

**Vol. One of Two
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COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

ANNUAL TOWN MEETING

**Lawrence School
Lakeview Avenue
Falmouth, Massachusetts**

MODERATOR: David T. Vieira

TOWN CLERK Michael C. Palmer

Tuesday, November 13, 2007

7:00 p.m.

Carol P. Tinkham

ANNUAL TOWN MEETING**INDEX**

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P R O C E E D I N G S

THE MODERATOR: Will all Town Meeting Members please come in and take your seats. I want to remind all Town Meeting Members that your attendance will be published in the Falmouth Enterprise. Car license plate 33TC44, your lights are on in the parking lot. Again, a white car, license plate 33TC44, your lights are on.

Okay, would all Town Meeting Members please come forward and take your seats for the establishment of a quorum. Our tellers this evening: in the first division will be Charlotte Tashiro; in the second division will be Mr. Dufresne; and in the third division will be Mr. Hampson.

I want to remind all Town Meeting Members and guests to please state your name and precinct each time you speak for the record. I acknowledge that we have our sign language interpreters this evening, as well as our stenographer.

Would all Town Meeting Members please rise and the tellers will return the count.

Everyone present, if you have a cell phone or pager,

please turn it off or put it on vibrate mode.

[Pause.]

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

MRS. TASHIRO: 50.

THE MODERATOR: 50.

In the third division, Mr. Hampson?

MR. HAMPSON: 56.

THE MODERATOR: 56.

And in the second division, Mr. Dufresne.

MR. DUFRESNE: 109.

THE MODERATOR: 109.

By a counted vote of 215 we have a quorum and I call
the Annual Town Meeting into session.

Would everyone present please rise for the
presentation of the colors by Boy Scout Troop 40.

[Colors presented.]

[Pledge of Allegiance taken.]

THE MODERATOR: At this time, we'll have the Star
Spangled Banner played by the Town Band Brass Choir.

[Star Spangled Banner played.]

THE MODERATOR: Mr. Dufresne for the invocation.

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

THE MODERATOR: At this time, we'll pause for a moment of silence in honor of those members who have passed since our last meeting.

[Pause.]

THE MODERATOR: Colors post.

[Colors posted.]

THE MODERATOR: Let's have applause for Troop 40 Falmouth and the Falmouth Town Band Brass Choir.

I'd like to recognize this evening the students from Falmouth High School Student Government. They're joining us up in the loft getting ready for their town meeting at Falmouth High School. Welcome.

Okay, at this time I'd like to read the Officer's Return of

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

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

At this time, we're going to swear in all new Town Meeting Members who were elected at the last Town election. Mr. Clerk.

CLERK PALMER: The following people please rise and will repeat the oath after everyone is standing. Judith Fenwick, Lindsay Hopewood, Susan Shephard, Jude Wilber, Ann Sears, Carol Kenney, Jay Kingwill, Peter Waasdorp, Nick Witzell, Susan Smith, Elizabeth Bothner, Diane Thompson, James Fox, Douglas Jones, Richard Latimer, Harriet Dugan, Ken Buessler, Lois Girard, Milton Kelley, Betty Lunch, Fred Ravens, Sandra Murphy, William Murphy, Douglas Brown, Harold O'Connell, John Alves, Bernard Stecher, Todd Bidwell, Linda Davis, Paul Brodeur, Donald Hoffer, Scott Thrasher, Maureen O'Connell, Charlotte Tashiro, Barbara Schneider, Benjamin Moreland, Kevin Murphy, Lynn Grant Major, Barret Keating, Ellen Doyle Sullivan, Russell

Ferreira, Robert Young, Ruth Brazier, Debra Rogers, Nicholas Lowell, Charles Eastman, Carol Martin, James Vieira, Julia Taylor, Jeffrey Oppenheim, David Potter, Alan Fleer, Anne Dewees, Samuel Patterson, Carey Murphy, Richard Swain, Alexandra Lancaster, Ronald Garcia, Margaret Borden, Maurice Roy, Gary Anderson, Kathleen Driscoll, Allan Fleck, Tina Jensen, Ronald Schlitz, Louise Houle, Gregory Clements, Jane Perry, Henry Dick, Randall Peat, Camille Romano, Edward Schmitt, Brent Putnam, Veronica Zylinski, Phyllis Day, Jeff Rubino, Michael Mueller, Deborah Ann Aguiar, John Farrell, Joan Muller, Clayton Jones, Lena Thompson and Carol Ann Murphy.

Raise your rights hands and repeat after me: I -- state your name -- do solemnly swear that I will faithfully perform the duties of a Town Meeting Member according to the best of my ability and agreeable to the Constitution and the laws of the Commonwealth of Massachusetts, so help me God.

Congratulations.

[Applause.]

THE MODERATOR: welcome to all of our new Town Meeting Members. We had a nice orientation a couple of weeks ago at Town Hall, went over some of the procedural questions. That is an annual event that's required by the revised Town

Charter, and look forward to continuing that practice in the future.

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

CHAIRMAN MURPHY: Mr. Moderator, I move to dispose -- dispense with the reading of the warrant except for the Officer's Return.

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

At this time, the Chair would entertain a motion to allow non-Town Meeting Members to sit up front with their respective boards and committees. So moved. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

At this time, the Chair would entertain a motion for all Town employees who are not residents of the Town of Falmouth to have the right to speak on all issues before the Town Meeting. So moved. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it, unanimous.

At this time, I'll recognize the Planning Board for notification of public hearing.

MR. LATIMER: Good evening. In accordance with Chapter 40A, Section 5, Massachusetts General Law, and Article 43 of the Falmouth Zoning By-Law, a public hearing was held on October 2nd, 2007 on Articles 3 through 10 for the November 13, 2007 Annual Town Meeting and all those who wish to speak were heard.

THE MODERATOR: Okay, at this time we'll briefly review the rules of Town Meeting. If you look into the final page of your warrant booklet, the back cover, -- we do have additional warrants in the back for visitors who might not have a copy. If you go to the back page:

Number one, Speaking and Voting.

Registered voters, residents and taxpayers of the town may speak on any article in the warrant.

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

Only Town Meeting members may vote.

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

Two amendments will be accepted on any article.

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

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

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

time.

