and one ambulance to the tune of \$1,850,000 is a debt exclusion over ten years, a median house is 500,000, so it equates to .023 per thousand, so a \$500,000 home is \$11 increase in your tax for ten years.

So, before I go any further, I forgot to say that I was Paul D. Brodeur, Chief of the Fire/Rescue Department, also Precinct 4 member. For the stenographer and the sign person. And also a member in good standing of AARP. That's for Peter Boyer, I just say that.

Okay. Next slide, please. Fire engines in the fire department, we have six. And the two engines that we intend to replace with this debt exclusion is a 1986 and a 1987 engine, and if you add that now, it will be another year out, if we're successful through Town Meeting and then on the ballot in May, it will take approximately a year to get the bids back after the specs have been issued and to build and we're talking about a 12-month build-out. So, you're adding another year to

the age of those two engines.

Next slide. Thank you. You're going to have an engine -- three engines. That one's gone. So, the two engines that we're going for is replacing the '86 and '87. And what this does is get us in a replacement plan that we have been ongoing since 1997, but actively 1999 we requested a water tanker. In the year 2000 we requested a brush-breaker. And then through Bill Gates and Microsoft and the Excel, we just keep going to the right, to the right, to the right, to the right, and right now all that's on the floor. So that's where we're here this evening.

The water tanker, Gardner Lewis was Chairman of the Finance Committee then when Chief Rogers in 1980 was looking for a water tanker replacement. The tank was leaking. And last year, returning from Seamass fire in Rochester, the tank was leaking in Rochester, we filled it up, we got to the Bourne Bridge, the tank was empty and the engine blew and it's died and we surveyed it. So I think we got our money's worth out of that one.

The breakers that we have in service right now is a 1971 breaker, which is in East Falmouth, and that used to be the county breaker that the Town purchased a few years ago. Breaker 16 is a 1979, which

right now was out last week on breaker duty and the engine blew and we're in the process of repowering that out of our operating budget this year.

And that's the second repower job.

Kudos to the master mechanic and the assistant mechanic of the department, because they keep all this apparatus going well beyond the life span of the vehicles.

Breaker 17 was purchased by Chief Peck in 1976 when I came into the department and we've worked on plugging the leaks in the tank, but it's getting kind of tired, also.

So, the breaker that we're looking for for \$410,000 was originally requested in 1999. In 2008, this is mechanization of funding so that we can at least get a breaker that will give us, as you can see, 25 to 35 years life service from this point forward.

And our engine replacement, we'll get on a 20-year plan.

The engines that we have, in the City of Boston or New York, would run 15 years and they would be replaced already. But in an urban setting such as Falmouth, it's a 20-year replacement. However, we are running our engines a lot more than we did about 20 years ago. They go to a lot more things. You'll see them around town a lot more because that is including

the effective utilization of our resources.

Next slide. Now this is what you see running around town all the time, and the ambulance is 75 percent of our business. It brings in 1.3 million dollars into the General Fund, and with the office assistant, Liz Farland, she can do a 10-day electronic turnaround into the General Fund.

So, with the proper coding and billing, we get money into the General Fund on a 10-day notice electronically, and the annual is 1.3 million.

Next. The Falmouth Fire/Rescue

Department is continually improving customer service. We've been working on customer service for quite a while, and ever-striving to improve our performance management daily for the main reason that affects our budgeting process and our customer service. Because if we're not doing the job properly, we will either hear a complaint from a citizen -- only one in 12 years that wanted to report it -- and we have a very good rapport with the hospital. And we didn't reinvent the wheel. What we did is we're utilizing with minimum amount of money the same thing that the hospital does monthly with their personnel is customer service.

You say why is customer service an issue? In a hospital setting, an emergency to us may be not an emergency

to you, or vice versa. You may have a cut finger, to you it's the end of the world. To us, it's routine. We go to the nursing homes quite often. We do have frequent fliers in our ambulance. That's somebody that travels more than three or four times a year. And to them it's an emergency. To us it isn't. But the key is we have to have the image and customer service so that everybody that we treat is treated the same, and with the same respect that's due everybody else.

Next. Our ambulances presently, thanks to the Town, 1997. That's North Falmouth. 37, 2007, that's in headquarters. Rescue 38 is in Woods Hole. And Rescue 39 is in East Falmouth. East Falmouth does 33 percent of our runs, 11 percent in North and the northern sector of West, and the remainder is headquarters and Station 2 in Woods Hole.

Before I leave that slide, but he got me there ahead of time, was there are periods of times in the last year and a half that all four ambulances in this town in the same hour are out on four different runs. Not the same run. And the issue for the fifth ambulance is we can staff it, thanks to the staffing support of the Town in the past in the department, so that a fifth ambulance -- we'll get into the generation and numbers when I get to statistics, but a fifth ambulance we can staff and it will balance this

out so that we can get a 10 to 12 year life span on our ambulances.

