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**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**

**Monday, April 6, 2009**

**7:00 p.m.**

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**ANNUAL TOWN MEETING**

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

THE MODERATOR: Okay, would all Town Meeting Members present please come forward and take your seats. Don't forget to check in this evening. Attendance will be published in the Falmouth Enterprise. I want to remind all Town Meeting Members that if your vote is to count, you must be in front of row Q, which is taped off. Anyone sitting behind row Q, the tellers will not return your count. So, Town Meeting Members, please, in front of the taped-off rows. I want to remind everyone that we're being broadcast live again on FCTV-13, so please identify yourself each time you speak with your name and your precinct.

As you came in this evening, many of you probably got a handout or flyer celebrating Katherine Lee Bates's birthday. I wanted to call attention to all of the events that we have planned in Falmouth, and this evening we will be singing, as part of our opening ceremony, "America the Beautiful."

The Falmouth Service Center is asking for donations. We know we're going to be here tomorrow night because we have a Special Town Meeting. So, the things we're looking for are: beef

stew, canned corn, hearty soups, macaroni and cheese and tuna fish.

And lastly, the Falmouth Beautification Counsel is doing their annual spring litter clean-up between April 25<sup>th</sup> and May 2<sup>nd</sup>, and we urge you as individuals and organizations that you're members of to participate in the annual clean-up.

At this time, will all Town Meeting Members present please rise for the establishment of the quorum and the tellers will return a count. Counting in the first division is Mrs. Tashiro; in the second division is Mr. Dufresne; and in the third division is Mr. Hampson.

[Pause.]

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

MRS. TASHIRO: 48.

THE MODERATOR: 48.

In the third division, Mr. Hampson?

MR. HAMPSON: 58.

THE MODERATOR: 58.

In the second division, Mr. Dufresne?

MR. DUFRESNE: 90.

THE MODERATOR: 90.

By a counted vote of 196 Town Meeting Members, we have a quorum and I call the Annual Town Meeting into session.

At this time, would everyone present please rise for the presentation of the colors. Tonight, the presentation of the colors will be made by the new Falmouth Community Emergency Response Team. This is a group of community volunteers that are working through the Falmouth Fire Department and the Office of Emergency Management to protect the Town of Falmouth. Present the colors.

[Colors presented.]

THE MODERATOR: Follow me in the Pledge of Allegiance.

[Pledge of Allegiance taken.]

THE MODERATOR: At this time, we'll have the National Anthem by the Falmouth Town Band Brass Choir.

[National Anthem played.]

THE MODERATOR: At this time, our invocation will be by Peter McConarty, our new acting Town Engineer.

MR. MCCONARTY: Heavenly Father, may our meeting this evening not only be an exercise of care and concern for our community and its residents but also an example of how a

community can agree and disagree and still be a community. We ask you to watch over and protect our families, our community, our nation and our world. May your gift of peace become a reality for all. Amen.

THE MODERATOR: At this time, we'll remain standing for a moment of silence for all of the Members who have passed since our last meeting, and in particular a sitting member who has passed, Jay Kingwill.

[Moment of Silence.]

THE MODERATOR: At this time, I'm going to introduce the Greater Falmouth Mostly All Men Male's Chorus – if I got that right – to sing America the Beautiful. So, if we could do a change-over of our stage, here.

[Pause.]

[America the Beautiful sung and played.]

[Applause.]

THE MODERATOR: The Greater Falmouth Mostly Male All Men's Chorus.

[Colors posted.]

THE MODERATOR: Thank you to the new Falmouth Community Emergency Response Team.

[Applause.]

THE MODERATOR: We have new bit of technology with us for this Town Meeting. We've already deployed a few of these. They are listening devices that will enhance the sound in the room. So, if anyone has trouble hearing the speakers at Town Meeting, we do have one of these left for tonight, and if you are interested in having one of these in the future, if you could allow us, either myself or the Town Clerk, to know so that we could figure out how many of these devices we should be trying to acquire for future Town Meetings. But the last one we have is down here in the front on the stage? On the stage down here in front of me.

I want to recognize this evening our two state legislators. State Rep. Matthew Patrick is with us this evening.

[Applause.]

THE MODERATOR: And our new state representative – good to see him on this side of the Sound – Tim Madden.

[Applause.]

THE MODERATOR: Up in the back to the left. At this time, I'd like to start with the dispensing of the reading of the warrant. Mr. Chairman.

CHAIRMAN MUSTAFA: Mr. Moderator, I move to

dispense with the reading of the warrant except for the Officer's Return.

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

[Aye.]

THE MODERATOR: All those opposed, "No."

[None opposed.]

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

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

At this time, the Chair would entertain a motion to allow members of boards and committees that are not Town Meeting Members to sit up front.

FROM THE FLOOR: So moved.

THE MODERATOR: So moved. All those in favor,

signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

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

FROM THE FLOOR: Moved.

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

At this time, I'd recognize the Planning Board for notification of Public Hearing.

MR. VOLOSEVICH: Robert Volosevich for the record.

In accordance with Chapter 40A, Section 5, Massachusetts General Law, and Article 43 of the Falmouth Zoning Bylaw, public hearings were held on February 3rd, 2009, February 10<sup>th</sup>, 2009 on Articles 9 through 15 for the April 6th, 2009 Annual Town Meeting,

and all those who wished to speak were heard.

THE MODERATOR: Okay, at this time, I'd like you to open up your warrant booklet to the back cover; we'll review the simplified Rules of procedure for Town Meeting.

If you noticed, the last page before the cover, there, is our Presentation Guidelines that we voted at our last Town Meeting. So, we'll keep an eye on the PowerPoints tonight and see if they meet our new guidelines.

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

Only Town Meeting members may vote.

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

Two amendments will be accepted on any article.

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

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

If the article involves the appropriation of money, notice of reconsideration must be given within 30 minutes of the vote on the article. Reconsideration may then be allowed at any future time.

The Moderator shall determine if the motion to reconsider is in order. Motions for reconsideration must be based on substantially new information not available to the Meeting at the time of the original debate. The motion to reconsider is not debatable.

Our Hours of Operation beginning tonight are seven o'clock; each subsequent night will be seven o'clock and we'll end by eleven o'clock unless a motion to continue is made and approved by a two-third vote of Town Meeting.

We're going to use a blanket vote tonight for the Annual Town Meeting. On the blanket vote, I will read through each of the articles with a brief description. I'll call your attention to what the recommendation is. If you have a problem with the recommendation and would like to discuss the article or hold it and make a different motion, just yell, "hold". At the end of running through the entire warrant, I'll go through a second time very quickly just by number, and then we'll take one vote to adopt everything that is not held as recommended to be the official action of this Town Meeting.

Article 1, that is a hold. Article 2, to hear reports, is a hold.

Article 3, to authorize the Board of Selectmen to settle claims and suits. Article 4, to authorize the Board of Selectmen to apply for and accept state and federal grants. Article 5, to vote to assume the liability in a manner provided by Chapter 91 for work to be performed by the Department of Public Works of Massachusetts. Article 6, to fix the salaries of elected officials. Article 7, to vote to authorize the continued use of revolving funds, those funds being the Code of

Falmouth Revolving Fund, the Falmouth Recreation Department Fund, the Emerald House Revolving Fund and the Shellfish Propagation Revolving Fund.

Article 8, the recommendation is Indefinite Postponement for the Town of Falmouth to vote that funds be transferred from the Medicaid Medical Services Program to the School Committee. Article 9, vote to amend the first sentence of the Zoning Bylaw dealing with vacant lots. I call your attention to the recommendation: the word “vacant” appears after the first comma, so as to read “vacant as of 1 January 1981”. Article 10, the recommendation of the Planning Board is Indefinite Postponement. The definition in the Zoning Bylaw for the word “vacant”.

Article 11 –

FROM THE FLOOR: Hold.

THE MODERATOR: Is a hold.

Article 12.

MS. THOMPSON: Hold.

THE MODERATOR: Hold, Ms. Thompson.

Article 13, I want to call your attention to the sentence that’s in italics. The italics should actually begin after the parentheses Article XXI, “the total number of bedrooms”. That

sentence is not in italics in your warrant booklet; it should be in italics. That is the change for the zoning bylaw with respect to Section 240-23.I(4), the permitting of accessory apartments in Single Residence Districts and Agricultural Districts.

Article 14, Indefinite Postponement to change Single Residence B District to Business District 1, 28 Nathan Ellis Highway. Article 15, the recommendation is Indefinite Postponement. The Town take by eminent domain a portion of Winslow Road.

Article 16, the Town vote to rescind Article 19 of the April, 2003 Annual Town Meeting, which totals \$15,900. This was because the closing wasn't able to take place.

FROM THE FLOOR: Hold.

THE MODERATOR: On 16? Okay.

Article 17 is a hold for the recommendation.

Article 18 is a hold; that's the omnibus budget.

Article 19, to vote to transfer \$4,715 from Article 17, April, '05, and \$71,948 from Article 32, November, '05, for the purpose of Article 19 for the engineering, surveying, permitting and associated work for the evaluation and repair of the inner harbor bulkheads.

Article 20, that the Town vote to appropriate \$255,000 from the Community Preservation Fund FY10 estimated receipts for the purpose of exterior rehabilitation of the School Administration Building.

Article 21, that the Town vote to appropriate \$282,700 from the Community Preservation Fund FY10 estimated receipts for the purpose of additional funding for the Affordable Housing Development Fund.

Article 22, to vote to appropriate the sum of \$6,650 from the Community Preservation Fund FY10 estimated receipts for the purpose of invasive species plant removal along the southern shore of Oyster Pond.

Article 23, the Town vote to appropriate the sum of \$84,473 from the Community Preservation Fund for the purposes of Article 23 to fund the administrative expenses of the Community Preservation Committee.

Article 24, the recommendation is Indefinite Postponement to put money into the Housing Reserve Account.

Article 25, the recommendation is Indefinite Postponement to put money in the Historic Resources Reserve Account. Article 26, the recommendation is Indefinite Postponement to put money into the Open Space Reserve Account. And Article 27 is Indefinite

Postponement recommendation to put money into the General Budgeted Reserve Account.

Article 28, to see if the Town will vote to authorize the Board of Selectmen to grant an easement to NStar Electric to serve the Town recreation fields at 888 Sandwich Road.

Article 29, to see if the Town will vote to authorized the Board of Selectmen to grant an easement for underground utility purposes to the Flying Bridge Restaurant Corporation.

Article 30, to see if the Town will vote to propose an amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next appropriate Annual Town Meeting – it should say “Town Election”. The amendment is “No member of an appointed board shall serve more than three consecutive three year terms except for members of the Board of Appeals, who shall serve no more than two consecutive five year terms. Provided, however, that an appointment of a member to fill an unexpired term of another member shall not be counted in determining this term limitation.”

MR. SHEARER: Hold.

THE MODERATOR: Mr. Shearer.

Article 31, to see if the Town will vote to petition the General Court to amend Chapter 54 of the Acts of 1975, which

establishes the Falmouth Historic District Commission.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 32, the recommendation is Indefinite Postponement. To authorize the Board of Selectmen to enter into a lease agreement for the purpose of developing workforce housing on two of the sixteen-plus acres of Town-owned land at 419 Woods Hole Road.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 33, the recommendation is Indefinite Postponement, the resolution or proposal from the People for Cats.

Article 34, the recommendation is Indefinite Postponement to require as part of the publication of the warrant for all Town Meetings the inclusion of a table itemizing all capital exclusions, debt exclusions and overrides in effect for the current fiscal year.

FROM THE FLOOR: Hold.

THE MODERATOR: And Article 35 is a hold by the Finance Committee; that's our final funding article.

Okay, I'm going to run through this one more time real quickly by number.

Article 1 is a hold. Article 2 is a hold.

Article 3. Article 4. Article 5. Article 6. Article 7.

Article 8. Article 9. Article 10.

Article 11 is a hold. Article 12 is a hold.

Article 13. Article 14. Article 15.

Article 16 is a hold. Article 17 is a hold. Article 18 is a hold.

Article 19. Article 20.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold on 20.

Article 21. Article 22. Article 23. Article 24. Article 25. Article 26. Article 27. Article 28. Article 29.

Article 30 is a hold. Article 31 is a hold. Article 32 is a hold.

Article 33.

Article 34 is a hold and Article 35 is a hold.

Mr. Chairman for the main motion.

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

THE MODERATOR: Okay, you've all heard the main motion to adopt the blanket vote. 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 hereby serve notice of reconsideration of all article passed under the blanket vote.

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

Article 1. Article 1 is to choose all necessary town officers. This is basically our approval of membership through the Finance Committee. Mr. Chairman for the main motion.

CHAIRMAN ANDERSON: I move that Article 1 be passed as printed.

THE MODERATOR: Okay, Article 1 as printed. I have the names of five currently-serving Finance Committee members who all wish to seek re-appointment, and I am submitting their names in nomination: Frances Connolly for a three year term;

Weatherly Dorris for a three year term; Stephen Fassett for a three year term; Barbara Perry for a three year term; and Susan Smith for a three year term. At this time, I'll open nominations. Are there any nominations from the floor for the Finance Committee?

Hearing none, the Chair would entertain a motion to close nominations.

FROM THE FLOOR: Move.

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

[Aye.]

THE MODERATOR: All those opposed No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

At this time, the Chair will call for the main motion to accept the slate as presented. 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 2. Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move

Article 2 as printed.

THE MODERATOR: Okay, Article 2 is to hear reports from Town committees and officers. The first committee I have on my list is the Falmouth High School Building Committee. Dr. Antonucci.

DR. ANTONUCCI: Bob Antonucci, Precinct 6 and a member of the High School Building Committee. I'm very pleased to stand before you tonight to present a very positive report on the High School building project. A year ago, the news wasn't so good. We have made significant progress, and I stand before you tonight on behalf of the committee, Don Johnson, the Chair; Betsy Hike, Vice-Chair; Jean McClusky, Patrick Callahan, John Scanlan and Mike Duffany.

As I start, I want to tell you our success is the result of the hard work of many Town officials, including the Board of Selectmen, Town Administrator, the Assistant Administrator, Town Counsel, Superintendent of Schools, School Committee, Finance Committee and the Building Committee.

We have handed out to each of you tonight a beige-colored report, two-sided report, which brings you up to date on the progress that we have made. If you look at the first paragraph, the good news is that the high school renovation project is back on

track. We have a construction schedule; the schedule is within budget and completion is set for May of 2010.

Now, prior to the meeting, you saw some pictures up on the screen and you're seeing additional pictures now. It shows you some of the work that is currently being done on what was called House B and C. We reported to you last year that Phase One was nearing completion and I stand before you tonight to tell you that it is complete. There are just a very few minor items that have to be addressed.

If you've gone by the High School, you see a lot of destruction right now. That's the demolition taking place in House B and C. Our portable classrooms are still there.

I'm also pleased to report that the instruction currently going on in the new addition is quite good. It's a tribute to our faculty and to our administrators for the hard work and determination that they're putting in place, and to our students, who we are doing this for.

We entered mediation with TLT, which is our general contractor. You remember we had to suspend construction because there were debates going on on the charges that they were presenting to the Town and the work that was being done. That mediation has been completed and TLT is back at the site, as

well as a lot of the sub-contractors.

We are in budget; I have some numbers there. The current financial status is presented before you. The revised budget for the project is \$86,325,000. This includes the construction cost of approximately \$60 million. We also have a contingency fund which is in place for any additional problems that we may have as we continue to complete this project.

I'm also pleased that members of the Falmouth Building Committee met with the Mass. Schools Building Authority and we're back on track with them. Our recent check for \$2.9 million was received by the Town. You remember there was a suspension of those payments until the Authority was confident that we were back on track.

At the bottom of page one you'll see the new schedule. Site work will be done this Spring of 2009. Substantial completion of House B and C is scheduled for May of 2010. The modular classroom dismantling will be in June of 2010, and we'll complete the site work next Fall. And hopefully at that point the entire inside of the building will be available for students and for faculty.

If you flip over to page 2, what has happened since the settlement was approved and we've listed some of those issues there. Basically what it says: we're on track and we're monitoring.

The Memorandum of Agreement that the Selectmen established with the Falmouth Building Committee, High School Building Committee is working and has worked well. We're all on the same page; everybody is pushing the car in the same direction; and we want to get this project done within budget, on time, and have a project that we can be proud of.

We are still in a suit with ARCAD, our previous architect. Can't get into the deals – details about that, but that case is scheduled for Barnstable Superior Court in September of 2009.

We're currently finalizing our agreements with the architect, with Gilbane, and we're ready to go. We have contracted with W.B. Mason for our furniture and equipment, and that's moving along quite well.