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. This evening, 7:00 p.m. start. Subsequent nights will be 7:00 p.m., and we'll close at 11:00 p.m. unless a motion to continue is made and approved by two-third's vote of Town Meeting members.

This evening we'll use the blanket vote.

What we'll do is we'll go through the entire warrant article by article. I'll call your attention to the recommendation for each article. If you'd like to dispute the recommendation or change the motion, I want someone to yell, "Hold" and we'll make note of that up here. We'll run through the warrant twice, and then we'll take one procedural vote to accept all articles that are not held as recommended. And then we'll give notice for reconsideration on those that passed on the blanket.

Article 1 to hear a report is a hold.

Article 2, to see if the town will vote to appropriate a sum of money for the purpose of paying unpaid bills from a previous fiscal year.

Article 3 --

FROM THE FLOOR: Hold.

THE MODERATOR: Hold by Mr. Lowell. Article 4.
Hold.

Article 5, move to amend the official zoning map on Gifford Street from Agricultural B to Senior Care Retirement District.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold. Article 6 is a
hold for a recommendation of the Planning Board. Article 7 –

FROM THE FLOOR: Hold. Hold.

THE MODERATOR: Hold. Who's holding this one?
Who yelled hold?

MS. JOHNSON: I did.

THE MODERATOR: Oh, okay, Johnson.

Article 8.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 9 –

MR. HAMPSON: Hold.

THE MODERATOR: Who's holding? Oh, Mr.

Hampson.

Article 10, to vote transfer of development rights, recommendation indefinite postponement.

Article 11, to transfer the care and custody of a certain parcel of land from the Conservation Commission to the Board of Selectmen up near Mares Pond and Spectacle Pond?

Article 12, affordable housing revolving fund account, the recommendation is indefinite postponement.

FROM THE FLOOR: Hold.

THE MODERATOR: Who's holding? Okay.

Article 13 is a hold by the Finance Committee; that is the Capital Budget.

Article 14 is a hold by the Finance committee for a new main motion. Article 15 is a hold by the Finance Committee for a new main motion.

Article 16. This is to fund hospital, medical and related expenses incurred by employees of the Fire and Police Departments. The recommendation is \$20,000 from Certified Free Cash.

Article 17, to transfer \$75,000 from Certified Free Cash for the purpose of replenishing the Worker's Compensation Fund.

Article 18, to appropriate the sum of \$963,071 under

Chapter 291D, the Acts of 2004, as the state's share of work under Chapter 90.

Article 19, to transfer the sum of \$25,000 from Certified Free Cash for ongoing engineering and consulting services at the Gifford Street Department of Public Works site for groundwater monitoring and reporting.

Article 20 –

FROM THE FLOOR: Hold.

THE MODERATOR: Is a hold. Article 21.

FROM THE FLOOR: Hold.

THE MODERATOR: Is a hold. Article 22.

FROM THE FLOOR: Hold.

THE MODERATOR: Is a hold. Article

23.

FROM THE FLOOR: Hold.

THE MODERATOR: Is a hold. Article 24. This is the AFSCME contract, Local 1636. Article 25.

FROM THE FLOOR: Hold.

THE MODERATOR: Is a hold. Article 26.

FROM THE FLOOR: Hold.

THE MODERATOR: Is a hold. Article 27,

to amend the town's classification plan to add a management

analyst. The recommendation is indefinite postponement.

Article 28 is a hold by the Finance Committee for a new main motion.

Article 29, to transfer \$4,000 from Certified Free Cash for the purpose of notification to inactive voters prior to being removed from the voting list.

Article 30, to transfer the sum of \$5,000 from the Planning Department budget and \$2,500 from budget 0117551120 to budget line item 01175-51110 for the purpose of funding professional assistance to the Historic Districts and Historical Commissions.

Article 31 –

FROM THE FLOOR: Hold.

THE MODERATOR: Is a hold. Article 32 is a hold for its recommendation by the Finance Committee.

Article 33.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold. Article 34, to transfer the sum of \$20,000 from the previous Community Preservation Fund appropriation to the Community Preservation Fund Undesignated Fund Balance.

Article 35, to vote to rescind the special condition

requiring a preservation restriction for the East Falmouth Burying Ground.

Article 36 –

FROM THE FLOOR: Hold.

THE MODERATOR: Is a hold. Article 37, amending the Code of Falmouth for sale, rent or lease signs.

Article 38, to see if the town will vote to amend Chapter 184, Section 25A of the Code of Falmouth: freestanding signs.

Article 39, Chapter 213, Section 4, reserve parking spaces. The recommendation is indefinite postponement.

Article 40, to amend –

FROM THE FLOOR: Hold.

THE MODERATOR: Okay, 40 is held.

Article 41, to amend the town's Position Classification Plan.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold. Article 42, to send a letter on behalf of the Town of Falmouth to the congressional delegation dealing with the occupation of Iraq.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold. And Article 43 is a hold.

All right, sometimes the blanket makes it go quicker.

Let's go through it one more time.

Article 1 is a hold. Article 2, unpaid bills.

Article 3 is a hold. Article 4 is a hold. Article 5 is a hold. Article 6 is a hold. Article 7 is a hold. Article 8 is a hold. Article 9 is a hold.

Article 10. Article 11. Article 12.

FROM THE FLOOR: Hold.

THE MODERATOR: Is a hold. Article 13 is a hold. Article 14 is a hold. Article 15 is a hold. Article 16.

Article 17. Article 18. Article 19.

Article 20 is a hold. Article 21 is a hold. Article 22 is a hold. Article 23 is a hold. Article 24.

FROM THE FLOOR: Hold.

THE MODERATOR: Is a hold. Article 25 is a hold. Article 26 is a hold.

Article 27.

Article 28 is a hold.

Article 29. Article 30.

Article 31 is a hold. Article 32 is a hold. Article 33 is a hold.

Article 34. Article 35.

Article 36 is a hold.

Article 37. Article 38.

FROM THE FLOOR: Hold.

THE MODERATOR: Is a hold. Article 39. Article 40
is a hold –

FROM THE FLOOR: I'd like to drop the hold.

THE MODERATOR: Drop the hold. Would anyone
else like to hold 40? Otherwise you're going to release the hold.
Okay.

Article 41 is a hold. Article 42 is a hold and Article 43
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 appropriated or as
otherwise specified.

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

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Mr. Chairman.

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

THE MODERATOR: Okay, notification for reconsideration has been served.