The ambulances that the Town of Falmouth purchases for the Falmouth Fire Rescue Department are not ambulances like the other county people, because they get an eight to nine year lifetime out of their ambulances. We do not. We want to extend it a little bit more to get in a plan of 10 to 12 years.

Our monitor/defibrillators were purchased eight years ago. Hospital routinely replaces their monitor/defibrillators eight years. Technological advances, wear and tear on the equipment, each ambulance has a monitor/defibrillator in the Fire Rescue Department and also lithium batteries because batteries and the temperature change, the old batteries wouldn't hold a charge. Very embarrassing when you have a code situation when somebody's not breathing and you're trying to cardio -- or to defibrillate that individual and the batteries that are in the battery pack are dead. So now with the new technology, lithium batteries, they hold their charge. And we do have a battery maintenance program.

And that's what we do. You'll see us all over town.

Emergency transfers only.

Now, statistics: In 1970, 670 total --

THE MODERATOR: Mr. Hampson.

MR. HAMPSON: Mr. Moderator, I would like to move that we extend this article past 11 o'clock so that we can finish it.

THE MODERATOR: There's a motion to extend after 11:00 just for this article. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Chief Brodeur.

CHIEF BRODEUR: We'll do a little Mitch Miller here. Anybody can sing if they want to. 1970, the total incidents in the Fire Department was 670. Fire was 269 and rescue was 401.

1980, 2,394 total. 833 fires; fires being telephone alarms, smoke detectors, gas leaks, gas --odor of gas, brush fires, trash fires, dumpster fires, anything to do with the fire apparatus responding or an officer going out. Rescues, emergency calls in 1980 was 1,561.

1984 we jumped up to 2,980, then 1,333 fire, 1,647 rescue.

1985, the number is a little skewed because that's when the Town went from calendar year stats to fiscal year.

Next slide. 1990 gives you a better picture on the first fiscal year. 3,165. 1,111 fires, 2,054 rescue.

When you get down to the year 2000, you'll see that we're jumping up to about 3,162 rescues. Fires can be up. That can be a weather front going through, people's at home alarms are going off, so we respond. And the key with the Falmouth Fire Rescue Department is you call the Fire Department, within eight minutes somebody from the Fire Department is going to be there. Unlike maybe the police where they may not have a car in the sector and they may wait a while, to us we're saving lives every day and somebody's there within eight months.

So, that's why sometimes you may see a fire engine on a medical call before the ambulance. That means that the ambulance is out in that location. The nearest engine responds, and then another ambulance is called for.

If all four ambulances are tied up, then we go mutual aid.

The thing to remember, if you call mutual aid, they get the money, we don't.

It's a business.

2007, 5,583 total: 1,284 fire, 4,299 were rescue. As of this Sunday, we had a total of 4,226: fire, 1,073; and rescue, 3,153. To be up to date, as of last Sunday we had 3,305 rescues and 1,139 fires, so for a total of 4,444 incidents.

The key to that is if you're tracking statistics linearly, what happens is we're running about 1,000 to 1100 emergency rescue calls in a quarter. With the aging population -- and Wendy Norcross and Zammer were down in Washington a couple of weeks ago. In the New York Times it was reported that they stated that Cape Cod has double the national average of elderly and/or retirees. I imagine you have to be elderly to retire, especially knowing the economic outlook of the -- Washington as well as the state and the town.

So, projecting that, I would think within two or three years you'll see a progression to 1300 to 1500 emergency rescue calls in two to three years, and that will equate with the second -- the fifth ambulance, 200,000 to \$300,000 additional revenue, besides the increase of the 1.2 to 1.3 million now, so you can see that the money is coming in, but the thing of it is you have to have the equipment.

We have the people, we need the equipment to get the job done. That's the nuts and bolts of the deal.

Next slide. This slide here projects exactly what we do. We start out, we're trying to be heart friendly to everybody. Then we use our bottom left. We take the vitals. The paramedics assess the patient. If it's a heart condition, then they know what to do on the bottom right. And then if it's really bad, they know what to do on the upper right.

Next slide. This is where technology comes in with the people that are trained. You have highly trained professional paramedics in the Fire Rescue Department today. If you have something like that, you're doing all right. If it's a straight line, you've got a problem, especially if you can't see it. Or if you have a straight line that means one of the leads is off the machine. But right now that looks pretty good.

[Laughter.]