Bottom line is: we're in pretty good shape. Much better shape than we were a year ago. And that really is a tribute to everyone who decided that we needed to get this project done on time and within budget. I want to commend the Town Manager and the Assistant Town Manager and our Town Counsel Frank Duffy for the extraordinary work and time that they've put into this project. To the Board of Selectmen and the Finance Committee. To Mark Dupuis, our interim superintendent, who has been the glue that has kept the project together from Phase One, Phase Two, and

hopefully in Phase Three, and hopefully he'll be with us. He has maintained his cool, he has watched our financial issues that have to be dealt with, and has been a great representative with the state.

We are done in terms of the report. I will hope to stand before you next Town Meeting next spring and say "It's just about done."

It is going to be a facility that will be second to none. It's a very moderate facility. It's been done in a conservative manner. It's been done with trials and tribulations. It's been done with a good story for a book to be written on how not to build a high school project.

I think the Building Authority has learned from us. We need additional state involvement in the future for other communities, but in the end, we're getting a good deal for the money that we've appropriated and this facility will make the Town proud. It will be the new Falmouth High School. Thank you very much.

Any questions?

THE MODERATOR: Any general questions for the Committee? Mr. Freeman. Microphone right there.

MR. FREEMAN: Dr. Antonucci, that sounds wonderful, but what kind of guarantees do we have that there will

be no further money needed in 2010? Can there be such a guarantee at this time? We're on time, on budget, that's wonderful.

DR. ANTONUCCI: You have my word. I will – the guarantee – we feel more confident than ever that we can give you that guarantee. Most of the work and the issues that we faced really were in Phase One. That was the HVAC, the asbestos issue, the demolition issues. B and C, and I simplify this, is really a simple construction project. We have – John Scanlan and Pat Callahan, who are top-notch contractors, who have really been key people in negotiating with the contractor, and we're very confident that it will be done within budget and will be a good project. That's about as much of a guarantee that I can give you. But I'm confident about it and I don't know what else to say, unless you want me to sign –

MR. FREEMAN: Thank you very much.

DR. ANTONUCCI: Okay. Knowing I have to face you next Spring will be a guarantee enough that we stay on contract and within budget. And I do thank you for your persistence because it's, really, people like you that held our feet to the fire and I really appreciate their comments, so, thank you.

Other questions, comments? Thank you very much, have a good meeting.

THE MODERATOR: Okay, thank you, Dr. Antonucci.

At this time, I'd recognize the Wastewater Superintendent. Mr. Potamis.

MR. POTAMIS: Good evening. My name is Gerry Potamis. I am your wastewater superintendent. I'm a resident of Precinct 2. I'd like to give a very brief update on the New Silver Beach project. As you know, that was primarily a public health project, planned, designed and constructed to alleviate failing septic tank systems. It was not a nitrogen management project. It consisted of building a collection system in the New Silver Beach area, a wastewater treatment plant at the end of Williams Road, and we're also going to connect the North Falmouth Elementary School.

The construction began in October of '07. We are currently in the process of going through final tests. We hope to have the treatment plant up and running within 30 days. That means we need approval by the state to allow wastewater flow into the wastewater treatment plant. The North Falmouth Elementary School will be the first users of that treatment plant, we hope. We've been working closely with the North Falmouth Elementary School to assure we don't disrupt the children's education. We hope to tie in during the spring break – April vacation, which is next week. So we're fairly close on that.

We're pleased to report that the project right now is under budget. Town Meeting authorized, over three articles I believe, a little over \$12 million after bids came in. Project costs were about \$10.7 million. That was the cost of betterments. We determined and we hoped to be under \$10.7 million. I cannot say how much under because we don't have the final bills, but I'm confident it'll be under – probably under 10 million. Or at least under 10.7 million.

That concludes the briefing on the New Silver Beach project. Are there any questions?

THE MODERATOR: Any questions about the New Silver Beach project?

MR. POTAMIS: Thank you.

THE MODERATOR: Thank you, Mr. Potamis.

Any other town committees or officers like to make a report? Finance Committee.

CHAIRMAN ANDERSON: Good evening. I'm Gary Anderson from the Finance Committee. Tonight I'd like to share with you some of the Finance Committee's observations and concerns regarding the Town's financial outlook. As you've noticed, the warrant for this Spring Town Meeting is pretty lean, so rather than address specific articles, I'm going to give you our broad

perspective.

Before I do that, I just want to make all the Town Meeting Members and citizens aware that the entire budget detail is now on the Town's website. You can access it by going to the Falmouth home page, scroll down to "Meetings and Agendas", click on "Town Meeting", then you scroll down to "Links" and from there you click on the proposed budget for Fiscal Year 2010. Now, this'll provide all the budget detail that the Finance Committee sees and it's just far too lengthy to print in the warrant book. So, if you want to access it, there it is.

I struggled for several weeks with what I was going to say tonight. I actually had my presentation done a week ago, but after reflecting on it and attending several of the precinct meetings, I had to start over. Tonight, I have a very sobering message to deliver.

Some Town Meeting Members, some town leaders, some of the citizens and taxpayers of Falmouth may be uncomfortable with what I have to say tonight, but it needs to be said. I'm going to talk about two issues: realities and responsibilities.

What do you do when you want to buy something or you need something but you don't have the money to do it right

now? For example, maybe some of you would be interested in a big-screen plasma T.V. to watch the Red Sox – tomorrow, not tonight. Maybe it's that Caribbean cruise to escape the cold winter and this nasty spring that we're having. Or maybe it's that hybrid vehicle beckoning to you to get rid of that gas-guzzler that you've been driving. Do you go into debt or do you postpone until times are better?

Some of us have to triage not just our wants but our needs. Do I pay the rent, the heating bill? Do I cut back on groceries? Do I postpone that doctor visit? We're fortunate that those of us who have critical needs can find assistance through many federal, state, and local agencies, or get support from family and friends or churches and charities.

But what does a town do when it doesn't have enough money to pay for the services it's been providing? This is the dilemma the Town Manager, department heads, town employees and the people of this town are facing as we slog through this economic recession. Here are some of the realities of where we are.

The state of Massachusetts is experiencing revenue shortfalls. As you know, we're in a pretty severe recession. Tax collections of corporate income are down due to lower profits. Tax

collections of personal income are down because people are losing jobs. Sales tax collections are down. Many people are out of work, and as a result they're being forced to delay the purchase of some goods and services. And with the real estate and stock market's extraordinary declines, capitol gains tax collections have all but dried up. All of these dismal state-wide events trickle down and affect the revenue Falmouth receives. The state has already cut local aid for this year and for next, and there are rumors out there that there are more state cuts to come.

Our non-property tax revenue generated within Falmouth, called local receipts, is under significant pressure, also. People aren't buying new cars or boats and therefore the excise tax collections are down. There are very few housing developments being built and fewer home renovations, so building permit revenue is down. And with the interest rates at historic low levels, the amount of investment income the Town earns is running far below expectations.

On top of this, there are four articles on the Special Town Meeting Warrant requesting additional dollars to supplement certain departments' operating budgets which have been depleted already or will be before the end of the year.

If these financial problems persist, the Town will soon

be unable to sustain the level of services in the manner in which they've been delivered in the past. These are the realities I mentioned a moment ago. This downturn came faster and has dipped deeper than almost any of the experts' projections. It's imperative that our Town leaders, our department heads, and our Town employees and Falmouth residents understand these new financial realities and step forward to take on additional responsibilities to get us through these difficult times.

Some of you are probably by now saying, "Good grief, Gary, enough of the doom and gloom". Well, actually, I'm already there myself. As the Finance Committee's messenger -- Message to Town Meeting, inside the front cover of your warrant, it states, yes, we will weather this financial storm. But to move through this more quickly, we will all have to embrace change and shoulder some important responsibilities to secure the Town's financial future, which is the second part of my message tonight.

Each of us has a part in this: town leaders, department heads, town employees and all of the citizens of Falmouth. Our town leaders must be watchful and carefully monitor the numbers and trends they are seeing in these unusual times. They must be compassionate and understand that all of us are being affected on a daily basis by the cumulative disruptions in our economy. They

must encourage and motivate employees to be creative and solicit new ideas for efficiency. They must investigate sharing resources with nearby towns to reduce costs. And they must be decisive in making the necessary adjustments on a timely basis to ensure the fiscal health of our town. Our department heads and town employees must also be watchful and creative to find ways to eliminate waste and redundancies.

At last November's Town Meeting, we said we'd need to prepare for our future by taking action. Those actions include the need to increase efficiency and effectiveness and to reduce costs. Unfortunately for our town, the time for difficult decisions has arrived. Given the economic conditions we're facing, we need to change how we operate faster than we currently are. We do not have the luxury of taking our time. Department heads and their employees must, with a real sense of urgency, find ways to be more efficient and effective now. They must evaluate whether they should continue to deliver all of the services that they do. And if the answer is Yes, determine how they can do it faster, better, and for less cost.

Peter Drucker, a writer and management consultant, once said, "Efficiency is doing things right. Effectiveness is doing the right things." But he also said, "There's nothing so useless as

doing efficiently that which should not be done at all.”

We as townspeople must be realistic about the services we expect from the Town. We should show support for our town employees who may be struggling to deliver the services with significantly less resources, and we must be willing to accept changes in the levels and the types of services the Town delivers. If that’s unacceptable, we need to be willing to approve tax increases to support the level of services we insist upon. We can’t have it both ways.

Some of us may be looking optimistically at the possibility that Falmouth will receive a portion of the federal stimulus dollars. While we do hope and we believe that some will be coming our way, we can’t be lulled into a false sense of security by such a windfall. Stimulus dollars are a one time event, and they’re going to be monitored very carefully and very closely and should not be used for ongoing operating expenses.

The Finance Committee will continue to work with the Town Manager and department heads to monitor revenues, expenses, and financial conditions. Being diligent in these tasks will help us to minimize the risks of exhausting our financial reserves, incurring deficits and putting our bond rating at risk.

Over the past several years, we’ve been blessed with

having most of what we want in the way of services delivered to us at a cost that's been bearable. But with these difficult economic times, we may no longer be able to afford all that we want, because the cost may put an undue burden on taxpayers and the revenues are just not there to support the services.

However, with all of us working together, understanding the current realities, accepting responsibilities, our town will maintain its position in our hearts and our wallets as a great place to live. Thank you.

THE MODERATOR: Okay. Any further questions for the Finance Committee? Any other Town committee reports? Okay, hearing none, the question will come on hearing the reports. All those in favor, say Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous. Now we'll move on to Article 11. Article 11 was held by Mr. Bazycki. Chairman of the Planning Board for the main motion.

CHAIRMAN KERFOOT: I move Article 11 as recommended.

THE MODERATOR: As recommended. This is for

home occupations.

MR. BAZYCKI: Is this on? I don't know if you can hear me or not. I don't know.

CHAIRMAN KERFOOT: I would also ask if it would be appropriate to call on –

FROM THE FLOOR: Can't hear you.

CHAIRMAN KERFOOT: Oh, I'm sorry. I always –

MR. BAZYCKI: Stan Bazycki –

THE MODERATOR: Mr. Bazycki, one moment. The Planning Board Chairman here is –

CHAIRMAN KERFOOT: I would also ask you to --

THE MODERATOR: Speak into the mic.

CHAIRMAN KERFOOT: – to call on Mr. Foreman and Mr. Gore to answer any questions because the Planning Board supported this for the Zoning Board of Appeals.

THE MODERATOR: Okay. Mr. Bazycki.

MR. BAZYCKI: Stan Bazycki, Precinct 2. Article 11. I rise to offer an amendment to this article that there never be a fee charged for the registration of a home-based occupation. That's it.

THE MODERATOR: Okay, this is a similar amendment that we've had in the past. And further that no fee shall be charged for registering a home-based business.

Somebody from the Planning Board want to address that? No.

Anyone want to discuss the amendment adding the language, “And further, that no fee shall be charged for registering a home-based business”? Yes, Mr. Murphy.

MR. MURPHY: Carey Murphy, Precinct 7.

Somebody from the Zoning Board of Appeals, do we send out inspectional services to look at these home-based businesses at times? And if we do, we need to be compensated for that.

THE MODERATOR: Anybody want to address that?

Mr. Gore? I can recognize you after Mr. Gore.

MR. GORE: Eladio Gore, Building Commissioner, Town of Falmouth. I just wanted to be sure that we’re clear that when we talk about there’s a difference between a home-based business and this home occupation, and so when we use that term “home-based business”, there is a home-based business, but that’s only by special permit from the Board of Appeals.

So, the home occupation is a by-right use and currently

—

MR. NETTO: Point of order.

THE MODERATOR: Yes.

MR. NETTO: Is this on the amendment?

THE MODERATOR: Yes, it is. And I think what

we're probably going to do here is have a friendly amendment to just change the language from home-based business to home occupation?

MR. GORE: Correct. Because that's what this is discussing, the home occupation, not a home-based business.

THE MODERATOR: Okay.

MR. GORE: Currently, the only time that the inspectional services is involved in that is if there is a complaint about an illegal home occupation, then we would go out and make an investigation based on that complaint. That's the only time that we get involved in a home occupation.

THE MODERATOR: Okay, further discussion on the amendment? Mr. Johnson.

MR. JOHNSON: Leonard Johnson, Precinct 5. I'd just like to observe that following Mr. Anderson's report, it doesn't seem to me to make sense to be adding additional services without the necessary fees to pay for it.

THE MODERATOR: Okay. Further discussion on the amendment? Microphone to the left.

MR. BAKER: Mr. Moderator, Steve Baker, precinct 6. Did I understand Mr. Bazycki's amendment as he stated it to be "ever"? No fee ever to be levied? Or and is that the way you

wrote it down?

THE MODERATOR: I didn't –

MR. BAKER: Did he use the word "ever"?

THE MODERATOR: I don't know. Do you have that?

You do have it, "never". He does have it as "never". The question came at the last Town Meeting and it was brought up as a question prior to this, whether or not this -- since the Board of Selectmen, or the entity that sets fees, whether or not this can even be part of the motion. And the thought is the Attorney General will decide whether or not it can be part of the motion and enforceable. So, there is still a question of whether or not we can limit the fee ever.

So, the Clerk tells me he does have that on the listing, "never". I didn't write it in my note, but so that there never a fee be charged for a home occupation. And we'll see what the A.G. says.

Further discussion on the amendment? Hearing none, the question will come then on the amendment adding that language. Oh – Ms. Lowell?

MS. LOWELL: Vicki Lowell, Precinct 1. I just wondered if anyone had any idea, an estimate, of how many home occupations we have in town that would affect the amount of revenue raised if we did have a fee.

THE MODERATOR: Anybody put an estimate together?

MS. LOWELL: My understanding the bylaw is suggesting anybody who does any business in their home as a home occupation would have to come in and register.

THE MODERATOR: This was on the Zoning Board's petition, right? So, do you all have an estimate for us or? Mr. Foreman? Or Mr. McNamara? Who did the homework?

MR. MCNAMARA: Thank you, Mr. Moderator. Matt McNamara, Chairman of the Zoning Board of Appeals. We don't have an estimate because there is no registration process. This is a by-right opportunity for you to have a home occupation. The purpose of a registration – I speak only to the amendment and therefore only the question. We do not have an estimate because there is no permitting, there is no registration process. Thank you.

THE MODERATOR: Okay, any further discussion on the amendment about the fee? Okay, hearing none, the question will then come on the amendment. All those in favor of adding the amendment language signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

FROM THE FLOOR: [General talking.]

THE MODERATOR: All those in favor, signify by standing and the tellers will return a count. All those in favor of the amendment which says there shall never be a fee, stand and the tellers will return a count.

[Pause.]

THE MODERATOR: Are we all set there in the first division?

MS. TASHIRO: 38.

THE MODERATOR: 38.

In the second division?

MR. DUFRESNE: 29.

THE MODERATOR: 29.

And in the third division, Mr. Hampson?

MR. HAMPSON: 37.

THE MODERATOR: 37.

All those opposed to the amendment, signify by standing.

[Pause.]

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

MRS. TASHIRO: 11.

THE MODERATOR: 11.

In the third division, Mr. Hampson?

MR. HAMPSON: 23.

THE MODERATOR: 23.

And in the second division?

MR. DUFRESNE: 61.

THE MODERATOR: 61.

By a counted vote of 104 in favor and 95 opposed, the amendment passes and the discussion is back on the main motion as amended.

MR. JONES: Douglas Jones, Precinct 2. I actually have a few questions on this. One, first for the Zoning Board if they could tell us what was broken that needed to be fixed. The second I'd like to know who is going to enforce this bylaw. The third, I'd like to know what the penalty for violating the bylaw is.

And I guess the fourth is a point I'd like to make that I believe right now it is a fairly well self-policed Article of A through E that are enforceable. Right now, this will not be enforceable, there's nothing in the language that enforces it. There is no penalty for breaking it. There is a penalty for breaking the codes A through

E, and I think the way it's working right now is just fine.