The first article held was Article 1. Mr. Chairman for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I recommend Article 1 as printed.

THE MODERATOR: Okay, Article 1 as printed. This is to hear a report from the Falmouth High School Building Committee. We had some pictures going earlier of the renovation project and now we'll get some details as what's going on. Mr. Chairman.

MR. JOHNSON: I am Donald Johnson, Chairman of the Falmouth High School Building Committee and resident of Precinct 4. Your Building Committee submitted Article 1 in order to have the opportunity to inform you of the status of what to date represents the largest and perhaps the most complex public construction contract the town has undertaken. We have limited

time this evening, and we will present a brief report touching on some highlights. At the end, the Committee will attempt to answer questions as time allows. This presentation will attempt to address in summary form our schedule, our costs, revenues and some major accomplishments.

As many of you already are aware, the original architect has instituted a suit against the town, and the Committee has entered a counter-suit and as well as an errors and omissions claim against his insurance policy. We are not at liberty to comment on the matters of litigation except to say that our attorneys are vigorously preparing our defense and counter-claims, and that the legal process may take months and years to solve.

We have a very complex project, and when finished it will provide the town with about 300,000 square feet of brand new space to serve the students, staff and community.

This summary of the schedule shows a project that appears will encompass five school years. The horizontal lines start in September and end in August. Each year is broken into major seasonal parts to help us simplify the visual presentation. The reason this project did not start until 2005 was to coordinate with the town Capital Needs and with state school building assistance funding.

When the Committee first began to plan this project, it looked like it would take almost four years to complete. As we refined the phasing of the construction plans, the time was reduced to 36 months. Unfortunately, for many reasons, some of which include the dismissal of our original architect, some issues with the construction documents, the need for re-design of some important elements, and the out of normal sequence of some trade work, the project has been stretched to what may very well be 54 months.

Only some of the most important items are shown on this schedule. First we started construction in the spring of 2005, as originally planned, and expected to complete the project in December of 2007. In late spring and summer of 2006, the Committee terminated ARCAD as the architect of record and invited proposals for an architect to take over the project. A contract was awarded to Denesco Design Partners to become the architect of record for the project.

Our plan now is to move students from House B and C into a renovated House A and locker room area over the Christmas vacation. The final decision to make this move will be made in the next couple of weeks.

Due to many factors, we now plan to have full occupancy and access to the renovated school in the summer of

2009. Your committee, the architect, our construction manager continually work to bring this project to a successful completion.

This slide reflects a summary of our current known costs for this project. The amount ties to our projected total costs on our financial statement that's dated 11/1/2007. The actual expenditures to date are \$42,216,000, and they represent 63 percent of our authorized appropriation of \$67,525,000. The construction line is the general contractor's expense. Construction costs include change orders 1 through 42, in the amount of \$5,165,000. This line does not include any anticipated additional costs as yet because of the issue of contract extension and related expenses that are a matter of current negotiations between the committee and the general contractor. With over a year needed to complete the project, this line will need to be adjusted in the next few months. The contractor has been paid 60 percent of the current project construction amount.

The architect line represents payments to ARCAD for design, bidding and supervision through the spring of 2006. This line also includes payments to Denesco Design for their re-design and current supervision. It also includes \$2,247,000 in expected additional costs to carry us through the end of this project.

The management and legal line represents

expenditures for our project manager, Gilbane Company, and attorneys fees from McCarter & English, who provide specialized advice and are conducting our defense and pursuit of errors and omissions policy. This line also includes an estimated additional cost of \$750,000.

Equipment and technology line represents estimates for furniture, equipment and technology that are not a part of the general contract. We have spent only \$38,000 of this so far. Most of these expenditures were to be incurred when we approach substantial completion of this construction phase. The committee is planning to make a temporary budget adjustment to this line in order to anticipate construction change orders from now until the spring.

Additional unknown costs to bring this project to final completion are in the area of what future change orders might be. And the contract extension cost. Both of these items the committee is attempting to define. Some of the additional slides in this presentation will show you where these costs have incurred so far.

This slide shows the sources of funding for this project. Appropriations by the town were made in 2001 for architectural design fees of \$4,525,000. In 2002, the committee presented estimated costs of this project of \$63 million. We worked hard to

estimate the impact of inflation on a project that we did not see starting until 2005 or 2006 because of SBA funding delays. These two town meeting appropriations were both supported by town debt exclusion votes in the regular May elections.

In the area of grants and reimbursements, the committee, supported by our architects, has pursued specialized funding. We are pleased to report that the Massachusetts Technology Collaborative has approved grants for \$630,000; 130,000 of this has already been paid and used to fund engineering for a portion of this project. Cape Light Compact and Keyspan are providing energy rebates over 190,000 for such items as efficient lighting fixtures and new burners.

The School Building Authority is providing the largest portion of funding for this project: \$33 million. The town has already received over \$19 million in school building reimbursements.

In order to bring this project to successful completion, the committee is aware of circumstances including design construction document issues, unforeseen building construction problems and contract extensions that will mean a need for additional funding. The committee is temporarily moving \$2 million from furnishing and fixtures and technology to fund construction

until we are able to come back to a spring town meeting with realistic estimates of the final cost of this project. We are planning to be able to present this information in early January, 2008.

Here are our original design goals. All of these have been maintained throughout this renovation project. We have spoken about them many times before.

Next slide. Challenges that have been met or are being met on this project include: when demolition work began in earnest, the contractor ran into suspected asbestos in a multitude of areas well beyond the areas that had been defined in previous surveys of friable asbestos. This slowed the demolition process. Concealed asbestos products appeared in duct covering, behind perimeter heating pipes, in waterproofing, mastics and flooring adhesives. So far, the removal of unexpected asbestos has cost us an additional \$500,000. We know what to look for, and as we plan the approaching demolition, we'll have the asbestos issue taken care of in the proper format. It will cost us additional money.

The original plan for the sewer line to the wastewater treatment plant was not approved by the Massachusetts Environmental Protection Agency. This caused a year's delay in the installation of the system, required temporary pipe installations and cost over \$1 million in change orders, but the system is in an

operational condition.

Adjustments in drainage systems due to elevation differences and conservation requirements, corrections to field and driveway elevations, caused change orders and additional engineering. This past spring, inspection of the original chimney revealed an unsafe status. Plans were prepared and a new chimney installed at an additional cost of \$215,000. This was achieved in record time and is operational for this heating season.