CHIEF BRODEUR: Okay, thank you. Next slide, please. We're all out for good health -- and also next, please -- and we're on the health watch when we're out there to make sure that your health -- you're doing a better job so that you can keep riding with us and have a quality of life that you deserve. That takes care of the ambulance.

Now, this is a important issue because of the monitor/defibrillator aspect of our request. The reason we put the request in, you can say monitor/defibrillator is 125,000, that's not much money, and then the software program and the reporting isn't much for \$65,000. We knew we didn't have the money last November. That's why we're here now.

Looking at this, if a paramedic is in the rig at 2 o'clock in the morning after getting you out of your bathroom because you thought you had indigestion for two days, it might be a heart attack, so the interesting thing is that little thing that goes bleep like that, if it comes right off of this QRS here and goes up and doesn't come back down below that line, that means that you have a blocked occluded artery, paramedics have the ability to read that, as long as the patient is presenting. And you say what's the import of that? 45 minutes to Cape Cod Hospital and you better start getting some stents in place into your coronary arteries, or wherever your artery blockage is.

Eight, nine years ago, you would have that, they call it a massive MI and then you'd go to Chapman, Cole & Gleason.

Now you've got people still walking around after seven or eight years. The import of this is, this is what the technology avails us on the

monitor/defibrillators. This gives us the ability to do our jobs the way they're trained.

Next slide. Saving lives on a daily basis. And the other thing is -- this is what it's all about. If this thing isn't pulsating, and it isn't inside the body, big program.

[Laughter.]

CHIEF BRODEUR: The other issue is -- I put this up here for the main reason that this isn't age-related. You could have somebody at 35 that has occluded arteries that needs stent work or also can go to the jewel on the hill, which I call Cape Cod -- Falmouth Hospital, excuse me, I'll hear about it tonight. The issue is up at Falmouth Hospital they can get rid of the blockage of the artery by what they call clot-busters. It's done by drugs.

The difference is the drugs take longer to work, and

stents could be immediate, depending on the size of the blockage, percentage of blockage on the arteries of the heart. So, that's the key to that. And I got a lot of my medical information off of CSI Miami.

[Laughter.]

CHIEF BRODEUR: Next. Capital exclusion, just to prove I'm not the Pope, I'm infallible, that's the debt exclusion. I just wanted to test you at the end of my presentation. And what it is is the question integrates enhancing customer service and using performance management so that we can evaluate how we're operating and how we're doing with the town, and at the same time generating revenue back into the General Fund and getting the image that we already hold, the best ambulance service bar none.

We're working with the nursing staff. We're also using technology and working with the doctors and we're meeting the challenge of health care in the Town of Falmouth.

Next. Every time I hear that, I think of The Rifleman. Any questions?

[Applause and laughter.]

THE MODERATOR: I have a question. You're not

planning on running for Moderator, are you?

[Laughter and applause.]

THE MODERATOR: Any questions for Chief Brodeur?

Ms. Poole. Microphone in the center, please. Microphone, please, Ms. Poole.

MS. POOLE: Diane Poole, Precinct 9. I think that since you've been so funny, I just wanted to say that a positive vote for you is a vote for my future.

[Applause.]

CHIEF BRODEUR: Absolutely. Thank you. The thing that I'd like to say on behalf of the Department is we have people that have been working diligently for about the last 13 months on getting specifications ready, not jumping the gun, because we realize all the hoops that we have to jump in -- as Peter Boyer used to say, there is a process. I understand that, and I'm beginning to understand even more what the process entails.

But if we're successful at Town Meeting, then it will definitely go to the May vote -- I mean the ballot question in May, thank you, and hopefully we can get this going. If we're

fortunate there, we can get this out, inspect and back, so that we don't get a five to seven percent steel increase on apparatus manufacturing in July of this year.

So, I'm not forcing anything. I'm not going to be like other presenters here. I'm just going to tell you like it is. And this is the beginning of our rehabilitation of our large cap capital improvement plan for the Fire Rescue Department, and the engines are the start. And it will be over a ten-year period. I've learned from precinct meetings the questions that people asked, they were good questions, and I got the answers so I can keep the questions at this meeting at a minimum. Thank you.

THE MODERATOR: Okay. Any further discussion on Article 27?

[No response audible.]

THE MODERATOR: Hearing none, the question will then come on the main motion. The main motion requires a two-thirds. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

This meeting will stand in adjournment until 7 o'clock  
tomorrow evening.

[The meeting was adjourned at 11:07 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 8, 2008, to the best of my knowledge, skill and ability.

---

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

PLEASE NOTE: THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT  
DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME BY ANY MEANS  
UNLESS UNDER THE DIRECT CONTROL AND/OR DIRECTION OF THE  
CERTIFYING REPORTER.