THE MODERATOR: Mr. Foreman.

MR. FOREMAN: Well, thank you, that actually highlights exactly the reason the Zoning Board felt it was important to bring this before you. Because it isn't working just fine. What this change does is it makes the operator responsible for registering with the Building Commissioner. Currently, as our Chair Matt McNamara said, there is no count of how many home occupations there are out there. If you want to start a home occupation, you can just do that. And if it happens that what you are doing the neighbors find objectionable, then they can make a complaint and now you're on the hook.

Now, as I heard this presented at the last Town Meeting and realized that of course most people are not familiar with the zoning bylaws so that they don't know what "A through E" means, I put together a short PowerPoint to try to explain the implications of this bylaw on behalf of the Zoning Board of Appeals. And so, if we could have that.

Why we brought it before you. Well, there already is a bylaw in place. We are really not changing the guts of that bylaw with this. These standards that are defined in A through E exist, and the goal of the standards is to protect abutters from – in

residential neighborhoods from the impacts of those home occupations that may exist nearby. But, as I said, and as has been noted already, there is no process in place for tracking these home occupations or registering them or even making sure that the folks who start up their home occupations are aware of the bylaw, of the limitations that they have.

So, if we can go on to the next one. That leaves both the business owners and the abutters vulnerable in the event that a dispute arises. And so – and we have had cases like this. Under the present bylaw, if an abutter has an issue, they contact the Zoning enforcement officer; an inspection can be done. The Building Commissioner rules on the complaint. If the parties involved have a problem with the ruling of the Building Commissioner, they can appeal to the Zoning Board of Appeals. So that process is already in place.

Bob. Now, what the home occupation is supposed to conform to — and, as I say, this is an existing or currently in the bylaw – is it cannot occupy more than 30 percent of the home. It can't change the outside appearance of the home. It cannot create noise, vibration, fumes, electrical interference that is notable off the site. You can't create excessive traffic, you can't increase your parking by more than two parking spaces, and obviously you can't

create dangerous conditions on the street. And no one other than a family resident is to be employed.

Now, those rules exist. We're not changing any of those rules with this change. Again, all we're asking is that home – those who wish to operate a home occupation go the Building Commissioner and make sure in advance that they're going to be in conformance. And that protects them in the event that an abutter complains.

So, what will be the incentive for a home occupation operator to do this? It protects the home occupation, the person operating that home occupation, before they've made investments in whatever machinery, equipment, they might need to do that home occupation.

Next slide. So, it simply requires that those wishing to operate a home occupation go to the Building Commissioner and register. Now, lots of us do some work at home. You know, it is kind of a fuzzy line, what is a home occupation. And that is going to be self-enforced. Again, what this will do is allow that Building Commissioner to provide the operator of the business with some feedback: "Yes, you comply." "No, you don't comply. Here's what you have to do to comply." And so that will protect both the abutters and the operator.

Now, if either party, again, is not happy with the decision of the Building Commissioner, you still have the right of appeal to the Zoning Board and, if we can't resolve it, beyond. So, no one's rights are being abridged; we're simply providing a mechanism, formal mechanism, that will protect, again, the abutters and those operating the business.

And if there's further questions, I can try to answer them.

THE MODERATOR: Mr. Jones, follow-up.

MR. JONES: Douglas Jones, precinct 2. Two follow-up questions. You say there have been a number of cases that have prompted this; can you actually give us what that number is, and does the Building Commissioner feel he's going to need additional staff to be able to follow these up?

THE MODERATOR: Mr. Foreman.

MR. FOREMAN: Since I've been on the Board, which is less than a year, I think, we've had one serious case. So, I don't think we're going to be looking at a lot – but that case was serious from the point of view of the business operator. This has been a complaint-driven phenomena, and I think it will continue to be a complaint-driven phenomena, but I don't think that's – you know, many of our zoning bylaws, in fact, that are driven by enforcement

is driven by complaints. When abutters notice something happening.

We have one zoning enforcement officer for the Town of Falmouth; we have 22,000 parcels. So, it's – you know, that's the only way that – I shouldn't probably say that, but that's the major way that zoning gets enforced.

THE MODERATOR: Okay. Mr. Jones.

MR. JONES: The point I'd like to make is to create a bylaw and create a whole registration because of one case, I would be very strongly against.

THE MODERATOR: Okay. Mr. Bazycki.

MR. BAZYCKI: [Inaudible.]

THE MODERATOR: Oh, he had the question for you. Okay. Mr. Foreman.

MR. FOREMAN: I'd just make the case that what we're trying to do is protect everybody's rights.

THE MODERATOR: Okay, any further – Mr. McNamara. Then Mr. Duffany.

MR. MCNAMARA: Thank you, Mr. Moderator. Matt McNamara, Chairman of the Zoning Board of Appeals. I think if anything's broken it's really not from a part of government but from the part of the individuals who want to operate home occupations.

Many people aren't aware, as Mr. Foreman said, of the zoning bylaws. This is an opportunity for up front an individual who wants to operate a home occupation to sit down with the Building Commissioner and say, "Does this meet the bylaw?" And if it does, to walk away with a piece of paper so that you can give it to your insurance company, you can give it to your neighbor when the neighbor complains and says, "We've already been through this and the Building Commissioner said I meet the criteria of a home occupation."

At the very beginning it's not a question of how many case – the case that we did here, but in that particular case, I look at the home owner who wanted to operate a home occupation, somebody who probably invested tens of thousands of dollars to operate the home occupation which ultimately wasn't allowed. To have had that conversation with the Building Commissioner beforehand would have made a lot of sense.

This meeting has already said there won't be a fee for it. It's a process that in many ways happens now; anyone who knows the bylaw or knows the working of the town gets to sit down with the Building Commissioner; all we're saying is to make it uniform. When you're asked a question how many home occupations there are and you can't answer it, it's fairly

embarrassing. And I think we should, we should know what that is.

This is not an article in any way that is trying to limit home occupations. The original article that's there doesn't limit and the article that is already there is trying to protect residential neighborhoods. It's a way of simply saying, "If you want to operate a home occupation —" As Mr. Foreman said, it's a fuzzy line. If you're taking work home to work on your computer because it's snowing today, is that a home occupation? Well, go ask the Building Commissioner; I bet you Mr. Gore would say no, that isn't a home occupation. But if you do go and want to do something that might create some hassle with the neighbors, I think it's a whole lot better to find out beforehand, get a piece of paper, walk away with it and then you're good to go. Thank you, Mr. Moderator.

THE MODERATOR: Okay, Mr. Duffany. And then Ms. Liechtenstein.

MR. DUFFANY: Thank you. Michael Duffany, precinct 6. Through you, Mr. Moderator, I'm not sure if this is for Mr. Duffy or for Mr. Gore. I did have a call from someone who was concerned with this, and I hadn't given any thought about it until I got the call. There are certain occupations in town of people who, if they were required to, [inaudible] to be able to perform. That, if

they were on the public roll – if they're in public record, if you will, that somebody could go down to Town Hall and find out where the individuals lived, they could be – it could pose a threat to them, to their safety. And I say that because there are social workers that may be involved in a very contentious case that the outcome be in the favor of one of the individuals, and the person who has to make the tough decision in that case would be the one that may take the brunt of the person who is falling on the short side, if you will.

So, my question is -- and I ask this because I'd just like it to be part of the explanation of the record in case it comes up and Mr. Gore needs to make a call on this -- does he have discretion, some sort of proprietary discretion that he does not have to either disclose or that he could grant someone that sort of permission without having to actually register them? Is there a law in the Commonwealth, Mr. Duffy, that would protect them from that? Because I can think of a number of instances and I have heard of it happening before, where somebody did something for the good of the -- a family member ended up having their house stoned, if you will.

THE MODERATOR: Mr. Duffy.

MR. DUFFY: The first point is that any document that's a record in the Building Department is a public record, so

anybody could go in there and look it up. But I'll defer to Mr. Gore on the second part of your question, but remember that we're talking here about a home occupation, which is not the same as someone who works at home.

MR. DUFFANY: I understand. But say a social worker who is a sub-contractor. And I don't get a lot of phone calls, but I did get a phone call about this, and the person was very concerned about what it would do to their future if somebody could go down to Town Hall and find out where they lived because of the nature of the business.

MR. DUFFY: Well, Mr. Gore can answer this, but if someone, for example a social worker, if they work at home but they don't see people there, all they do is keep their records there, they think there, they work on the computer, that might not even be a home occupation that would even require it. So Mr. Gore perhaps can make that clearer.

MR. DUFFANY: They do see the people at their home from time to time.

THE MODERATOR: Okay, Mr. Gore, could you shed some light on that?

MR. DUFFANY: That's the reason why I want to ask, because it's going to be part of the bylaw, the explanation will be in

the record if Mr. Gore needs to refer to it in the future.

THE MODERATOR: Mr. Gore. Okay, folks, let's go.

MR. GORE: Eladio Gore, Building Commissioner. I'll try to address your question as simply as possible. I would say that there are a number of businesses in the town of Falmouth that provide services to members in the Town of Falmouth that are very sensitive. We inspect those places because they are – they fall under the Building Code and they require inspections because they house people and they provide services to people. We do not give that information out, although we do the inspections on the property. We're required to do those inspections. However, we do not give the information out. They provide services that are very, very sensitive, and so if – again, this is a voluntary arraignment, number one. And number two, if an individual came voluntarily to get information with regard to the type of business that they were doing and it was a business of that nature, then the Building Department would not put that person or that business in jeopardy. And, as Mr. Duffy said, if it means that it becomes a public record by them making a document, then we wouldn't have a document. If there was no other way to protect them, then we would do that. So, no, we would not put individuals in danger who are in some of these protective programs.

There is a difference, and I want to – it's – the best way to say it is it's a case by case basis. There is a clear difference, though, between a home occupation, a home-based business, and a contractor's yard. And many don't understand those subtle differences. And so part of the registration is designed to make people aware of those subtle differences, because one may be intending to do a home occupation but in fact when we discuss what they're proposing to do, it is a home based business and they end up having to go to the Board of Appeals for a special permit. Or they end up not doing it at all because of not realizing what's involved.

And so the registration really is an informational opportunity for the individual who's proposing or planning to do this.

It also helps the property owners. But with regard to sensitive issues, we would not disclose that. Just as we do not in other issues that we deal with. I hope that answers your question.

THE MODERATOR: Okay, Ms. Liechtenstein.

MS. LIECHTENSTEIN: I had a query about this – Leslie Liechtenstein, precinct 8 – and my question, the line that says, "...in the form of plans, specifications or studies", who is to do them, what do they cost? This particular case, if you have an artisan who decides that they want to put in a kiln or a small studio

space, is this going to require a survey? Are we suddenly talking thousands of dollars for this to tell them whether or not it's a legal occupation? I mean, we've already said they can't charge a fee, but if the Building Inspector suddenly says, well, we want a survey site plan and things like that, what are the parameters of this? There doesn't seem to be any restrictions or qualifications. Thank you.

THE MODERATOR: Mr. Gore.

MR. GORE: Eladio Gore, Building Commissioner, Town of Falmouth. I would first like to say that I don't have a dog in this fight. So, if you tell me Members choose not to vote this, believe me, that's – so don't misunderstand. But I want to try to clarify any questions that you might have with regard to this.

Number one, if you remember that the home occupation is an interior occupation. There can be no visible evidence: no storage of materials outside, no changes to the building, and so any site plans or any of those things would not be required. This is something that's done within the dwelling and it takes up 30 percent of the dwelling. So that if you wanted to have a kiln in your – as part of your home occupation, you'd need a building permit for that anyway. And you'd have to submit plans to show how that's going to safely operate within your dwelling.

So, some of these things, yes, there may be a building permit required to do that, but that would happen anyway.

The reason that we would be discussing with you is just to see that you understand what those parameters are, and that what you're proposing to do falls within that. And if it does, there isn't a need for, unless it is, again, a building permit requirement, for you to have elaborate plans or anything like that. You do have to show that it is just 30 percent of the dwelling. You do have to show that there isn't going to be any outside storage. You do have to understand that there's only family members that live on the premises. Those are the – it's only A through E that we're going to be discussing, nothing else. And we're not going to require anything other than what the Building Code will require anyway if you had to modify the interior of your structure to accommodate your home occupation.

THE MODERATOR: Okay, Mr. Putnam. And then I had Mr. Clark – Dr. Clark.

MR. PUTNAM: Thank you, Mr. Moderator. Brent Putnam, precinct 9. You know, right now you could go to the Building Department and do this already, it would seem to me. The only difference is you don't get a piece of paper. And, in all honesty, this is a little bit too much Big Brother for me.

You can – the Town right now taxes business property.

So if we have a home based occupation, right now there's no question as far as taxes go, but if we start registering home based occupations the question then becomes are we going to tax that business property and how so? It takes up part of the home, so how do we distinguish between the business property and the personal property?

I – like I said, I think this is just a little bit too much Big Brother for me. Thank you.

THE MODERATOR: Dr. Clark? No. Mr. Smolowitz.

MR. SMOLOWITZ: Ron Smolowitz, precinct 8. I'm going to have to come out against this article. We're talking about home occupations and these are things that are a matter of right. And then you go into the paragraph and it starts talking about needing a permit and so it's beyond registration. It talks about permitting. It talks about the approval of plans, specifications. This is for something that's a matter of right.

As Brent Putnam said, it's up to the individual if he has some doubt to go to the Building Commissioner and ask. But to turn this – this is a slippery slope if I've ever seen one, all in one paragraph. Taking something that's a matter of right, causing it to be a permitted operation requiring specifications and plans. It's just

unnecessary and it's inappropriate.

THE MODERATOR: Okay, Ms. Lowell, anything new? Ms. Lowell. And then I think we're going to take a vote on it.

MR. LOWELL: Vicki Lowell again, precinct 1. Mr. Gore said it would be voluntary and that would make it very different. I think what we really need here is better public education about home occupations if that's a problem. I just think this is overkill.

THE MODERATOR: Okay, this is a change to the zoning bylaw so it requires a two-thirds vote. We have an amendment to the main motion that there shall never be a fee charged for this home occupation registration. Do you have a question, point of order?

MR. FOREMAN: [No microphone. Inaudible.]

THE MODERATOR: Very quickly. I'm ready to vote.

MR. FOREMAN: I just want to make sure people understand we're voting on it as recommended. The word "permit" does not appear there. Okay? It's as recommended. What this bylaw change is doing is it's adding the words "the operator of a home occupation shall be responsible for registering." Right now there's no process required. It simply says you have the right to do

this. That right still exists. We're suggesting with this bylaw that if you're going to do it, you should come in and make sure you conform. It probably should have been in the bylaw to begin with.

THE MODERATOR: Okay. Let's see if we're going to put it in there or not. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It's the opinion of the Chair that there is not a two-thirds and the article does not pass.

Article 12, the Planning Board's main motion – excuse me, recommendation is indefinite postponement. Ms. Thompson held this. This is rezoning properties on Route 151 for a Senior Care Retirement District. I need a main motion on the floor, Ms. Thompson.

MS. THOMPSON: Good evening. Diane Thompson, precinct 2.

THE MODERATOR: Folks. Let's settle down.

MS. THOMPSON: Mr. Moderator, I'd like to make a motion that Town Meeting adopt Article 12 as printed.

THE MODERATOR: Okay, Article 12 as printed.

MR. THOMPSON: And Jody Shaw would like to

make a presentation to Town Meeting.

THE MODERATOR: Okay, Mr. Shaw.

MR. SHAW: Thank you very much. My name is Jody Shaw from precinct 8 and I work for the CLSV Partners. I've worked for the CLSV Partners since 1993. It's a pleasure to be before you again. I know this is a property that's been before Town Meeting a number of times and we appreciate the patience and listening to what we have to propose this evening.

We do have a brief PowerPoint presentation that I'd like to go through and provide some important features of the site. Also some important points of the bylaw. I know many of you listened to what I had to say at the precinct meetings as well, so again I do appreciate your time and consideration.

In November of last year, Town Meeting amended the existing Senior Care Retirement District bylaw. The bylaw changes were overwhelmingly accepted due to the recognized need for a Senior Care Retirement Community in Falmouth. I'm sure all of you remember the debate about this issue and when we were before you a year ago in April we had a bylaw that we were asking you to adopt, also along with a site plan. So, we're very hopeful that now the Town has a bylaw that makes great sense that you'll look at this bylaw and consider it for the 31 acres.

Based on some of the questions I received at the precinct meetings, I think one part of this where you can take a lot of faith and understanding is that this would be the first step in a long process for us to develop a Senior Care Retirement Community. If this property was rezoned, the plans would go through the Cape Cod Commission as a Development of Regional Impact and approval would also be required from the Falmouth Planning Board and a special permit under site plan review. Regulations for this site are firmly in place and it would guarantee that this would be a Senior Care Retirement Community.