Finally, after extensive engineering analysis, value engineering, continued follow-through by the school administration and the new architect, the additional reimbursement percentage of two percent was approved by the Massachusetts Technology Collaborative and certified by the School Building Authority. We believe that this project has achieved enough points to qualify for a Mass. Green School requirements.

Areas where there have been significant design changes included: exterior walls had to be redesigned in order to meet energy and building codes. This redesign provided a more energy efficient wall structure that also ensured no moisture penetration. This also contributed to the additional change order cost but should save us energy money in the future.

Skylight design maintained the original concept, but

simplified the construction. Field house redesign provided more usable space that was immediately put to temporary use by the school and into which we were able to provide a new wellness center. Interior light fixtures were changed, and this will save on operational costs and a major part of the increased costs of the new fixtures are offset by utility rebates. Photovoltaic panels were relocated and more added. These costs are partially defrayed by a \$500,000 Massachusetts Technology Collaborative construction grant. A demonstration wind turbine for educational use is planned. North and south field house walls were redesigned to save construction costs.

At this point in time, I'd like to thank you for your patience and the committee and I will attempt to answer questions as time permits.

Mr. Moderator.

THE MODERATOR: Okay, we have members of the committee coming up front here. Questions for the Falmouth High School Building Committee. Mr. Shearer.

Mic's coming up this side. Do we have an extra high school student up there that could help? The other student didn't show up tonight.

MR. SHEARER: Dan Shearer, precinct 6. I have a

basic question. When this all started, we were told that we were going to be kept up to date on everything that was going on, and we would get reports in the Enterprise and so forth. I believe you hired a young lady to do this at a fairly large salary. And what I've read has just been a schedule that I could've gotten by going up there and asking the architect or the – not the – who – I can't think what the title is.

MR. JOHNSON: Project manager?

MR. SHEARER: Yeah - what was going on. We've never been told about any changes. We've never been told about any cost overruns until all of a sudden we get this big bomb. We've never been told about how far behind we were until all of a sudden someone said we were a year behind. It's our money. We voted for it. I think we should be told what's going on and why. I feel very, very badly about that.

And I'd also like to know exactly what has been taken out of the original plans to save money that we voted on that's supposed to be there. That picture does not look like the one that I was given at town meeting when this all started. I haven't seen a floor plan; I still have that on my desk today and I was hoping I would see a new floor plan of the different things in the slides, but I haven't. Are we going to get that some time pretty soon before you

start asking us for millions of dollars? Thank you.

THE MODERATOR: Mr. Chairman.

MR. JOHNSON: We – the position of Community Liaison has worked and written the weekly reports as well as worked extensively with the contractor and the school staff in coordinating movements and changes as we worked through renovating a building and still using it. The question about what have we lost, that's why we showed the slide of the main elements that were in the original program. We have not lost any items. We have changed some items and tried to change them to either make them better or more efficient.

One of the areas in which we did have to make extensive changes is the exterior skin of the building, there's no question about that. What was designed did not meet what needed to be there, so what you see is a different style of the exterior of the building but the concepts are all the same.

THE MODERATOR: Are there questions for the committee? Dr. Clark.

DR. CLARK: I would only add that there have been regular reports in the Enterprise of the School Building Committee Meetings. They're open meetings. There have been community members there. So, I think some of the information that you're

getting here has in fact been in the newspaper.

THE MODERATOR: Okay. Ms. Buesseler.

MS. BUESSELER: Hi, Wendy Buesseler, Precinct 2. I had a question about the wastewater treatment system. If I understand what you said, they could or could not hook into the West Falmouth.

MR. JOHNSON: We are presently hooked into the town --

MS. BUESSELER: We are --

MR. JOHNSON: -- wastewater system.

MS. BUESSELER: There was just a delay and that's what caused the --

MR. JOHNSON: There was a delay of a year because the design was disapproved by the Department of Public --

MS. BUESSELER: But then they did give the approval and you were able to go ahead with that?

MR. JOHNSON: We had it redesigned and we were approved, the construction went ahead as scheduled this past year and finished and is operational for the school year.

MS. BUESSELER: Thank you.

THE MODERATOR: Further questions for the committee? Mr. Patrick and then Ms. Cuny.

MR. PATRICK: Why would you say that the wind turbine is only for educational purposes?

MR. JOHNSON: The approval process for a larger wind turbine, we investigated it and it just -- it's not within our time frame of being able to get it done and so we are taking advantage of the Massachusetts Technology grant of half a million dollars, which is providing some of the funds for that demonstration wind turbine.

THE MODERATOR: Mr. Patrick, follow-up?

MR. PATRICK: I think though that the turbine, I hope it produces electricity to offset its cost? It will, right?

MR. JOHNSON: It produces electricity. It does not produce a lot of electricity. We need to set the stage for what could be done and keep records of what is achievable at that site right now.

THE MODERATOR: The grant was a demonstration grant, that's why, based on size.

MR. JOHNSON: This turbine is the same as the one that's at the vocational school up in Bourne. As opposed to what you're referring to, which might be something like what they're talking about offshore, which just wouldn't fly. So -- and it is an educational opportunity, you know, we have a green school, to

bring the students on board with the same thought process that everyone wants them to have going forward. So it has a lot of significant value there, as well.

THE MODERATOR: Ms. Cuny, I had you next.

MS. CUNY: Sandra Cuny, Precinct 2. In listening that things did not get changes, just one of the questions that I had was on the new gymnasium. We have a new gymnasium; apparently the building wasn't big enough to put the bleachers in, so there have been changes made that we thought we were going to get something different and it's not there. Can you maybe explain? I've had a lot of people ask me in town. Explain how and why that happened.

MR. JOHNSON: Yeah, there the original plan there were plans for bleachers on both sides of the building, okay? The way that the building was connected to the existing field house to try to minimize the cost of attaching it to the building and not having to get into the structure of the room, the architect in his wisdom put an addition on that actually prohibited the bleachers from going underneath that portion so there are bleachers on one side of the building. So, in terms of it being for the school use, it is, you know, it's limited to seating on one side.

THE MODERATOR: Ms. Perry. And then I've got

you on the list.