The next slide up on the wall is just a locus map. If we could go back one, it'd be great, thank you.

That's just to show you as a reminder where that property is on the map up on the westerly – northwesterly corner alongside Route 28 and Route 151, and to the south of the property or the railroad tracks, and I'm sure most of you are familiar with. And they're very lightly used, possibly once or twice a day at this point in time.

The next slide is just a zoomed-in version of the parcel. Again, you can see the highways to the west and to the north. There's also a couple of small squares on that property. Two of those are privately owned; they're 10,000 square feet. One of them

is owned by us. So the property in total is 31.22 acres that we're talking about.

There is a Commonwealth Electric easement that you can see very lightly that bisects the middle of the property. We've looked at relocating that in the event that we are rezoned and to allow that easement to be moved on the site so it's a more appropriate fit for the property.

Moving along. Some of the highlights of the bylaw and also regarding the site. In order to conform to the bylaw, a site must have at least 15 acres; so, we have 31 acres that we're bringing forward. The parcel's also required to set aside 65 percent as open space, which in our case equates to 20 acres of land would be set aside as open space. So we would be developing 11 acres of the site. The setbacks that are in the bylaw are 50 feet from the front, and side and rear setbacks must be 25 feet. Route 151 already has a 75 foot setback requirement, and when you see a later map that we're going to show, would be back even further from that. So there would be a significant buffer from Route 151 to where the property development would start.

There are height restrictions in place, as you can see, and parking should be located in the rear and side. Again, this is all from the bylaw itself, which I believe many of you have a copy of.

Tertiary treatment of wastewater would be required, with enhanced nitrogen removal. The residents that would be served would be over the age of 62. The facility can include assisted living, independent living and skilled nursing. There'd obviously be amenities for the residents of the facility. There'd be an activity room, fitness facilities, what you would typically see in a senior care facility. We would also provide transportation for people.

There's been questions about residents of this site being able to access facilities and amenities in the town; we can provide that transportation. These particular type of facilities don't generate a lot of traffic on their own, and that's a way we can help also alleviate additional traffic.

In the bylaw you're allowed to develop six units per acre, and there is a provision if some of the units are affordable, which is up on the slide.

Going back again to the permitting process. This is a Cape Cod Commission review. It would be a Development of Regional Impact. Traffic issues would be developed. That is an area that gets a lot of attention because of traffic in the Route 151 corridor. I think we would probably end up with a safer area.

Certainly there is going to be more cars. And whatever's developed on that land is going to create a certain level of traffic, but this is a low-impact as far as traffic's concerned and we would as a developer have to mitigate and address those concerns and make it a safer part of 151.

We'd also have full Planning Board review, special permit site plan review.

The bylaw also contains some other permitted uses that are up on the screen. Our main goal and objective is a Senior Care Retirement Community. This is another question that has come up is: are we focusing on some of these other uses. Obviously there's no retail. And that was an issue that's been brought up many times as we've been before you. Questions have come up about that. There's no longer any retail. We couldn't propose any retail. The only other uses are what you see in front of you. We're not focusing on any of those uses; we're looking at a Senior Care Retirement Community within the 11 acres that we could develop, however these other uses are in the bylaw so they would be available to anybody that was zoned into this particular bylaw. But we're looking at a Senior Care Retirement Community first and foremost.

On the site itself, there is a protected wildlife corridor

that gets talked about a lot. Roughly there's a 200 foot buffer that runs parallel to Route 28 into the Ballymeade subdivision. We'd insure that that extends through this parcel and be protected in perpetuity. There's some walking trails. The Moraine Ridge Trail system runs through that property. That would be protected. We're not going to develop near those trails.

There's also public parking that we agreed to on this site many years ago. There's an easement that exists on this site today that allows people to come and park and walk on those trails.

Right now, many of you have probably seen cars parked out there. Most of that is for people that are using the mountain bike trails across the road from us, and we do get quite a few people that park there and use those trails. I'm not sure how many of those cars are walking the Moraine Ridge Trail system, but we would always have to guarantee that there would be parking accessible to the public to walk those trails.

The access I talked about a little bit. I think when you look at this site, and it's been talked about many times, we're so close to the highway that it's easy to get off and on the highway without creating a lot of disturbance on Route 151, so we think that's a definite benefit.

Best use of the site. A Senior Care Retirement District.

I think one of the benefits when you look at development options: there's no impact on the school system in this particular use.

Where some development uses would create an impact on the school system. The facility would have to remove its own trash, snow removal would be by the facility. So, there's not a lot of the normal impacts that you might see from a residential development, for instance, or other types of development.

We really don't have abutters in that area that are of the same concern that you might find in other parts of town. For instance, Royal Megansett is in a residential neighborhood. Other facilities in Falmouth are in very busy areas with commercial and business uses around and near them, and off of busy roads. So we have -- in one respect we're somewhat isolated which isn't always the greatest to be isolated because we are still close to amenities and facilities, but we're not going to impact a particular neighbor. Across the street is Cavossa Excavating and also the North Falmouth -- the vet's center, so we're not going to impact those businesses in a negative way. Nor will they impact us because we can set ourselves back from the road so far.

The senior care facilities that are in Falmouth right now and across Cape Cod, they run approximately a 97 percent occupancy rate in the Town of Falmouth for all the levels of care,

the independent, the assisted living and the skilled nursing. The average occupancy of all the facilities on Cape run an average of 96 percent. And this is a rolling average. There's obviously people that come and go from various facilities, but those are the statistics from a market study that we did last year at this time,

Also, based on where do the residents come from, and this again is a survey of those facilities. These phone calls were made, research was done. 70 to 75 percent of the facilities on Cape Cod, the residents of those facilities come within the town they're located within or a five mile radius of the town they're located within. Another ten percent of the residents are people that moved back to Cape Cod that have adult children living here. So you can see the predominant number of people that are living in and enjoying these facilities are coming from our own neighborhoods and the Cape. It's not a draw for people that are not on the Cape already to any great extent whatsoever.

There are also economic impacts I think you have to think about and consider, and Mr. Anderson spoke about some of the challenges that the town has, and I think when you consider this particular proposal, there is a tax revenue increase. Currently that property is taxed at \$6700 annually. We estimate a senior care facility would generate tax revenues in the 200 to 300,000 range.

That's an estimate, but I think it's a very safe estimate.

There will be year round full-time jobs created. We estimate 30 to 40 local jobs, full-time, year round, with benefits, would be created. And there would be other part-time jobs, as well. There would also be local contractors that would benefit from the creation of a facility on that site. It's probably a 20 to 30 million dollar construction project alone to develop a facility like this, so there is an investment in the community from that standpoint and there's a definite benefit to our community. Then, when the facility is up and running, there's business benefits to a facility like this that needs services, that needs services of the community to continue to operate every year.

This next parcel, what it depicts – this is to show you what the parcel looks like with 65 percent of the open space set aside. So that the dark green area, that represents 20 acres of land. So that 65 percent would be set aside as permanent open space. You can see on the far left of the map, those are the Moraine Ridge walking trails. You can see the power line easement in the light green going through the middle which we talked about moving. And then the area, it's actually tan on my plan, but it's more of a lighter green, that's the eleven acres that we proposed to open up for development. And that area is set back

about 200 feet from Route 151 as it sits right now.

So, please think about that. Twenty acres of land would be set aside as open space, untouched. We would develop within that building area of eleven acres. So you have the guarantees of how much of that land will be touched. The 20 acres will be set aside and not to be touched in the future.

And the final map that I'd like to talk about a little bit, there's a lot of discussion about the Route 151 corridor. I'm fairly certain the Planning Board has a presentation where they're going to talk about a policy of not supporting zoning changes for any property owners on Route 151, and this is a map, it's a little tough to read some of the labels on it, but this is a map of the Route 151 corridor from Route 28 easterly, and that's a 4.5 mile area of road that this map depicts. And the areas in the light or lime green, to the north of 151, a majority of that property is already controlled by the Commonwealth of Massachusetts, and it has a conservation restriction on it. That land just simply won't be developed in the foreseeable future by any means. And to the south, there's significant parcels that the Town of Falmouth owns. There are a couple of other parcels that could come before you for a rezoning of some sort, and those are in blue. And the largest one is owned by

the Jensen family; it's about 29 acres in size; that's probably the only one that's a real viable rezoning opportunity for the future that you may have to listen to and talk about. But you can see there's not a lot of private property on Route 151 that either doesn't already have residential housing on it or is a candidate for development. And you also need 500 feet of frontage on Route 151 to ask for a curb cut, so there's some challenging thresholds that you have to meet. And when you look to the far left, you see our parcel again, the 31 acres, and the lighter green area, that would be your development area.

So, you can see there's considerable open space that is protected and set aside.

So, of this 4.5 mile section of road, we represent 2,000 feet of frontage. And when you look at the balance of that road, there is again not a lot that can be developed or can come before you as a candidate for rezoning. So we ask you to think about all these issues, think about the importance of senior care housing in the community, does it make sense for this site.

Again, I understand the Planning Board's concerns. This property goes back many years and has a long history. Mr. Curry told me that 20 years ago this property was before Town Meeting asking for a Business 3 zone, I believe. And I know Mr.

Latimer has a long list of concerns he has about this site. We understand all that. And there are many reasons that it may not make good sense to rezone this site, but I think there are many more reasons that it makes sense to rezone it to Senior Care Retirement Community.

So we appreciate your consideration. We appreciate your thoughtfulness. Think about how much open space would be set aside and with that I thank you very much for your time.

THE MODERATOR: Okay, further discussion?  
Madame Chairman.

CHAIRMAN KERFOOT: Let's see if I can remember to get my mouth into the microphone this time.

As you know, we promised Town Meeting, the Planning Board promised Town Meeting a while ago that we would review the whole concept of the zoning along Route 151, and to do that we asked the Planning staff to bring before us a history of everything that had gone on over a period of time on 151. And to do that, they provided a report to us, and we voted to continue the policy of non-development along 151.

May I have the first slide, please? Thank you.

The way that policy worked is that we were limiting density and restricting curb cuts. The idea was to create a high-

speed through road from Bourne to Mashpee. The Planning Board and Town Meeting have been extremely consistent regarding the Route 151 votes since 1980.

May I have the next slide, please. Here you see the history that was put together by our Planning staff. And you can see the first three were rezoning of different zoning districts to up-zone, so that the property along there requires 80,000 square feet for any type of residential development to be put on there. It's AGAA. All of these were smaller units prior to these up-zonings that were allowed to be built on. The smallest was the light industrial, which you could actually put six dwellings per acre before it was up-zoned to the 80,000 square feet.

Then, in June of 1985, there was a moratorium on curb cuts, and that was to allow time for more planning. If you don't allow curb cuts, you're not going to allow any development along there. In 1986, there were two challenges to this, which were defeated by Town Meeting. One was to increase the density and one was to waive the moratorium. Also in 1986, the frontage was increased to 500 feet. In 1987, the setback was increased to 75 feet. All of this served to give a more rural aspect all along 151, and to decrease the potential curb cuts. In 1987, the moratorium was again extended for one year to allow for traffic planning.

Throughout here, there had been other challenges to the zoning: 1988, 1989, 2006; all of these were defeated by Town Meeting votes.

May I have the next slide, please? We've spent considerable money to keep this an open space. The total expended so far has been five and a little over a quarter million dollars. In 1986, 3.3 million was spent for open space. That was under the open space bond bill. 1987 the Town spent \$40,000 for a traffic study by VHB. This led to the widening of 151 and to the putting signals at Sandwich Road to better control the traffic flow and make it safer for traversing. In 1992, 1.928 million of roadway improvements were funded. 1.52 was for the widening and 480,000 was for the signaling at the Sandwich Road intersection.

We took all of this into account, and what we did was not to vote a new policy but to reiterate the policy that had been voted almost a quarter of a century ago. It certainly makes it seem more ancient when you say "a quarter of a century" versus "25 years." And I would like you to remember that Town Meeting has supported this keeping of it being a nice open thruway throughout all of this history and time.

That doesn't mean that a policy can't be changed. What it does is give pause for a great deal of thought as to what

maybe should happen or could happen into the future. Once it's changed, once it's built upon, it extremely constricts your possibilities.

And I would also let you know tonight that this was really the first time we had ever heard this particular plan by CLSV. They simply came before us at the public hearing when they presented the rezoning to us. Thank you.

THE MODERATOR: Okay, further discussion on the article? Mr. Murphy.

FROM THE FLOOR: Mr. Moderator.

THE MODERATOR: Do you have a point of order?

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: Okay, yeah, I'll put you on my list. Mr. Murphy and then Ms. Taylor.

MR. MURPHY: Yes, Mr. Moderator and my fellow Town Meeting Members. I'm glad we're so worried about the folks in Mashpee because they sure don't worry about slowing us down when we hit their rotary, there. They've built around that whole corridor and made it sure, made it extra hard for us to traverse from Falmouth to Hyannis.

Folks, I've never spoken on a CLSV project, and the reason is because I thought the projects up to date have been less

than adequate. I thought that the projects were an overkill. But I think what's before us tonight is finally a project that we can surely embrace and live with.

I want to first address what the Planning Board did in extending their moratorium. Incidentally, there was not a public meeting on this, it wasn't an advertised public meeting; they just took it up under New Business. So no one got to have input when they discussed and extended their moratorium.

We all voted for a Senior Care Retirement District at the last Town Meeting. This is an appropriate scenario for this property. If we all know, it's the time because I know I've gotten a couple of phone calls from folks that have told me over the last three or four months that they'd like to stay in Falmouth. They've actually asked me to help get them into a senior Retirement home. Unfortunately, there's not a lot of openings in the Falmouth area. If you want to move a little further out of the villages, meaning up to Bourne, there is some up in that area.

You know what? I don't want to see folks who grew up in this town and have been – have become part of our next generation of elders have to leave this community merely because they can't find a place to spend their golden years. A third of our population in this community is over the age of 65. I surely hope at

65 I don't need one of these retirement communities, but right now if a third of our population is over 65, we surely know that that population is going to age as well.

I think this project is going to save us 20 acres of open space. Compare that to anything that has come before us for this property. If it was merely a development there, I believe they'd have 18 buildable lots. It would be more dense than this property – than only building on 11 acres, there.

We asked for senior Retirement. There's not a lot of locations it can go. We have a viable project before us this evening. I think it's the time. I think it's the place. I think this article should pass this Town Meeting. Thank you.

THE MODERATOR: Okay, Ms. Taylor.

MS. TAYLOR: Well, I too am very interested in having the opportunity for the senior retirement center eventually and of course I assume that I would want the Planning Board to do a lot of work on any project that was proposed. But I am very mystified by this Planning Board policy that apparently dates from 1980 according to my – Mr. Latimer's letter. I've been in Town Meeting since 1980 and been very interested in zoning since that time, and I really wasn't fully aware of this policy that dates to 1980 and I wonder how many of you did know about this policy, and maybe it's

a great policy, but it may be time to change, and it might be worth reconsidering it, and if it is reconsidered I agree with Mr. Murphy. I certainly didn't read anything about it being reconsidered in the paper. I don't know whether it was on the agenda, at what meeting, or. I didn't read anything after the meeting about the discussion. I would love to know from Mr. Latimer how many people other than the Planning Board were at that meeting where this policy -- and what does the policy say? This is a high speed traffic corridor? That's the policy? I'd really like to know how many citizens weighed in on this discussion of this policy.

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Thank you --

THE MODERATOR: With the microphone.

MR. LATIMER: Thank you very much. Is this on? Rich Latimer, precinct 5. I wasn't going to talk on this. I thought I put out a very concise written comment here that was very clean in what it says. Apparently some people don't get it.

First of all, Mr. Murphy tells us that he hasn't supported prior projects like this, but this one he can support. Well, the whole point of our, the Planning Board's, concern about this is what is he supporting? Does he know? Have they told him what they're going to do? Because they certainly haven't told us. I mean, what

does he know that we don't? How can he support something that isn't anything except, "Trust us"? I mean, you know, why does this remind me of Bernie Madoff, you know? "Give me your money and trust me." I mean, the fact that the way this bylaw was structured – and it was reasonably constructed this way – there is a special permit use that we support. Which is the Senior Care Retirement District. But there are also, once it is rezoned, by right a commercial development. What that does is it upgrades the zoning, which means the property [inaudible], which means that when it comes time to make – to propose a development, even if it's a Senior Care Retirement District that we don't like, and we would want to therefore necessarily exercise our right of first refusal, we've just given them hundreds of thousands of dollars by this zoning article by upgrading their [inaudible]. That makes no business sense, no more than investing with Bernie Madoff just on "Trust me".

This is why we wanted to see a plan. This is why we said in the document, "Let's see a plan." We're not like [inaudible], we just say, "Oh, well, this sounds nice." We want to see it. We want to make sure what it is.

They came before us under the current – the prior zoning bylaw to rezone it and they actually showed us a plan. Well,

this time they decided not to, so they don't trust us. Trust is a two-way street. If they wanted to have something sincere that, "We wanted to do this," they could come before us with a plan and we would look at it honestly and fairly. But we're not just going to buy a pig in a poke.

Now, Ms. Taylor, I've got to say I'm sorry, but Pat Kerfoot pointed out, rezoning proposals have come up repeatedly since 1980 for this stretch of road right here, and every single time the Planning Board has expressed its concerns for maintaining this as a free traffic east to west traffic corridor. Every single time we've done that. And who decided it? It was Town Meeting who every single time turned it – we're at the point where you can go look at the minutes of Town Meeting if you want, and every single time Planning Board listened – the Town Meeting, these people, everybody here, listened to the Planning Board about the importance of this and that's how that policy came into effect. There wasn't any secret meetings. It was done by this Town Meeting and it was repeatedly –

THE MODERATOR: So Mr. Latimer, I have a question as the Moderator. Does the Planning Board have a written policy stating that and did you vote at it at the meeting that was referenced by Ms. Taylor?

MR. LATIMER: We have no written policy.

THE MODERATOR: Thank you.

MR. LATIMER: Our statement about a policy is just historical fact that this is a policy that we have suggested to several Town Meetings, at least a half a dozen of them, and every single time this Town Meeting voted to uphold that policy.

Now, if you would like us to go back and put that in writing and have a public hearing, we'd be happy to do it. But we would just simply ask you to re-affirm that policy. It's not our policy, it's our supporting that policy as planning advisors. It's your policy and we want you to uphold it. Thank you.

THE COURT: Mr. Murphy, then Ms. Thompson. I'll put you on the list.

MR. MURPHY: Carey Murphy, precinct 7. You know, it disturbs me a little bit when I watched that on television the night that the Planning Board talked about this it was absent anything on an agenda and I didn't see anybody in the audience and they voted. And I don't want to throw the Planning Board under the bus, because I think that if they want to have a policy this way, it really smacks of can anything be built on that site if they want to hold to that policy.

I support this article because I think it's high time

something was constructed there. This would create a clean, light industry for that part of town. There would be traffic control issues that would borne – the cost would be borne by the developer, I believe. Instead, if it was a 40B it would fall outside of that. You know, at some point we've got to say are people going to go by there at 50 miles per hour or are we going to have some traffic lights and some control approaching that intersection going up on the highway.

We've talked about the Cavossa property, we talked about the veterinarian's office. I think that if the Planning Board has created this district, it's a round peg, this project represents a round hole, we should fit it in and we should allow it to be constructed, we should allow the Planning Board to review it, we should allow the Cape Cod Commission to review it. They created the policy, we should follow along. Thank you.

THE MODERATOR: Ms. Thompson. And then Mr. Hampson.

MS. THOMPSON: Good evening, Diane Thompson, precinct 2 again, and I just want to speak about the process. You've heard Mr. Latimer state a concern that CLSV didn't present any plans before the Planning Board. The process as we see it is that a property owner comes to Town Meeting; that

property owner asks Town Meeting, “Do you think this site is suitable for a Senior Care Retirement Community?” That’s the step we’re at right now and that’s what we’re asking you: is this a good site for Senior Care Retirement? We believe: yes.

If Town Meeting agrees and votes yes, then the next step is to develop plans, and hopefully all Town Meeting Members when they came in this evening were given a copy of the Senior Care Retirement District bylaw. When plans are developed, those plans will have to follow the criteria that was set out in that bylaw. The density will be limited, and so forth. But, more importantly, there is a very stringent review that will take place.

I think most people or a lot of people know me and a lot of people have worked with CLSV. The way that we do business is that we would immediately begin working with Brian and Marlene and Planning staff to develop plans that we think are approvable for this town. Once those plans are developed, they’d get submitted as stated to the Cape Cod Commission and then they’d go back to the Planning Board. The Planning Board and the Planning staff have a lot to say while this permit process is in place.

So we ask: please vote yes. Allow this property to be looked at by the Town and have a senior care retirement community developed there. Thank you.

THE MODERATOR: Mr. Hampson.

MR. HAMPSON: George Hampson, precinct

5. I guess I'm a little bit disturbed at the disjunct between the Planning Board and the person proposing this change. And I think I'd like to hear from Brian, if you would, if you had any information on this that would help the audience. Because, I'm all in favor of this, but I know what it is, you know, you're changing the zoning. And when I was on the Planning Board, I always said it's not the developer we're passing here, it's the zoning change.

So, you know, tomorrow they could sell it to somebody else; you have a different operator. So, that's one thing.

And the other thing, Mr. Chairman, is we work very hard trying to talk about how to present data on a screen, and those slides of the plot plans were terrible. I mean, I couldn't pick two colors that would completely obliterate numbers and letters. And, so, that's a positive thing. Don't take it as a teacher trying to tell you what to do. But please, don't anybody out there bring in plot plans like that, because I couldn't read anything. Thank you.

THE MODERATOR: All right, next on my list I have Mr. Shearer and then Ms. Liechtenstein.

MR. SHEARER: My question's been answered.

THE MODERATOR: Your question's been

answered.

Okay, Ms. Liechtenstein. Ms. Liechtenstein, do you want a microphone?

MS. LIECHTENSTEIN: Leslie Liechtenstein, precinct 8. I would like to remind Town Meeting that the most endangered land use in the state of Massachusetts and in the Town of Falmouth is agricultural land. Every time we vote to change agricultural zoning, we declare open season on what's left of our agricultural land. Right now, someone could buy that land, they could put two houses per acre on that land. We're letting them put 12 units per acre on that land. It's not just this parcel. This may be a wonderful, deserving project, but I would like you to remember what passing this would mean for every other piece of agricultural land in Falmouth.

What do you want your town to look like in the next 20 years? In the next 50 years? Thank you.

THE MODERATOR: Okay, Ms. Zacks, you were next on my list.

MS. ZACKS: Because I'm mathematically impaired, I'm not clear – Brian has indicated the number of units and people per unit. How many people actually in your plan will be dwelling in this facility and how many people will be employed as care givers in

this facility?

THE MODERATOR: I think you're referring that to Mr. Shaw?

MS. ZACKS: Yes. I'm curious to know that. It might clarify traffic impact.

THE MODERATOR: Mr. Shaw.

MR. SHAW: Thank you. As far as the units themselves, it's six units per acre is the formula, so the total number of units on the site, the maximum that we could propose would be 186, just based on the simple math. Of course, if we looked at that increase for affordable units, there is a provision that I mentioned that it goes to eight units. But, you know, we're looking at the six units per acre as the high water mark, if you will.

You know, quite frankly, to meet the wastewater balance and the traffic conditions, it may never be achievable. When you look at the bylaw, it talks about we would have to mitigate the Senior Care Retirement Community to the same level as the by-right uses for the property. So our comparisons for that property to mitigate those particular impacts would be either single family home sites, which potentially we could get as many as 18 single family home sites, or a hotel conference center is also a comparable that we can use because agricultural land does allow a

hotel conference center to be permitted by special permit. So we can look at those as comparable impacts. And while we could easily fall underneath traffic on a hotel conference center by a longshot, we did look at those numbers. There's roughly 1200 trips a day that 155 room hotel conference center would create. A Senior care Retirement community of roughly the same size would create about 280 trips. And then single family homes would create fewer than that.

But, as far as the number of – I think the question was the number of residents in the facility. No unit could contain more than two bedrooms, so you could have two people living in each room. When we look at jobs, we're talking about, you know, an estimate of 30 to 40 full-time, year-round jobs with a number of part-time jobs that would be needed as well. I hope that answers the question.

THE MODERATOR: Ms. Zacks.

MS. ZACKS: I want an actual number of how many people you propose to service in this facility, the senior care facility.

MS. SHAW: Ma'am, again, we're asking for you to consider the site for rezoning under what exists in the bylaw. So we could propose as many as six units per acre, and then, depending on our ability to mitigate the impacts of that number of

units would determine the final number of rooms there would be and how many occupants there could be. But we'd have to conform with everything that's in the bylaw as it reads right now as far as units and number of people that could live in those units.

THE MODERATOR: Okay. Ms. Siegel was next on my list and then Ms. Flynn. Yeah, I'll put you on the list; it's growing.

MS. SIEGEL: If I had my numbers right, the minimum acreage for a Senior Care Retirement District is 15 and this is 31. So, as much as many of us would like to see another senior care retirement facility in this town, we don't know what's going to happen with the other 16 acres, and we're not getting the information. It seems to me like we're getting a lot of scary ideas. And I think that the scariest idea may be what Ms. Liechtenstein said, which is that we are once again considering rezoning for a person or for a developer and it's the reason that we require two-thirds, because rezoning is very serious business. And it seems to me that if a developer wants to make this kind of a change, that the Planning Board and Town Meeting have the right to get some more information. And I don't think we're getting it.

The Planning Board is where our expertise lies. We depend on the Planning Board and they are trying to give us back

the information we need, but they're not getting it, either. Thank you.

THE MODERATOR: Do you want to address that? Because I know you already did. I mean, if they listen. Go ahead. Go ahead.

MS. THOMPSON: Thank you. If I could see the slide again that showed the 11 acres. When we're looking at the 31 acres – this is to answer your question. And you said it's not clear how much – what I think I – what I heard you say is it's not clear how much land could be developed. On 31 acres, as was shown on the plan, only 11 acres of that 31 acres could be developed because of the requirement that there be 65 percent of the property must remain as open space.

I'd like to reiterate, until there's the rezoning, it's difficult to give you all of the exact specifics that you might be looking for because it's not possible to prepare the plan until the zoning is in place.

I hope that answered your question.

THE MODERATOR: Ms. Flynn.

MS. FLYNN: Yes, thank you, Mr. Moderator. Pat Flynn, precinct 6. I have a very different point of view as to where the vote on the zoning change occurs in the process of a

development, and what we've heard tonight is a concept. A concept of what a Senior Care Retirement Development could be on that particular site.

But in my experience, and I'm not a planner, but I worked in a town that, as you all know, a lot of development occurred. And what I saw there was the vote on the zoning change came at the very end. And one of the best examples of how that process worked was the Plymouth Rock Studios. Because people used to say, "No, we can't do it at the end. We have to do it at the beginning. It's going to cost us money." Well, nothing costs more money than the planning of the Plymouth Rock Studios which obviously have a site of over 200 acres. But this group came to the Town, they met with the Town management, they met with department heads. They met with the Planning Board, with the Zoning Board, with the Design Review. They met with the neighborhood. They met with the precincts in all of the communities in the town. They met with everyone. And then, after a year and a half of planning, they had a development plan that everyone was able to support, and at the very end of that they went to Town Meeting and said, "You all know what this is, you've all been a part of it. You've all agreed to it and now we want the zoning change." And, just like that, Town Meeting voted the zoning

change.

And I've always believed that we should try to do that with our developments here. That it best comes at the end. Because then there's no question about what the development is going to be; it already been approved by all of the Town boards. And it's also had the input of all the citizens who are most affected by it. Thank you.

THE MODERATOR: Okay, Ms. Williams, you are next on my list.

MS. WILLIAMS: Thank you, Mr. Moderator. Cheryl Williams, precinct 3. I raised the question at our precinct meeting and I hope somebody can address it this evening. When you talk about planning in any development, you have to think what's going to come after the development of any given parcel. And my question is what will be the impact to the Town's services, i.e. the Falmouth Fire Rescue and the number of ambulance runs to that area? And I just – is there anybody available that can answer that? Chief Brodeur?

THE MODERATOR: Chief, are you going to take a stab at it, or is it rhetorical? You have some data down here? Okay. Mr. Shaw, you have some data? Do you want to take a shot at it and then he'll give you the data he has? Okay, Chief

Brodeur.

CHIEF BRODEUR: Paul Brodeur, Chief of the Department of the Fire Rescue.

FROM THE FLOOR: Can't hear you.

THE MODERATOR: You've got to speak a little closer into the mic. It's on, but there you go.

CHIEF BRODEUR: Hello? Hello? Working now?

THE MODERATOR: Yes.

CHIEF BRODEUR: Okay. This one is a loaded question. [Inaudible.] The assisted living question. Facilities that we have in town, for fiscal year '08, Dillingham Place was 73 residences there and we did 40 responses in '08 fiscal. [Inaudible] up on the hill by the hospital has 60 residences and we do 20 – did 20 responses last year. And the Atria Woodbriar on Gifford Street has 106 residences and we did 201 responses in fiscal year '08.

Now, a few things. These are all emergency responses. This is inter-facility transfer, this is emergency calls to our department for emergency services. Fiscal year '08, our ambulance receipts were 1.5 million charged and 1.325 million received. Obviously some of that is spillover from 2007 and obviously 2009 fiscal will have a spillover because some were billed in December – I mean, excuse me in June for the following fiscal

year.

Obviously it's a socio-economic issue. Who can afford the luxury of what, what section of town. Who can afford the going rate in the facility, and also people in the senior resident facility; we have a lot of elderly populous, let's face it, in the residences, also. So that was – that was only assisted living. I didn't get into the nursing homes, you know.

THE MODERATOR: Okay. Mr. Shaw, did you have –

MR. SHAW: It was the same.

THE MODERATOR: It was the same, okay, same data. Okay, good.

Ms. Valiela was next on the list.

MS. VALIELA: Mr. Moderator, I have a question through you to the Planning Board and then I have several comments. My question to the Planning Board is is there a minimum number of assisted living units that would have to be built on this parcel if we up-zone it?

THE MODERATOR: Madame Chairman.

CHAIRMAN KERFOOT: A very short answer to that is no. The minimum acreage is 15 that has to be provided, and the maximum number, unless you go to affordable, is six units per acre. So you can do the math on that. And the driving factor, from what

we understood when other groups have come for this type of facility, is the economics of it. What number of units will work economically.

MS. VALIELA: Thank you. I attended two precinct meetings and I had a report, a detailed report on the third precinct meeting, and the information given out is not exactly what we've heard tonight. At those meetings, they were planning a bank, they were planning a restaurant. They were asked specifically at Precinct 5 could the restaurant be limited just to the residents, and there was sort of an equivocation, I guess, so no clear answer.

My concern here, look at your handout, is that there are permitted business uses in addition to the assisted living. Medical clinics, allied health offices, professional offices – that's lawyers, accountants, and so on – a bank. And a bank was specifically mentioned at the two precinct meetings that I attended, and then as I said the restaurant.

I have been aware of this parcel since I moved to North Falmouth in 1972. I travel Route 151 frequently. Every owner, starting with the Harrisons and Bruce Ramsey, wanted to convert this parcel to business uses. And so we all support assisted living, but I think we need to be very careful about up-zoning this parcel without an actual plan for assisted living.

The presentations I've heard at both the precinct meetings that I attended were, "We would like to have all three levels of care." It was not, you know, "We're planning, we're talking" to anybody. It was very, very general. And so I want to second what Pat Flynn said: there really needs to be a dialogue between CLSV and the Town as to what they're actually planning.

If you up zone it now, we have really lost a great bit of leverage.

The second point that was made was the Town does have a right of first refusal on this parcel. If you up zone it tonight, you are raising the value so much that it will be out of reach for the Town, thank you.

THE MODERATOR: Okay, Mr. Baker, I had you next on the list.

MR. BAKER: Thank you, Mr. Moderator. Steve Baker, precinct 6. Ms. Williams rose and started to ask a question and our fire chief started to answer the question, but I'm not sure I really got the answer. I rise because, first of all, I have a great deal of concerns particularly based on what Mr. Anderson said earlier about our fiscal responsibilities. If this project were to pass, to be rezoned so a project could be built. What impact would it have on us to provide water and fire and emergency services in this town?

The Chief, I've been at previous town meetings and whatnot, and he has told us that he has to evaluate the responses for his equipment and his manpower to various parts of the town based on certain demographics that he has to work on. Would this change the demographics? Would we have to buy new fire equipment?

We've seen a presentation on the wall this evening that says the buildings to be erected in this project would be 35 or 45 feet. Does that mean we would have to buy new ladder equipment? Are our water services capable of supporting sprinkler systems and the water demands for this? And does that change what we have to provide to them as far as water mains, water towers, anything else? To me, these are all serious considerations that we need to weigh in on and get the answers to, because it impacts, in part, my decision of how I vote on this.

Secondly, I'm a little concerned – not concerned, confused. I had thought I understood that this parcel was two acre zoning, and that the proponent of this project and so forth could by right build I think Mr. Murphy said 18 homes on the property. But it was also my understanding that only a certain percentage of the property could be developed. So, I guess I'm confused as to actually how many by-right homes could be built on the premises.