MS. PERRY: Thank you, Mr. Moderator. Good evening, ladies and gentlemen, Jane F. Perry, Precinct 8. I am proud to say that I am a member of the first graduating class of Falmouth High School, and as a disabled person I asked at the very get-go of this project about the disability issues, and if there was a list. I have never seen or heard what the list of those concerns were, and I am very concerned as we go forward with the additional funds that may need to be appropriated that we don't forget those issues and make sure that our high school is ADA compliant, also handicapped accessible. Thank you very much.

THE MODERATOR: Mr. Chairman.

MR. JOHNSON: The whole building as redesigned when it's finished will be ADA compliant and all fully handicapped accessible.

THE MODERATOR: Okay, right here on the left in the aisle.

MS. DRISCOLL: Cathy Driscoll, Precinct 7. You've mentioned green buildings a couple times in the slides and also in your presentation. Two questions: what is the lighting system that you put in and how in terms of the green buildings how does that be applied as a LEED building, because actually green buildings are

LEED certified, not called green. So if you could answer that.

MR. JOHNSON: The Massachusetts Technology Collaborative has established a point system of different portions relating to energy efficiency. And we applied for the grants that first of all the engineering grants and then second of all for \$500,000 construction grant for energy items. We have been able to certify the fact that our building meets 28 of the points that they need, and we needed 21 in order to qualify for the 2 percent. It is not – everything in that building is not a green school or a LEEDs school, but it does comply with the standards that were set for Massachusetts school buildings.

MS. DRISCOLL: [Inaudible.]

MR. JOHNSON: Pardon?

THE MODERATOR: The lighting system?

MR. JOHNSON: [Confers with other members.]

A MEMBER OF THE COMMITTEE: They're a very high-tech florescent fixture, like a parabolic lens. They're very high-tech.

MR. DRISCOLL: [Inaudible.]

THE MODERATOR: Okay, meetings are posted. We can get that detail at the next building committee meeting. Mr. Maclone. Any other general

questions for the committee.

MR. MACLONE: Rich Maclone, Precinct 4. In retrospect, after we're approaching 75 million, should we have built a new school?

THE MODERATOR: No, that question was already decided by this body. Any further questions on the Building Committee? Hearing none, the question will come on the main motion to hear the report and accept it. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous. We'll move on to Article 3.

Article 3 was held by Mr. Lowell. We'll get a main motion on the floor from the Planning Board. Mr. Latimer.

MR. LATIMER: Mr. Moderator, this is Article 3?

THE MODERATOR: Yes, Article 3, main motion.

MR. LATIMER: Mr. Moderator, Town Meeting Members, I move that Town Meeting vote Article 3 as printed.

THE MODERATOR: Okay, as printed. This was held by Mr. Lowell. This is the search and rescue corridor. You got to

put the button on the bottom straight up. You've got to hold it for a second and the light will come on. And then if you could leave it on after that, that'll be great.

MR. LOWELL: Nick Lowell, Precinct 5. I have just a question about this. Well, a couple question and a comment for the Planning Board. First of all, I assume this being a zoning article it requires a two-thirds to pass and would therefore require a two-thirds to take back, is that correct?

THE MODERATOR: What do you mean by take back?

MR. LOWELL: If we wanted to undo the height restriction overlay, it would require a two-thirds to repeal that, is that correct?

THE MODERATOR: It would take two-thirds to institute a new zoning requirement.

MR. LOWELL: Okay, thank you. And the second part is that the highway which is owned by the state, that would also need to be covered by definition by the overlay, or not? So, for example, where 28 comes south from the Bourne town boundary, would the highway also being a state road be subject to that height restriction?

THE MODERATOR: Mr. Curry.

MR. CURRY: The Route 28 would be subject to the overlay district if in fact the state Highway Department wanted to put a structure over 100 feet within that layout, they would be able to because they are not subject to our zoning. But just a state agency, it wouldn't. If it was leased out to say a cell phone company, not following a governmental function, the cell phone company, even though they might be in the state layout, it would be subject to the height restriction.

MR LOWELL: Okay, thank you. The reason that I'm concerned is that I see this as a little bit of a sleeper issue in this particular article. There's a lot of interest in the town about renewable energy and in particular there's a lot of talk about wind farms. And one of the sites that's been discussed at least a little bit is the idea of putting windmills potentially up the median strip of Route 28, including a good chunk of the area in the flight overlay. And the reason I see this as an issue is that as a Coast Guard flight overlay, it's very uncontroversial. But were someone to propose a wind farm through there, it could be quite controversial. So, it would be pretty easy to get a two-thirds vote right now, I suspect, to pass this through, but it would be very hard to get the two-thirds to undo it to put in some wind turbines along that area. Now,

nobody's proposed doing that, but I do have some concerns that if we ever did want to do it, if the town ever got serious about really going after some – a real wind farm beyond the wastewater plant, beyond the high school, it would be very difficult to kind of undo this overlay and this stretch is very particularly important because the highway runs right up the median so it's one of the higher parts of the town and it potentially is a spot for renewable power, in this case a wind farm. So, I'm personally going to hold back from voting for it because I don't want to eliminate that and I think that perhaps we could talk about a different route for the overlay that perhaps more of a direct route to Buzzards Bay, it didn't go down, essentially down the moraine for such a great length of time.

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Thank you. Yes, this is the kind of thing that's very disturbing to people who serve on boards. You know, this was a subject that was brought up to Town Meeting with several public hearings on the matter, input from the Coast Guard. We as Town Meeting Members, we were concerned about protecting as much as possible the rights of private property owners who would be affected by this in terms of taking away their rights. The Coast Guard, however, prevailed upon our thinking with this is a matter of considerable public safety and importance especially to

people who live in Falmouth who own boats. Because what they, the Coast Guard, needs is a fast, efficient way in bad weather conditions to get their helicopters out to rescue people, people like us, who may be in trouble.

Now, I don't have any trouble with Mr. Lowell's, where he's coming from. I strongly support wind power, but I wish we on the Planning Board had heard about this during the several meetings that we had. I wish he had come to us and – or somebody who was interested in this and said, "Look, we may want to reserve these strips for future development for wind power." I don't remember hearing that. Because if we had heard that, we might have dealt differently with the Coast Guard. But now, Mr. Lowell's talking about something that's just a possibility, we might want to do something.