And also the Town has, as I understand it, right of first

refusal on this property. If we vote this to be a – go from Agricultural to the zoning that they wish for this project, it's going to – should the project not move forward for any way and if the property is offered to the Town and we change the zoning, we've cost ourselves in effect a tremendous amount of money to turn around and purchase the property. So, I would like my question to ask and my considerations to be heard.

THE MODERATOR: I don't know that we have a – go ahead.

MS. THOMPSON: Regarding the density, the site, the 31.22 acres could have 18 single family homes as it's currently zoned, some of those homes by right, and then there's a special permit provision because of its proximity to the wildlife corridor that would allow them to apply for the added density, which brings it to 18. The 65 percent requirement for open space applies to the Senior Care Retirement District, so that's something different, and that is what would obviously apply to what we're talking about.

Regarding services, you asked if the – if this development, for example, required anything from the Town in the way of infrastructure, and I'm talking about Town water. Any improvements to the Town's water system would be paid for by the developer. Any mitigation to traffic along Route 151 would be paid

for by the developer. And as we see it, we had the conversation with Chief Brodeur about what type of impact this type of facility would have on the Town from an ambulance perspective and the chief's response to me, "Well, it really depends on the health of the occupants," and for that – for that, you can look anywhere across the Town of Falmouth. We have an aging population. However, I ask you to think about the fact that the Chief also told you about the receipts that the Fire Department gets for a good portion of their ambulance runs.

What a Senior Care Retirement Community will not require in way of services from the town: it won't impact your schools, it will not require rubbish removal. Any facility like this would be responsible for their own trash collection and they'd be responsible for their maintaining the interior driveway and I won't call it a road network because it's not a road, but – and for snow and ice. So, the only impact we could really think of is that which you'd find in a normal neighborhood, perhaps, with ambulance service. I hope that answers your questions.

THE MODERATOR: Okay, Ms. Lowell was next. Ms. Lowell. You're on my list. Yes, go ahead.

MS. LOWELL: Vicky Lowell, precinct 1. A couple points. I think the original limitation on the 151 corridor came when

I was on the Planning Board back – way, way back, when I was young, and we brought it before Town Meeting as part of our first sort of a policy plan. Win Davis was the Planning, that's how long ago it was. And it's been reinforced over the years and it's even – if you looked at the Local Comprehensive Plan the Town has, I'm sure that there's language in there saying that we should protect our arterial roads from over – you know, curb cuts and excessive development, and it's also in the Regional Policy Plan, so I just don't think there's maybe other reasons to hear about — have a position on developing this site, but I don't think that brickbats at the Planning Board are fair in this context. If they were going to make a radical change in their policy, that would be more subject to criticism, but they've just been carrying on this policy for a long time.

I think that a Senior Care Retirement Center at this site could be possible, but I think the way it's – it's too open right now. I was talking to Brian Curry today because I had some questions about the bylaw and he pointed out to me that they could rezone as part of the 33 acres as Senior Care Retirement Center District, put all the development on that part of the site and leave the other – they'd still get the density from the remainder of the site. But what that would help would be these other permitted uses that were put

there at the suggestion of some attorneys in town that the – if you didn't allow something beside the Senior Care Retirement Center, banks wouldn't lend money because there would be no fallback if the Senior Care Retirement Center didn't make it. So they put in these other business uses like bank or restaurant, et cetera.

If you zone the whole 33 acres, you're opening up quite a large unknown. So, if they came back with a more developed plan, it could be that they only ask for a certain percentage of the land to be rezoned and we would have a much more definite idea of what will happen out there. Brian, I hope you'll correct me if my interpretation of what you said to me isn't right, but I –.

So I think I know CLVS or CVLS, whatever it is, would be – might be getting discouraged, but I think if they really want to go ahead with this, I think they should pursue with the Planning Board and come back to Town Meeting with a plan that we can all be more comfortable with what we know the end result would be.

THE MODERATOR: Okay. Mr. Putnam, you're next on the list. Mr. Putnam, you were next on my list. No? Okay.

The woman in the red shirt here on the left, yes. Then I've got two more on my current list and I think we're going to be ready to vote. And Mr. Swain you are on that.

MS. FINNELL: Margo Finnell, Precinct 8. I would suggest that we have heard many vague promises and some things that sound a little bit like threats regarding this article from CLSV, and I would ask that we support the recommendation of the Planning Board and vote indefinite proposal for this article.

THE MODERATOR: Okay, in order to do that, you would vote no. I'm sorry, I recognized the wrong Putnam. Ms. Putnam was on my list. No wonder you didn't know why I had you on the list. Yes, Richard, you're on the list.

MS. PUTNAM: Thank you, Mr. Moderator. Rebecca Putnam, precinct 9. I have two questions for you, Mr. Moderator. One is to Mr. Curry. If we vote this change, what would be the rights of CLSV to this property for development if the Planning Board rejects a Senior Care Retirement Facility? And my second question would be for the Fire Chief: what will we have to do to upgrade the fire facility in North Falmouth to have I believe the response time that's necessary for this property?

THE MODERATOR: Okay, Mr. Curry.

MR. CURRY: If the Planning Board decided to not issue a special permit for Senior care, I guess the next highest and best use would be the single family residential use at 45,000 square foot lots, 33 acres, it's about 35, 36 house lots.

THE MODERATOR: Okay. Chief, do you need to do anything in North Falmouth? And then I've got Ms. Kerfoot and Mr. Swain.

CHIEF BRODEUR: As far as the response time from North Falmouth station, it would be in the ambulance to that area would probably be from the time a call would be five minutes or under. That is provided that there is an ambulance in North Falmouth at the time of the call.

The other issue is is projecting, forecasting possibly within 15 years you'd have to build another fire station for North Falmouth as it is now, so you're response time might be reduced by three to four minutes.

The key that I think we have to look at here also, just as a point of information, is Falmouth Hospital's our jewel on the hill. Everybody we transport goes to Falmouth Hospital. They're building an oncology lab at Falmouth Hospital. You have one of the premier medical centers in the County at Falmouth Hospital. So people are going to come to Falmouth to have Senior Center care. That's a plus for us, the entire town. So, that's why we're running five ambulances in the town of Falmouth. And it's a business.

THE MODERATOR: Okay, Ms. Kerfoot, you were on the list.

MS. KERFOOT: Okay, I think that Town Meeting hasn't asked a critical question right now. And Mary Pat, with her description as to how Plymouth goes about doing this has something very close to that. The question is: is CLSV going to build and operate this facility? We've seen a couple of others come before you at Town Meeting, the Tuffy Group and Atria. You know that these are very specialized facilities to build and operate. If CLSV is not going to build and operate it themselves, you have no guarantee by changing this zoning that it will happen. If they cannot find a group that does this who is interested, if they can't run the numbers, if they don't want to locate here.

Now, what's CLSV's option and what does the Town look at because they've already rezoned it? Well, it's been pointed out: they have other by-right uses. You've now down-zoned it to 45,000 square foot lots. You've doubled the number of houses that can go on it. You also can get an office park, if you will, Because there are medical offices that are allowed here, there are banks, there are professional offices. You can get a restaurant or two on this property. You will not necessarily get what you are changing the zoning for tonight if you vote for it.

FROM THE FLOOR: Question, question.

THE MODERATOR: Okay, Mr. Swain. You got

something new, Mr. Swain? If you can just grab the mic right there, and then we're going to take a break here. We're going to vote and then go take a break.

MR. SWAIN: Charlie Swain, precinct 7. And I'm a member of the Planning Board. I think you'll find that the Board is not against the Senior Care Retirement Community, however we definitely want to know what's going to happen there. Whether there's going to be a Senior Care Retirement center, a restaurant, an office building, there's too much that can be done with that zoning. And the Town has voted us in to [inaudible] that Town Meeting gets all the right information. Thank you.

THE MODERATOR: Something new, Mr. Latimer?  
And then Mr. Shearer.

FROM THE FLOOR: Question, question, question.

THE MODERATOR: Is it new, Mr. Latimer?

FROM THE FLOOR: Hell, no!

[Laughter.]

THE MODERATOR: Let's go. Mr. Latimer, is it new?

MR. LATIMER: I'd like everyone to turn to the front of the book: "Citizens Checklist". The first question, "Is it necessary?"

FROM THE FLOOR: No, question.

THE MODERATOR: Okay –

MR. LATIMER: How do you answer that question if you don't know what it is?

Another question, "Is it a 'foot in the door' proposition?"

Well, I mean, yeah.

Next question, how does it affect basic liberties? It doesn't. There is no Constitutional right for up-zoning. It is not a taking of property to refuse an up-zoning. They bought the property with the zoning that was there. That's what they bought. They have no right or liberty to come to us to demand that we up-zone it. And I'll tell you something, if we up-zone it on the information that we have now, we are failing in our responsibility because it won't a taking, it'll be a giveaway.

THE MODERATOR: Okay, the question will come on Article 12. Article 12, the main motion is to amend the Zoning map at 151 from Agricultural AA to Senior Care Retirement District. This requires a two-thirds. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It is the opinion of the Chair that there is not a two-thirds. Is there a challenge to the Chair's call?

Hearing none, the article fails and we'll be in a 15

minute recess.

[Whereupon, recess taken.]

[Whereupon, meeting resumed.]

THE MODERATOR: Coming back to Article 16.

Okay, all our Town Meeting Members up front here so we can get the quorum count? All Town Meeting Members present, please rise and the tellers return the quorum count.

[Pause.]

THE MODERATOR: First division, Mrs. Tashiro.

MRS. TASHIRO: 50.

THE MODERATOR: 50.

In the third division, Mr. Hampson.

MR. HAMPSON: 59.

THE MODERATOR: And in the second division, Mr. Dufresne?

MR. DUFRESNE: 78.

THE MODERATOR: 78. This hasn't happened in a while: we have less people than we started with. By a counted vote of 187 members, we have a quorum and the Town Meeting is back in session.

Article 16 was held by Mr. Netto. This was to rescind a vote of Article 19 of the April, 2003 Annual Town Meeting. Mr.

Chairman for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 16 as printed.

THE MODERATOR: Article 16 as printed. Mr. Netto.

MR. NETTO: Joe Netto, precinct 9. Mr. Moderator, I held this just to not to speak against not returning the money, but I'd like to know April – excuse me, in the Annual Town Meeting of 2003, Article 19, we appropriated \$15,900 to purchase this land. Now that we cannot purchase the land, obviously because for whatever reason, I'd like to know if this – where the \$15,900 is, so to speak, and is it available to be spent here tonight when we do the budget under Article 18.

Some of us have some concerns on cuts that were made. I know there's a lot of people that one of the cuts being the hours of the North Falmouth and East Falmouth libraries. And if we could find any money that we've already raised and appropriated without obviously raising taxes, my point being, if this money was available, could we then put it into the library budget to extend the hours that have been cut back of those two branches? So, it's a question of: where's the money?

THE MODERATOR: Mr. Chairman. Or, Mr. Whritenour, sorry.

MR. WHRITENOUR: These are Land Bank funds, so they cannot be used for any of this.

MR. NETTO: Thank you. That's the answer.

THE MODERATOR: Okay, any further discussion on Article 16, the rescission of the vote for \$15,900, which is Land Bank funds so we can't spend it elsewhere? Unless it's on open space stuff. Hearing none, the question will come on the main motion as printed. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposes, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 17, this needs a main motion from the Board of Selectmen.

CHAIRMAN MUSTAFA: Mr. Moderator, I would move that the Town vote Article 17 as printed, without an appropriation of money.

THE MODERATOR: Okay, there's one change from what you have it there. It's as printed, but there's no appropriation of money. The last paragraph says, "And further, to appropriate the sum of money for the acquisition of the foregoing easements." Our Town Planning – excuse me, Engineer has met with all of the

property owners and there's no need for funding of this article.

Is there any discussion on Article 17? Hearing none, then the question will come on the main motion as printed without the appropriation of money. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[Pause.]

THE MODERATOR: I heard some people talking. I'm going to ask for the vote again.

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 18. Article 18 is the budget. What I'm going to do is get a main motion on the floor. So if you go to the center section of your warrant booklet, the color pages, there will be a few adjustments to what's in there. And then we will have a budget presentation. And then we will begin to go through the budget department by department. It's not a blanket, we'll just go into the department budget and if you want to adjust something or ask

questions, we'll do it then.

Mr. Chairman for the main motion on the budget.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 18 as printed, with the following changes. Could we get the slide up for -.

If you go to letter F, Appropriate from Mass Technical Collaborative Wind Grant for debt payments, the new number is \$57,000.

THE MODERATOR: This is the last of the colored pages, is where we're making these adjustments. The last of the colored pages. That's where the revenue comes from.

CHAIRMAN ANDERSON: If you go to letter J, Transfer from Overlay Surplus to be applied to the Fiscal Year 2010 Operating Budget, the new number is \$150,000.

There is a new letter K: Appropriate from BAN Premium \$134,194. The new L: Raise and Appropriate under the Estimated Fiscal Year 2010 levy and apply to all of the remaining balances under Article 18; the new number is \$103,715,184. For a total Operating Budget of \$107,569,142.

Mr. Moderator, I wish to call attention to changes in five of the department budgets that are reflected in the new motion. The first one is line 36 under Town Treasurer, which is on page one

of those purple budget pages. On line 36, the new number is \$196,532. Line 37, the new total is \$376,381; it's an increase of \$61,732. There is a Massachusetts Water Pollution Abatement Trust bond that there are administrative charges.

Under line 144, which is on page three of the budgets, the Upper Cape Vocational School, line 144 is Operating Expenses; the new number is \$2,742,532. Line 145, the Capital program, the new number is \$120,609. And line 146, the new total is \$2,863,141. There is a reduction in the medical insurance premiums due to a change in the assumptions; it would be favorable there.

The next change is under Cape Cod Regional Library, page 6 of your budget pages, line 249, Other expenses. The new number is \$123,708, and that makes line 50, the total, the same number: \$123,708. There's been a reduction from the state in the cherry sheets for this particular library.

The next one is also on page six: Long Term Excluded Debt, line 289, the Principal payment. The new number is \$4,229,539. Line 290, Interest payment, the new number is \$2,231,085. Line 291, the total, the new number is \$6,460,624. When the warrant went to print, the treasurer was still placing bonds and the costs were estimated, so these are the new costs.

The next budget change is on page seven, which is line 308 under Short Term Unexcluded Debt; line 308 is Interest payments. The new number is \$137,627, and line 309, the total, is \$137,627.

That changes line 340, which is the total budget, and the new number on line 340, the total Fiscal Year '10 Budget, is \$107,569,142.

THE MODERATOR: Okay, that is the main motion on Article 18 as printed with the changes that were just described by the Chairman.

Now for a presentation on the budget, Mr. Whritenour.

MR. WHRITENOUR: Thank you, Mr. Moderator.

Good evening, ladies and gentlemen, I'd just like to take a few minutes to take you through some of the key issues that are impacting the budget. I'll talk a little bit about some of the numbers and where I see things standing right now.

I want to thank the Finance Committee, Mr. Anderson with his remarks today. I'll try not to repeat a lot of them. I thought it was very accurate in portraying a lot of what the current situation is.

If you can see that slide at all, it's showing a sewer main break that happened very close to our beach area here, this

past year. Even in Paradise, we all have to be ready to roll up our sleeves and get to work solving problems, and I think it's no different in the Town's budget.

If we can have the next slide, please. A couple of points that I wanted to make that the FY '10 budget was put together against the backdrop of a global economic recession, and what we've seen as a result of that slowdown in economic activity that's confronted us, it's impacted every single one of our major revenue sources in one way or another. Now, we'll talk a little bit about that maybe in a little more detail, but the overall bottom line for how those revenues are impacted for Fiscal Year 2010 is we're going to see some overall general revenue growth of less than two percent.

Now, that makes this the most difficult budget year that we've faced in recent years, but it is important to notice that it's not a 20 percent reduction, it's not a 30 percent reduction. What we're talking about is a complete slowdown in economic activity that just doesn't have the growth that we need in order to deal with the inflation that we're facing.

Now, despite this economic recession, the Town to date has maintained very strong financial health. And that's borne out. The Standard & Poor's is the municipal bond rating agency

that establishes the credit risk, that evaluates our finances in an independent way and established a bond rating for the Town, and on March 3, 2009, about a month ago, we had a major re-rating and Standard & Poor's re-affirmed the Town's bond rating of double A plus. Now, the highest bond rating that you can get is a triple A, and a double A plus is just once notch short of the highest bond rating that a municipal government can earn and there's communities across our nation that are shuddering at the prospect of going in front of Standard & Poor's and being evaluated in this economy. We did it and we came out with a very high rating.

One of the reasons for that is that we have remained focused over the last several years and we've talked about this many times: limiting our spending during this economic downturn to levels that are sustainable, not spending more than we have to raise. We've worked very hard in previous years and this year especially to try to avoid overrides if possible. And if we can move along.