What we're dealing with in this article is something that's been the subject of public hearing with the Coast Guard who presented the town with a real need, a real concern for public safety, and I don't think it's time for us to be second-guessing what the Planning Board and the Coast Guard have worked on with considerable effort to do this. Thank you.

THE MODERATOR: Any further discussion on Article 3? Mr. Murphy.

MR. MURPHY: Mr. Moderator, through you to Mr. Lowell. I sit on the Mass. Civilian Community Counsel, represent the Board of Selectmen on that counsel. In regard to this rescue, they use visuals, and the reason they follow the track of Route 28 is because of inclement weather. They don't always take this route. Typically they fly about that. But when the weather is foggy on Cape Cod, they follow the visuals. That's – I'm not going to speak for or against, but the reasoning for this it is to follow Route 28. They get above that road a 100 feet and then they get out. They don't want to have the ability to hit any cell towers.

I agree with you that the future is wind power, but this is the first that I have heard that – and I asked the Town Administrator, the Town Manager about this proposal. I haven't heard this as yet. But I'm sure in the future this board as well as this Town Meeting will look favorably on it. But I know that they look for the visual tracking, Route 28, they follow the road, they get out on the open water, then they can do what they need to do. Thank you.

THE MODERATOR: Further discussion on Article 3?
Mr. Freeman.

MR. FREEMAN: Michael Freeman, Precinct 8, thank you, Mr. Moderator. In looking at this, I realize that the

Coonamessett Farm recently got a permit to put up a wind tower. It looks like they're right off Hatchville Road by Coonamessett Pond.

Is this in the corridor? I don't know who I address this to. Is this in the corridor that's being restricted for 100 feet?

THE MODERATOR: It shouldn't be. The farm is on the west of the pond, so – The pond is outside of the red line. Unless somebody wants to challenge me on that.

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: Yeah, the farm is to the west of the pond and the pond is to the west of the overlay district.

MR. FREEMAN: Thank you.

THE MODERATOR: Any further discussion on Article 3? Hearing none, the question will then come on the main motion as printed. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

Article 4. The Senior Care Retirement District. Mr. Chairman for the main motion.

MR. LATIMER: Thank you, Mr. Moderator. I move

that Town Meeting vote Article 4 as recommended in the blue insert in the warrant booklet. Please read that and that's what the motion is.

THE MODERATOR: Okay, the main motion is as recommended. Under the recommendation section in the warrant booklet it tells you what the changes are. They appear in their entirety within the text on the blue sheets, and this is the Senior Care Retirement District. Who held this article and wanted to speak first? Who held this article? Okay. Mr. Patterson.

MR. PATTERSON: I didn't specifically hold this one but I would like to speak to it.

THE MODERATOR: Okay. Go ahead, because nobody's claiming responsibility.

MR. PATTERSON: I'd like to move that we amend this article in the following way. That section 12 of paragraph 240-65.4.A shall read: – it's at the very end of the blue printed copy that you have – “A density bonus may be allowed at the sole discretion of the Planning Board as part of the special permit process for a Senior Care Retirement Community, up to eight units per acre, if the applicant provides” – and I would change the “one” to a “two or more of the following:”, and the rest reads as the same.

I have a copy of that amendment if you'd like to have it.

THE MODERATOR: I don't think we need that in writing. We're going to take one or more and put "provides two or more of the following: (a)...(b)... or (c)..." section 12.

MR. PATTERSON: That's correct.

THE MODERATOR: Okay. So we have an amendment on the floor for section 12, requiring two or more of the provisions in section 12. Do you want to speak to the amendment and then –

MR. PATTERSON: Can I speak to it first?

THE MODERATOR: Yes, and then Mr. Latimer.

MR. PATTERSON: In getting involved in this Planning Board decision, and asking some questions at [inaudible] Precinct meeting, I'm a little disappointed that we haven't used a more comprehensive model to evaluate the costs to the town and the benefit of the town for any zoning change, and this one in particular. You know, for this particular zoning, some thoughts came to mind, but we're going to have additional emergency medical technician costs, potentially a new ambulance at some point, if a lot of these districts are developed. Nitrogen loading to our groundwater, future wastewater treatment possible needs that we'll have to pay for as a community.

Potential benefits are certainly the local development

costs and the material purchases that get circulated within the town.

Open space contributions that are set aside by this particular change. Additional low income jobs that will be provided as a result of this kind of a facility, and some additional professional services that will be provided.

The operators could be either public or private corporations or private individuals. I think that the supply and demand economics indicate that there's a lot of demand for this kind of facility. It's certainly been used as an argument for why we should be considering this. But it also indicates that the price will probably climb considerably. So the individuals are going to make a lot of money. And I'm not sure that we have looked at whether the benefits we're providing them really are what we should be allowing given the costs that it might cost the community. And I believe we ought to be putting ourselves in the position to argue in very definitive ways that some of these developers or these operators should be compensating the town by various contributions to the town.

I've lived in Falmouth for over 15 years and this is as much a home as I've ever had. And, as you can tell, I'm very much invested in it as a contributor, a volunteer within the town. So this community is very dear to me. In the other communities I've lived

in, the communities have always asked for contribution from the developer. Such things as expansion of municipal water supplies, expansion of wastewater treatment. Road expansion or traffic mitigation. Additional ambulance services and EMT services. Additional public health services, additional human services. The towns have always been in a position where they could defend those requests because of the impact to the town. I think we need more definitive models so that we can be in a position to negotiate more favorable conditions for the community.

My amendment basically says: we're not asking enough. I think the tertiary treatment of wastewater for a facility like this is kind of a given. The permitting process isn't going to allow it to go through without it. So they're going to have to incur that cost. We know we have an affordable housing problem. I think they should incur that as part of the services. They're going to make a profit because of the supply/demand of the changing demography of this country.

The other item of sewage treatment, well, we're not in the position to basically ask them to invest in that because the town hasn't gotten to that point where it's committed.

Anyway, those are the reasons for my amendment and I hope that you will support it, thank you.

THE MODERATOR: Discussion on the amendment.

Mr. Latimer.

MR. LATIMER: Thank you, Mr. Moderator. The amendment as presented by Mr. Patterson doesn't make a lot of sense to me because he wants to have two of A, B and C, but B and C are mutually exclusive. B is tertiary treatment and C is tie into the municipal sewage system. Now if I were a slick lawyer who wanted to get something developed, I could conceive of a very small tertiary system for my new plan that meets B and then, since we're on the sewer, I tie into the sewer; that meets C, and I don't have to provide any affordable housing.

I think what we want to do here is leave it up to the Planning Board. That the way the article is written, it says, "May provide one or more of the following." And the operative language in here is the Planning Board decides whether to allow any of these extras on the permitting level.

This is not the bylaw. This doesn't give the applicant the right to do it. It only means that these are actions that the Planning Board can require. And we can require both 15 percent affordable and tertiary treatment if we feel that's necessary if the case is not made otherwise by the applicant.

Mr. Patterson has been in this town for 15 years. I've

been here since 1958. I graduated from high school in this very building. Kevin Andrade – Kevin Andrade, Charlie Swain, we are people that the town elects to carry out these bylaws. I think you can trust our discretion on this. I don't think you need to enact conditions that in fact cannot actually be met. I will vote against this amendment. Thank you.

THE MODERATOR: Further discussion on the amendment. Hearing none, the question will come on the amendment. This is section 12, the last part of the first paragraph, there, that the bonus density be allowed if the applicant provides two or more of the following. All those in favor of the amendment, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: All those in favor, signify by standing and the tellers will return a count. This is a simple majority amending the main motion.

Division one, Mrs. Tashiro.

MRS. TASHIRO: 12.

THE MODERATOR: 12.

Division three, Mr. Hampson.

MR. HAMPSON: 33.

THE MODERATOR: 33.

Division two, Mr. Dufresne.

MR. DUFRESNE: 43.

THE MODERATOR: 43.

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

In the third division, Mr. Hampson.

MR. HAMPSON: 25.

THE MODERATOR: 25.

In the first division, Mrs. Tashiro.

MRS. TASHIRO: 42.

THE MODERATOR: 42.

And in the second division, Mr. Dufresne.

MR. DUFRESNE: 55.

THE MODERATOR: 55. By a counted vote of 88 in favor and 122 opposed, the amendment does not pass.

Any further discussion on the main motion as recommended, Article 4? In the center.

MR. WHEELER: Dick Wheeler, Precinct 9. I was looking at the map that was showed at the precinct meetings, and it shows about four or five acres for the –

THE MODERATOR: There is no map related to Article 4. Article 4 is strictly changing the zoning bylaw.

MR. WHEELER: Okay, I'll wait until 5.

THE MODERATOR: Is there any further discussion on Article 4, changing the zoning bylaw for Senior Care Retirement Districts? Ms. Williams.

MS. WILLIAMS: Cheryl Williams, Precinct 3. I guess I just have a question for the Planning Board, and it's on that section 12. One of the three considerations for higher density. And I would like to know how the 9 milligrams per liter was arrived at.

[Pause.]

THE MODERATOR: Mr. Curry.

MR. CURRY: Dr. Foreman offered that as an amendment, my understanding his thinking at the time was that if there was going to be somewhere in the vicinity of a one-third increase in density then the developer could put forward the effort to have a 25 percent decrease in the nitrogen outputs, and that there are certain technologies that can achieve that and it would be up at that time for the Planning Board to decide whether or not the developer could come forward with that type of technology.

THE MODERATOR: Okay, Ms. Lowell. And then Ms. Zacks, did you want the floor, after? Yeah, okay.

MS. LOWELL: Vicky Lowell, Precinct 1. My understanding is that any project that would come under this bylaw would be at least have more than 30 units in it. And, given the size requirements. And so I think I don't have to ask the question but I think it would have to go as a development of regional impact to the Cape Cod Commission. And, addressing some of Mr. Patterson's concerns, they have a lot more authority, the Commission, to exact contributions from a developer to mitigate any impacts that they might have that our Planning Board has much more limited ability to do that. So, it is a form of payback that we would be eligible to extract from a developer. Thank you.

THE MODERATOR: Ms. Zacks.

MS. ZACKS: Marilyn Zacks, Precinct 6. A question: when we talk about a Senior Retirement Housing Community, that does not necessarily mean an assisted living facility. Does that leave it open for the development of individual houses attached to a unit that would provide services?

THE MODERATOR: Mr. Latimer.

MR. LATIMER: The way this is envisioned is there is going to be one facility. One structure. It's not going to be individual houses. There will be an allowance within the structure for some staff residences, but no, this is just basically one structure.

I want to point out that this is really changing a bylaw that the town has already enacted a couple of years ago to allow this kind of development. The town has already decided we want this kind of senior Retirement facility, but the existing bylaw has an outsized requirement for the site, you know, for the acreage, that nobody's actually used it. So the question is, with this bylaw, and that's all this is, it's not tied to any particular parcel of land, is does the town want to have the flexibility to allow this kind of facility in the town on smaller parcels of land where they could actually be built, as opposed to what we have now, which is we have a bylaw that says you can build this kind of facility but nobody's going to do it because nobody can do it because the acreage requirements are too great. So, let's keep this in focus.

Now, the next article is going to talk about a particular site. But that's not what this article is about. Thank you.

THE MODERATOR: Any further discussion on Article 4? Ms. Siegel.

MS. SIEGEL: Debra Siegel, Precinct 6. We all received a lot of information about some problems associated with Atria, and –

THE MODERATOR: Let's keep this on Article 4.

Ms. SIEGEL: That's what I wanted to ask you is, this is not the time?

THE MODERATOR: No, this is Article 4, whether or not the town wants to change the zoning bylaw to change the definition for Senior Care Retirement District.

MS. SIEGEL: Right. So I have another question. Mr. Patterson brought up holding a higher – using a higher standard, and if one of the biggest problems we have in this town is affordable housing, could we not make an amendment requesting that the percentage of affordable units were higher, say 20 or even 25 percent? And I would suggest that we consider an amendment to that effect.

THE MODERATOR: Well, are you going to make an amendment?

MS. SIEGEL: I will make an amendment to that effect.

THE MODERATOR: And what is your amendment?

MS. SIEGEL: My amendment is that in section 12(a) that we increase the percent of affordable units to 20 percent.

THE MODERATOR: Okay, the second amendment and the last amendment allowed on this article is on 12(a) to change the number 15 to the number 20. So, it shall be 20 percent of the units as affordable.

MS. SIEGEL: Sorry, I meant to say 25.

[Laughter.]