How you do that: we've worked very hard with I want to salute the Board of Selectmen with their strategic five year plan has provided very good guidance for us in establishing some priorities for the Town and priorities for the budget. Very importantly, especially in this Fiscal Year 2010 budget, I want to acknowledge

the department heads; these are the key service providers. The budget that you're seeing we presented and worked and engaged our department heads to come in with budgets that are within that target of the revenues that we had and these department heads delivered for the Town. And we'll see a little bit of that, how it has rolled out in terms of being able to meet the service needs with no growth in revenues.

There was a complete team effort from the Board of Selectmen to the Town Manager right down to every town department and the Finance Committee to put together a balanced budget this year for the Town. And I think we've done that, and I just want to hit a couple of the bright spots that you'll see in the budget that we have put together for you.

We've maintained enough control over our expenditures so that we're not exceeding available revenues. That has been the challenge that many cities and towns in Massachusetts have not been able to make this year, and I think that we're seeing that we've developed that in the budget. There are some service reductions, but no wide-spread layoffs, no major reductions in services, and we're confident that residents in this town will notice that the services will be extremely high with this budget.

Another thing that has been extremely important to us, it's helped preserve the bond rating, is we've virtually eliminated the use of free cash to support operating budgets. There's no big slug of Town Reserves that you're going to appropriate this evening that without these one time revenue sources you wouldn't have a budget. We've worked for the last nine years to do that and I think that's one of the things that's helped us, now, is we don't have that free cash. And, again, I think it's a positive spot that we really have engaged all of the Town departments in a joint effort towards sustainable Town operations. And I think Mr. Anderson mentioned some of those issues and I wanted to underscore that.

I don't want to take a lot of time, but on some of the numbers, here, I just wanted to show you exactly what we're talking about when we say, you know, the town revenues. We have nine years, here, of the state revenues and you can see the huge trough in 2002 at the high level; in 2004, that's when we had the last real economic downturn at the state level, and we had worked very hard working with the state and they, you know, made a commitment to the towns and cities and climbed all the way back last year to about those 2002 levels, and what we're seeing here is estimated for 2010 a pretty nice reduction again in the state aid. This is based on the governor's budget which we hope very much comes to

fruition but there are still questions at the state level as to whether additional cuts may be forthcoming and if they are we will be able to address those.

Maybe the next slide shows another portion of the budget: those local receipts. And the key thing I wanted to show you here, if you look in that 2004-2007 time frame, you really see these receipts. You know, they pitched in and grew. We modernized the local receipts. And that filled in a lot for the state aid that we lost at that time. Since 2007, that really when the wet blanket fell on the economy and the issue of not having the car sales, not having the investment income. It really made the growth almost too small to count in 2007-2008, and from '09 to '10 there's very, very little growth in the local estimated receipts. We're hoping that those, you know, hang in at that level and don't decrease even further, and we're confident that we've been conservative in estimating for next year those receipts and they'll come in.

The true engine of this town's government, one of the other reasons why the bond rating is so high, our equalized valuation per capita, the value of the property versus the number of townfolk that live here year round, is extremely high. We've been able to use this growth as primarily related to some of the capital projects that we've done. You see some additional growth from '09

to '10 that is primarily issues such as the new projects for the library, the DPW's in there and the high school, but the property taxes are strong, they're not threatened. The values in the town have decreased slightly, but not to a level that represents any threat to the overall finances of the Town.

If we could go to the next slide to give you a sense those revenue sources that we just discussed. The property taxes as the true engine is roughly 70 percent of the total budget in terms of revenues that we spend. Those local estimated receipts that we talked about, including the motor vehicle excise, all of the utility charges, water, wastewater, investment income is coming in at roughly 23 percent, I think, of the budget there. And the state revenues, keep in mind the state revenue is the most volatile portion of our revenue mix because it is, you know, based on the state and it's a political process and they also are very much based on economic trends, vulnerable. But the good news is favor us it's only seven percent of the budget. Usually my speech is decrying this as very inequitable; that should be higher, at 35 percent. But, at this downturn in the economy, for once I can relax for a second and say we're a little bit lucky, we've only got seven percent tied up in that state aid and it may decrease a little more. But that gives you a sense for what goes into the budget.

I want to talk a little briefly about where some of the money is going. And one of the areas that we've struggled in recent years is dealing with what's called these budget overhead items. And I want to give you a couple of measures. The cost of the health insurance benefits for all of our Town employees, it's roughly \$10 million. This year, it's up 805,000. The Retirement system that we operate in the Town for benefits for the future retirees, our appropriation that we make to that annually, is up 437,674. The Town insurance as a result of some of the management of that program and we're taking on some additional self insurance for a little more risk for the liability of the Town, the insurance is actually down 75,000, and that's part of a managed program. We are self-funded for that through the Mass. Interlocal Insurance Agency. And you can also see: the Medicare, which is another benefit, it's a federal benefit to employees, that is up 15,158, and as you can see, it's very difficult, those are large sums of money and those are just the increases that we have to make up for, you know, this year. That's where a lot of that two percent goes to actually these budget overhead increases.

One of the things I want to point out, though, is that this was a big problem. It has been a big problem and in '08-'09, these items had a combined increase of about 1.8 million. In '09 to '10,

because of the slowdown in inflation in all economic activity, the combined increase is only 1.1 million. And so even though that's a lot of money, the level of growth has slowed down and that has helped the Town, it's helped the Town very much.

The next slide just shows you some of the debt service increases, and as you can see, the long-term excluded has gone up about 400,000, and a lot of the short term excluded, which is mostly the high school project, has gone up about 957,000. Our unexcluded debt, as planned, most of the big projects, now, are being excluded from Prop 2 ½, so we've got a little bit of a respite with some of the unexcluded debt, decreasing by about 148,000 for the year. But that gives you a sense of some more overhead items.

The good news is that when we talk about those excluded debt items, by design they do not compete with the basic services of the Town. So, that's one bright piece of news on that.

Now, I want to talk just a little bit on some of the core public services here in town, what's happening with the budgets. I mentioned what a job I felt some of the department heads in this community did for you this year in joining with us to put together strategies that enable us to keep those services on the street with very little new money. The police Department is up this year, on a

budget of over 5 million, only up \$115,000. The fire and rescue department is only up \$111,000, on a budget of similar size. And the Department of Natural Resources is up \$16,941.

Now, if I had my druthers, I'd like to see additional staffing, and it was called for in our five year plan added to both police and the fire rescue department. But the truth of the matter is today we do not have the funding available to add those new positions. But despite that, these department heads had delivered on service levels that meet the needs of the Town, that will keep our heads above water until we can position ourselves to climb out of this economic recession and we have the sustainable revenues to add that staff. We're in a holding pattern right now, but I'm very confident that the service levels are there. And that's something that you can't hand on from high. That was a lot of work by these department heads working in their departments to come up with those amounts.

And just a couple of shots that we have of some of the Town staff. We talk about the public safety. Here's I think one of our Natural Resources offices dealing with what looks to be a very suspicious character there.

[Laughter.]

MR. WHRITENOUR: But I do want to – hold on, Bob,

let me — go to the next slide, please. There's a reason for some of these pictures.

I wanted to show – on the next one, please – an example: the Town Hall staff doing some of the work. And what's being done here is we've taken a lot of work in house that used to be done by various consultants in terms of this is one just here is an example of updating some of the maps in the town based on this is a plot plan that was submitted by a developer being updated onto the Town's maps. It's just an example of we talk about doing things differently, being a little more efficient.

Maybe we could take a look at the next slide. This shows you what we're up against with many of our departments have highly specialized equipment and training and the jobs that they perform are much different than jobs in the private sector, and there are a lot more costs associated with providing that training and equipment, and especially in the public safety arena. Things people don't necessarily think about when Natural Resources thinks of seasonal residents. They have an entirely different approach than what most of us think of, and a lot of might and money goes into the environmental work: taking care of those herring runs.

Maybe go to the next shot a little bit. And here's another one that I think is particularly important. You see the

Department of Public Works in this shot installing these pretty significant drainage structures and historically in our community, you know, that was always a project that was farmed out to private agencies that in association with the road projects private companies would do the drainage. There's a lot of contract work. Our DPW is working harder, in working smarter, is taking a lot of this work in-house and I think making some great strides with that.

And, with that, I'd like to show you the exact same situation that we saw with the Police Department and the Fire Rescue Department. This shows the budgets for the past one, two, three, four years for the Public Works divisions in Town, here. And if you go right through every single one of them, bar none, with the Highway Department coming in on a, you know, a budget that's about a 1.75 or so, but up only 14,000 for next year. The Water Department, despite a lot of the capital-intensive work that they do there, is only up 50,000 from the previous year. Our Wastewater Department is up \$152,000. It's a slightly larger increase, but you need to know: we're bringing on a new wastewater plant this year. In addition to that, the cost of the chemicals that run the plant, both plants now, have increased almost three-fold. So there are definitely increases that we're still dealing with. And trash collection is up 103,000 from the previous year. But if you take a

look, we've been in an economic slowdown since 2007, and you saw those numbers – go back for just one second. I don't want to spend too much time on this, but take a look at the flat level of expenditures.

These departments have been getting more done with less and the DPW at this time is in the midst of a modernization effort that Town Meeting has supported aspects of that, and they're making changes every day to try to get more done without increasing the budget and my hat is off to that department.

Maybe we could move along here. And this just shows you, see, with the flashlight and those men are down in a very deep trench with a broken line that, you know, you have to provide some of the funding. These breaks often happen at night on off-hours, and sometimes, you know, there is an expense to going down there. But the Town is never left unprotected.

Maybe we could just move this along. There's our Harbormaster vessel that is patrolling the waters. And the next one, I wanted to just show you the example of some of the highly specialized work that's done in your Town departments. And if you take a look at this slide and you try to figure out what actually is going on here, it sort of makes the budget seem simple. But there are highly trained technicians that support the technology in all of

Town buildings, and really the scope of that I think is beyond what a lot of people really realize and how we've grown as an organization and what it takes.

We also are looking, you know, to the programs that we have for the children of our community, and maybe if we could take a look – another Department I wanted to highlight for you: the educational portion of the budget. Which, you know, that's roughly half of all of our spending. I do want to point out that the School Committee, the Superintendent of Schools Mr. Dupuis, have been in this entire time period full members of our management team and full members of our community, and they have participated every step of the way in our cost cutting measures. I do want to point out that the School Department for Fiscal Year 2010, their budget is only up \$679,000, but one of the things that you recall that we did is the state has asked us on the Medicaid reimbursement money to put that in the School budget, and we had always previously put it in that separate article. And so that's really no increase to the School Department at all. Their net increase is only 409,000. That's one percent. The School Department is increasing their budget one percent this next year. That's a partnership. That's a partnership with the community and the service levels we think will be there.

The Upper Cape Tech, similarly, has taken every effort in these difficult economic times to keep their budget level. And I think all the Town departments have and one of the things I – just like, you know, I'd ask you not to – there's a lot of areas where I'm sure everyone in the room could come up with something that would be nice to add to some of these budgets. I'd ask you not to appropriate more than is recommended here. You have no idea that motion that was amended, how difficult it was to come up with funds to cover everything that's in this budget.

Similarly, with the work that's gone into a delicate balancing act to maintain these service levels, I'd be very careful of creating a domino effect of trying to cut things out of the budget and reducing services more than you might imagine. I would say that this is a very conservative budget. It's designed to keep the Town's finances as strong as we can while we weather this economic sort of storm.

And maybe we can take a look at moving ahead so I can wrap this up.

Our state government I mentioned has an economic crisis that continues to unfold. We may learn as the year progresses, as next year progresses, that the state's budget continues to have problems. We may have to come back and deal

with those problems in the form of reduced state aid. We'll be capable of doing that. We'll be watching very closely. There is definitely the need to delay some of the service increases. I mention that. We want to make our expenditures sustainable. We think that the amounts recommended are sustainable and we don't want to go above the revenues that we have.

We ask you very strongly: patience is a virtue; have patience with us. Have patience with the Town and the economy. We don't want to overspend during a recession and force some major cuts later or overrides or things like that. What we seek to do throughout these budgets is maintain our basic services. Maintain the financial health of the Town so that it will be easier for us to rebound. We don't want to put ourselves in a hole so that we spend all of these years digging out of it. We want to try to keep our heads above water and when the economy turns around we'll be back with some things.

This slide here shows you to that respect that sometimes you can find big problems in areas where you least expect them.

[Laughter.]

MR. WHRITENOUR: And if we could wrap this up.

Moving forward, sharing information, transparency of our financial

decisions and I want to commit to this, the involvement of all of our departments in the financial planning is what we're going to be doing. We want to focus on the economic realities that are around us, including the ability of local residents to fund government. That's a key issue. It's the reason that we're not seeking any overrides to try to build up the services in this tough time for everyone. But, please, do not panic. Remember, the slow and steady approach when the economy's doing this, Falmouth needs to do this. And that's the approach we've taken, and so, with that, I guess I'll leave you to the line items of the budget or any questions that you might have.

THE MODERATOR: Okay, any general questions before we go into the departmental budgets.

Mr. Putnam.

MR. PUTNAM: Through you, Mr. Moderator, a question for – a couple of questions, excuse me, for Mr. Whritenour. In the slide that showed the public services, he said the police were up 115,000, but it showed a minus sign; I'd just like some clarification on that.

MR. WHRITENOUR: Yes, that is a plus.

MR. PUTNAM: Another question, you said no widespread layoffs; I'm wondering what, if any, layoffs we've had;

what departments they've been in and what effect on Town services that will have.

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: There has been a reduction in one local inspector position, part-time. Basically, the issue there was the building is not there to support that level of effort. So, it will have no impact.

We are struggling with some of the issues in our library department. It was mentioned that some of the hours have been trimmed at the branch locations, and the reason for that – so that is one reduction in service there, is that in order to maintain our requirements at the main branch library that would keep us certified so that we have our regional designation as a regional library and as a reference library, we needed to trim back in that area.

The key problems that we've had have not been layoffs in terms of the staffing. We have positions that are frozen, some vacant positions, so there are a number of positions that currently we're unable to fill that have been, you know, vacated through attrition. Some of those involve the Public Safety departments, Facilities Maintenance, there's a broad range of those. And, in addition, we have had planned service increases through a five year staffing plan that we had hoped to add additional staff people

to improve services, because there's a demand for more services in our community. And we've had to delay any service increases. So, that is about a summary of that.

THE MODERATOR: Okay, any further questions for Mr. Whritenour before we go into the line items? Mr. Netto.

MR. NETTO: Joe Netto, precinct 9. My questions come from the back page of the budget where we changed all the figures. And I was surprised to see that, under D, Appropriate from Waterways Fund to be applied to the Budget \$250,000 – I was always under the impression that the Waterways Fund was dedicated funds and that these monies in this account came from those boat owners, those of us that owned boats, our excise tax and what we pay, and I do appreciate obviously the effort and the difficulty in, you know, coming up with \$107 million.

My question to Mr. Whritenour the Town Manager, would be how much money is still left in that account? These are the accounts that, when the Waterways comes in front of us to dredge a harbor or to repair dock facilities, that the money comes from these accounts. It doesn't come from the General Fund, you know, of the Town. That the boat owners in this town pay their own way and we like to point to the tourism of our beaches and our waterfront and I would hope that we wouldn't be endangering the

operating of this one department, the Waterway Committee and what we expect them to do with balancing the budget from the general part of the town.

I've spoken to many boat owners; they realize that these are tough economic times and no, we don't all own those 57 foot yachts that are down there at the, you know, harbor, but some of us feel that we're being taxed twice. That we pay our taxes on our excise tax and our mooring fees, and then again we're supplementing. You know, and you may say, "Well, it's only \$250,000." And in talking to members of the Waterways Committee I find out, unbeknownst to me, that this has been done, now, for the last couple of years. And I do appreciate the difficulty you have of reaching that \$107 million figure.

As Town Meeting Members, if you look, 103 million of that is taxes. So, you know, the taxpayer is pulling the brunt of this.

But, to end this, my question, Mr. Moderator, to the Town Manager would be: do you plan on using that account to help come up with the bottom line in future years?

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: I would point out that the money from the Waterways Fund is specifically transferred to the

Harbormaster Account, so it's not being used outside of the Waterways. The Town Accountant may be here and have the entire balance in that account. It is well above half a million.

THE MODERATOR: Can we get that?

MR. WHRITENOUR: She has that balance.

THE MODERATOR: Can we get a microphone for Ms. --

MR. WHRITENOUR: And I think reasonably the answer to your question is Yes. The Waterways Funds in the future, a portion -- this doesn't cover the whole Harbormaster's budget by any stretch, but a portion of those funds will be used to support our waterways enforcement because that's a very important service here in town and we're not going to see it, you know, be short-shrifted.

MR. NETTO: Okay, thank you for that. In other words, do you plan on discontinuing the use of these funds when we get through this fiscal crisis or is this going to be standard operating procedure, you know, to go into what use -- obviously the law was changed, I was told in speaking to members of the Waterways Committee, but as you said half a million dollars sounds in some regards like a lot of money. I suppose we'd all like to increase our bank account by that. But when you look at what we

ask the Waterways to do, I can just imagine what this repairing of the bulkhead, you know, down at Falmouth Harbor, the – you know, would be. I'm sure that we'll get grants.

But I just had to speak for the boat owners, I've been asked to do this by some people who when they saw this just wanted the people to know. Thank you.

THE MODERATOR: Okay, let's go. Mr. Whritenour, is this all set?

MR. WHRITENOUR: No, I guess he wanted the balance.

THE MODERATOR: Okay. Ms. Alwardt, did you have a balance number there, for that?

MS. ALWARDT: I do. As of Friday – I'm sorry. Mary Ellen Alwardt, precinct 4 and your Town Accountant. As of Friday, the balance left in the Waterways Account was \$722,043.84.

THE MODERATOR: Thank you.

MS. ALWARDT: You're welcome.

THE MODERATOR: Further general questions. This a general question? Okay. Before we get – let's use the mic.

MRS. BOTELHO: Will I be able to hold one particular line?

THE MODERATOR: We're not going to do hold; we

never have. We're just going to go through the department budgets once we –

MRS. BOTELHO: You will be going through and as you go through could I speak on it?

THE MODERATOR: You can talk when we get there, yes –

MRS. BOTELHO: Thank you.

THE MODERATOR: – absolutely. Is there any more general questions for Mr. Whritenour before we do the departmental budgets?

Okay, hearing none, the first department: Town Meeting. Town Moderator. Selectmen/Administrator. Finance Committee.

Yes, go ahead. Microphone to the left, Ms. Murphy.

MS. MURPHY: Thank you, Mr. Moderator. Carol Murphy, precinct 9. I just wanted to know about the Out of state travel for the Town Administrator.

THE MODERATOR: What did you want to know about it; what's your question?

MR. MURPHY: Why can't we delete it this year?

THE MODERATOR: Because we've got people that want to go out of state. Mr. Whritenour.

MR. WHRITENOUR: Yes, and I'd like to answer that question. First of all, the – one of the things that we did, it's under the Selectmen's budget in there because that is not for the Town Manager, only that is we've consolidated all of the general out of state travel into that one account so that we can control it, and the reason that these funds are in that budget is so that we can maintain a fund for professional development of some of the professionals in this town.

A perfect example is both the Assistant Town Manager and I are required to attend the International City Management Association Conference as a professional development opportunity in order to gain the credits we need to maintain our credential as Certified City Managers. And when we're dealing with the types of issues and the numbers that we have, it's very important that we understand that there are professional development requirements, that there's training that goes into maintaining that state of the art knowledge on all of these issues, and this amount covers anyone that does out of state traveling.

We have a written form that has to be filled out with an application and we evaluate any of the professional development activities and it's only those that are important are approved. No one can travel without having my signature and the -- but they are --

it says travel, but those are for professional development opportunities.

MS. MURPHY: And what would be the consequence if you did not go this year?

MR. WHRITENOUR: The Town of Falmouth would not have a Certified Town Manager. I mean, that's a professional designation that would be lost. And, you know, I think that's a type of thing, it could be penny wise and pound foolish to dis-invest in the professional designation, you know, of the people that are responsible for running your community.

MS. MURPHY: And there's no way to tele-conference that or any other way to attend that meeting beyond being there in person?

THE MODERATOR: No, these are multi-day events.  
No.

MS. MURPHY: Okay, thank you.

THE MODERATOR: Mr. Putnam.

MR. PUTNAM: With respect to certifications, and the Town Manager can correct me if I'm misspoken here, but I did ask him about this and the answer that I received when I asked the very same question as Ms. Murphy was that in fact this is something that can be done on line or via correspondence courses; that one does

not have to be physically present to maintain one's certification.

THE MODERATOR: Any other questions on this particular section? Selectman and Administrator. Yes, Mr. Latimer.

MR. LATIMER: Yes, I understand from what we've been told that the administrator and the assistant have to do some international travel. I'd like to know how widely this is distributed among the various departments, the Conservation Department, the Planning Department, the Library, the School Department and so forth.

THE MODERATOR: It's not international travel. ICMA is the name of the organization.

MR. LATIMER: Oh, okay, but it's travel to Chicago or wherever. You know, wherever it is. I'd just like to know how widely it is distributed.

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: This is distributed – these funds go throughout the town departments. It does not include the school, but I know, you know, for instance, we've had some very specific training for our planners that are – you know, we've got folks developing their careers with, you know, these issues with the International Association of Certified Planners. Again, a

professional designation that requires you to attend these meetings.

And, you know, it's just something you cannot replicate on the Internet, I'm sorry.

MR. LATIMER: It is widespread?

MR. WHRITENOUR: Yes.

THE MODERATOR: Okay. Anything else in the Selectmen/Administrator's budget?

I would, just as an editorial comment, propose that this be the Selectmen/Manager's budget because we don't have an administrator anymore, but that's just my thought.

Finance Committee. Finance Committee Reserve Fund. Town Accountant. Assessing Department. Town Treasurer. Town Collector. Legal Department. Personnel Office. Information Technology. Geographical Information Systems. Affirmative Action. Town Clerk. Elections. Conservation Commission. Planning Department. Zoning Board of Appeals. Town Insurance. Facilities Maintenance. Police Department. Fire Department. Building Department. Emergency Preparedness. Natural Resources. Harbormaster/Waterways. School Department.

Mr. Herbst.

MR. HERBST: Ralph Herbst, precinct 8. On the tan

handout from the School Department, page number five, under the top line Administrative Salaries, District-wide, it looks like there's a 27 percent increase. Could someone explain that, please?

THE MODERATOR: Someone from the School Department want to address the administrative increases? Superintendent Dupuis.

MR. DUPUIS: Mark Dupuis, interim Superintendent of Schools. The reason that money is reflected in there is because there's currently a salary for a Superintendent, full-time Superintendent. This year we reduced that due to the resignation of Dennis Richards, we reduced that amount. Which reflects the 407,000.

THE MODERATOR: Thank you. Ms. Murphy.

MS. MURPHY: To the School Department, what's the breakdown of the first line on the tan sheet of the administrative salaries?

THE MODERATOR: Mr. Dupuis.

MR. DUPUIS: I don't have the specific exact amounts, but there are four salaries in there. There's a superintendent's salary, an assistant superintendent's salary, director of pupil personnel and a director of curriculum's salary in there.

MS. MURPHY: Approximately what amount to each salary?

MR. DUPUIS: Approximately the superintendent's salary is in the \$150,000 range; the assistant is probably in the \$120,000 range – again, these are estimated amounts. And the other two are in the 100 to \$110,000 range.

MS. MURPHY: And for the new superintendent that we are planning on hiring, what is the salary range for that person?

MR. DUPUIS: I'll defer to the School Committee on that, but I know that would be subject to negotiation, but I'll defer to the School Committee on that.

THE MODERATOR: Mr. MacDonald.

MR. MACDONALD: Just to repeat – Jamie MacDonald, Chairman of the School Committee. That would be subject to negotiations. What the range would be? As little as possible, or as much, we don't really know until we get to it.

MR. MURPHY: So, has there been any talk of hiring someone at the beginning of their career with a lower salary than someone –

MR. MACDONALD: No, we have – I'm sorry, go ahead.

MS. MURPHY: Than someone toward the end of their

career at a higher salary?

MR. MACDONALD: We haven't even begun the process yet.

MS. MURPHY: I see. Thank you.

MR. MACDONALD: Yes.

THE MODERATOR: Further discussion on the School budget?

Upper Cape Vocational School. DPW Administration/Engineering. DPW Highway Division. DPW Snow and Ice Control. Street Lighting. Vehicle Gasoline. Waste Management Facility. Solid Waste Collection. DPW Wastewater Utilities. DPW Water Utilities. DPW Tree Warden. Health Inspection. Clinics and Nurses. Council on Aging. Veterans Services.

Yes, Mr. Stumcke. With a microphone, please, Fred.

MR. STUMCKE: Fred Stumcke, precinct 4. Line item 215, Veterans Ordinary Benefits, they requested \$360,000 and cut it back to 250, yet we've got people coming back from overseas. Why the decrease from the 360 requested?

THE MODERATOR: Mr. Whritenour. Actually, Mr. Hampson, could you get us through –

MR. HAMPSON: Point of order. I would make a

motion that we extend the meeting beyond 11:00 to finish this budget.

THE MODERATOR: Okay, the vote is to extend after 11:00 just to finish this budget. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it.

Mr. Whritenour.

MR. WHRITENOUR: Yes, I'd like to address the issue of the Veteran's Benefits, which has been an area in the budget which has grown astronomically in the past several years. I would point out that the appropriation is up 60,000, which is a pretty big percentage from the previous year. The amounts that are in there are the amounts that the Town has the availability to fund currently. We are substantially behind in our state reimbursements on that. We recognize that, moving forward, this is an area the Finance Committee and I have met with and we've highlighted as one of the key areas in the budget to monitor closely. This may require supplemental funding. I think it's probably the only line item in our budget where I can honestly say we've got a very serious watch on

this and working with the state to try to enhance those reimbursements.

And the one thing I can say, this community has had an extraordinary commitment to the veterans that are returning from service. Primarily these are not the veterans on our roles. It is really the older vets that have the lion's share of this, but we're working with the Veteran's Department and we're going to continue to monitor this very closely, and so if it does require additional funding, you know, we'll be ready to address that.

THE MODERATOR: Okay, any other questions about Veteran's Services budget? Mr. Dufresne. Go ahead, Mr. Dufresne.

MR. DUFRESNE: Adrien Dufresne, precinct 2. Speaking as a member of the Veteran's Council. This is a very unknown number, given the benefits that are being allowed now by both the Federal Government and the state. In your Special Town Meeting tomorrow night, you will be asked to transfer \$30,000 for this line item. The number of cases that are coming in daily in the Department of Veteran's Services constitute an increase in the funding of these services that are mandated under Chapter 115. We also have to bear in mind that these are what we call twenty-five cent dollars. There's – 75 percent is reimbursed back to the

General Fund by the state under Chapter 115 for Veteran's Ordinary Benefits.

If there's any further questions, I believe we have the director of Veteran's Services in the audience.

THE MODERATOR: Okay. Are there any further questions on this or are we ready to go forward? We know our state reps are in the room, so let's get the 75 cents back, which we haven't in a couple of years.

Any other questions for Mr. Hill? Otherwise we're going to move forward. Is there any other questions on this line item? Okay. Then let's move forward.

Commission on Disabilities. Human Services. Falmouth Public Library.

Mrs. Botelho.

MRS. BOTELHO: I would like – on line 244, Salary and Wages, I would like to add to that approximately \$55,000 for the hours to remain the same in North Falmouth and East Falmouth as they presently. East Falmouth is 24 and I'm not sure what North Falmouth is.

But I want to speak on this line. Since I've left the library, which was some 20 years ago now, the East Falmouth

Library, for example, has lost hours three times. And I am very much for the beautiful, big library we have downtown. I love it. I think it's wonderful and of course I would. But I also think that it is imperative that we keep the branches open enough for the people to get the enjoyment out of them that they deserve. These are the residential areas of the town.

Way out in North Falmouth, those people, they really don't get a lot. Their merchants always complain that they don't get taken care of as well as the merchants downtown, and the people, there's a lot of – these are major residential areas. These are where the people live. These are where the people – the children of the areas need to use the library. They need to have access to it. If – for example, if the East Falmouth Library is shut down any further than the 24 hours, the hours that are proposed right now, the children after school would have two hours of access to the library in a week. And there are a lot of children out in Waquoit, part of Hatchville that uses the East Falmouth Library, and East Falmouth itself. And these are heavily residential areas. And they have a right to have their access to the books, to the computers, to things that the children today need. And there was a quick survey taken that I was told of, and in East Falmouth they just quickly they determined that after school there was at least seven children a day

that came in to use the library, if not more.

So, I really think this is imperative. We talk about education, we've put all that money into the high school and all the school systems. We've put the money into the large library, which is a wonderful, wonderful facility, but we also need to keep these branches going. We need to give them the hours, at least enough so that the children can walk or ride their bikes to these facilities after school. The parents, I know from my own experience that the parents between 4:30 and 5:00 run in to get their books after work, and we have a lot of retired people out in these residential areas, and they like the use of the library.

So, these libraries simply service the residents of these communities on the outskirts of Falmouth and they really deserve – they deserve more than what they're getting, but they certainly deserve to keep what they have now.

It didn't take someone – it didn't take them an hour to get 100 signatures out in East Falmouth to maintain our request to keep these hours. And I've noticed something and I was given these lists tonight to turn in here, if necessary, and it came to my attention. People from North Falmouth, people from even downtown Falmouth signed to keep these hours.

This is something that I feel very, very passionate

about. I think it is very, very important that we at least maintain what we have. We've lost a lot in the branches, but at least let us maintain what we have and don't take any more. If you do, you're as good as closing these branches, and these branches are very active places and they don't deserve this.

So, I'm really asking the Town Meeting Members here tonight to back the people in the outskirts of the town and let us have this. I would like to suggest that we take the money that we – we maintain that amount and we take it from – I had it written down.

Okay, where'd I put it?

THE MODERATOR: We might be – let me check on this. Is there the ability to add this \$55,000 to raise and appropriate?

MRS. BOTELHO: Yeah, this is what –

THE MODERATOR: Well –

MRS. BOTELHO: This is what I would suggest, that the said funds to be taken, the \$15,900 to be taken, and then the other remaining to be taken from the town travel -- out of town travel fund.

[Laughter and applause.]

THE MODERATOR: What are those numbers? What are these numbers? These number are different. You told me

55,000, so what's the number there? You said 55,000. Just read it to me.

MRS. BOTELHO: Well, it's – this is a request for \$55,520 to cover the expenses for the coming year, and at the East Falmouth Library and the North Falmouth Library, and said funds to be taken, the first \$15,900 from Article 16–

THE MODERATOR: Whoa, whoa, slow down.  
15,900?

MRS. BOTELHO: Uh-huh, from Article 16. And then the remaining from various out of town travel funds.

THE MODERATOR: No, you can't do anything with Article 16. Article 16 was Land Bank Funds. Let me try to solve this for you like I tried to do before you –

Can we raise and appropriate 55? Is there that room, or not? There is not. \$55,000 within – okay. So it can't come from raise and appropriate. Okay. Is there any other suggestion of where we could come from before we start pitting one line item against the next and then Town Meeting as a whole will vote whether or not they want to do that?

Do you have a suggestion of a funding source? Okay, let's give Mrs. Tashiro the microphone.

MRS. BOTELHO: Be my guest, Charlotte.

MRS. TASHIRO: Thank you. I'm an old-time library person myself, but I feel very strongly about this. It's just not fair to the people in these areas. And it's not fair to the people who use the main library, either, because the main library's going to be overcrowded very quickly. But I look ahead to line number 249 and line number 255. Together, they come to \$37,830. Why should we subsidize privately-owned libraries when our own libraries can't stay open?

THE MODERATOR: So, the recommendation, or the motion for funding, is this – Mrs. Botelho, is this where you want to try to move it from?

MRS. BOTELHO: Well, that, and as much as possible to be taken from the out of town travel.

[Laughter.]

THE MODERATOR: Somebody's got to do the math, because you're asking for \$55,520, and those three line items don't add up to that.

MRS. BOTELHO: Uh-huh.

THE MODERATOR: And you can't take money out of the Land Bank for the library.

MRS. BOTELHO: Well, we haven't totally – we haven't voted on the whole budget yet, have we? Do you want to

let me sit back there and figure it out? But I'll look and see how much we can take from the out of town.

THE MODERATOR: If you could find us a funding source –

MRS. BOTELHO: Okay.

THE MODERATOR: – and we could vote on it in its entirety? Wait a minute, I've got a –

FROM THE FLOOR: Motion to table this discussion until tomorrow night.

THE MODERATOR: Okay, a motion to adjourn the meeting, is that what it is? Okay. We have a motion to adjourn the meeting here in the middle of the budget, which means we would come back to the budget after the Special Town Meeting tomorrow night. Okay? All those in favor of adjourning the meeting, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It's the opinion of the Chair that the Ayes have it by a small majority and we'll stand in recess until tomorrow after the Special Town Meeting.

[Whereupon, this matter adjourned at 11:10 p.m.]

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing transcript represents a complete, true and accurate transcription of my audiographic recordings taken in Falmouth Town Meeting, April 6, 2009, to the best of my knowledge, skill and ability.

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

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