MS. SIEGEL: Why not?

THE MODERATOR: So that 12(a) would read: 25 percent of the units as affordable. That's the amendment on the floor. Mr. Waasdorp, did you want to speak on the amendment or? No, you want the original one. Dr. Clark and then Mr. Latimer.

DR. CLARK: Peter Clark, Precinct 1. My question for the main article applies to this even more directly, and that is to ask the Planning Board what their thinking was in establishing the percentage they did, and in the structure that they did as an option. Would you tell me why you thought that was a good idea?

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Thank you, Mr. Moderator. Thank you, Mr. Clark. I was going to address that very issue. You know, when we come in and we decide on how to present a bylaw change, we're balancing interests. We always have to, you have to balance interests. We started with the proposition that we had this type of facility zoned for, you know, within the zoning bylaw but nobody was being able to use it because the acreage requirement was too great.

Now, what we did was when we looked at issues of

density, the basic rule is six units per acre. The eight units per acre comes in under an exception where we exact more out of them, and we arrived at the 15 percent figure balancing the town's need for more affordable units and our desire to get more affordable units and simply the economics of anybody who's going to, you know, be building something.

You know, people don't build facilities just to be public servants; they do it to make money. And there has to be a certain level where they can do something, they can project costs and returns where they're going to make a profit. We're not talking about obscene profits here. Profit isn't obscene if it's done under, you know, controls and if it's done with, you know, some kind of public benefit involved. And that's what this is about. We have the bylaw now that requires much more acreage. We want to modify the bylaw to allow people to build these. But if we go up to 25 percent for a greater density, you may have somebody that needs more density, they can make it with 15 percent. But if we try to get too much of an exaction out of people, people aren't going to use this bylaw. So, I would oppose the amendment just on that basis. Thank you.

THE MODERATOR: Further discussion on the amendment? In the center in the back, here.

MS. PETERSON: Hi, Laura Peterson, Precinct 3.

The affordable housing, is that open to people who are 62 and older and their spouses? Or is that open to everybody? I don't understand how that works.

THE MODERATOR: The age exemption should apply. Mr. Latimer?

MR. LATIMER: Yes, that's a good question. Because the basic facility itself is a retirement facility, it would be affordable for retirees. Not for, you know, the general population, young families and so forth. And if you think about it, we're having a Retirement community, you're not going to be moving young families in with elders.

THE MODERATOR: 62 years of age. Section A.(1).
Microphone in the back right, here. This is the amendment of 25 percent.

MS. KRASNER: Nadine Krasner, Precinct
2. And I'm a professional in the field. When the bylaw was passed a few years ago, it was modeled after a Continuing Care Retirement Community, specifically the Villages at Duxbury, and as you'll recall, Town Meeting Members even went to visit the villages of Duxbury, so it was quite specific. That model is a CCRC, a Continuing Care Retirement Community, which is quite different

from an assisted living facility. To begin with, at a Continuing Care Retirement Community, the majority of the units are independent units, meaning that the residents put down a large amount of money – these days it's probably between three hundred and five hundred thousand dollars – they get spacious, large apartments, twelve fifteen hundred square feet, and they get limited services, probably just the evening meal and maybe housekeeping every other week. They are quite independent and it is truly a Retirement community. There's a small component that's assisted living. At Duxbury, it's in the range I believe of 34 units or so. And a very small skilled nursing facility also in the 34 or so units. Duxbury has since then added onto what they originally had with independent living town homes.

Assisted living is quite different. It appeals to a complete different demographic, and it is regulated quite strictly by the state by the Executive Office of Elder Affairs. This proposal, as I've read it, is for 125 units, which is extremely large, of assisted living, and it seems to me that it would be prudent for the town to take some time –

FROM THE FLOOR: Point of order.

MS. KRASNER: I'm sorry. It would be prudent for the town to take some time to determine if this truly should be an

amendment to the bylaw that we have or it's something completely different. And if they do decide to go this route, taking some time, asking some questions, getting some history of facilities that are this large –

THE MODERATOR: Okay, we're talking about the amendment to increase affordability requirement to 25 percent. Let's stick with this one.

MS. KRASNER: Okay, sorry.

THE MODERATOR: 25 percent rather than 15. Any further discussion on that? Hearing none, the question will come on the amendment. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It's the opinion of the Chair that the No's have it and the second amendment fails. We're back on the main motion as recommended. Can we get a microphone here. Ms. Borden.

MS. BORDEN: Margaret Borden, Precinct 7. I would like to propose another amendment.

THE MODERATOR: Only two amendments are allowed on any article at the town meeting. Any further discussion

on the main motion?

MS. BORDEN: No.

THE MODERATOR: Mr. Waasdorp.

MR. WAASDORP: Peter Waasdorp, Precinct 1. We have run out of amendments. I think some word smithing needs to be done. I don't think we want to lock ourselves into 15 percent as the only possible figure for affordable units, and therefore I'd recommend a no vote. If I understand correctly because the Planning Board did recommend this, it could be brought up again at spring Town Meeting after some consideration's given to the issues. Thank you.

THE MODERATOR: Any further discussion on the main motion? Okay, hearing none, the question will come on the main motion, Article 4 as recommended. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: All those in favor, signify by standing and tellers will return a count. This requires a two-thirds. All those in favor of the recommendation, signify by standing.

[Pause.]

THE MODERATOR: Division one, Mrs. Tashiro.

MRS. TASHIRO: 28.

THE MODERATOR: 28.

Division three, Mr. Hampson.

MR. HAMPSON: 38.

THE MODERATOR: 38.

Division two, Mr. Dufresne.

MR. DUFRESNE: 60.

THE MODERATOR: 60.

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

[Pause.]

THE MODERATOR: The third division, Mr.
Hampson?

MR. HAMPSON: 18.

THE MODERATOR: 18.

The first division, Mrs. Tashiro.

MRS. TASHIRO: 24.

THE MODERATOR: 24.

And the second division, Mr. Dufresne?

MR. DUFRESNE: 47.

THE MODERATOR: 47.

By a counted vote of 126 in favor and 89 opposed, the necessary two-thirds does not carry; Article 4 fails.

Article 5, Mr. Chairman of the main motion of Article 5.

MR. LATIMER: Thank you, Mr. Moderator, I move indefinite postponement on Article 5.

THE MODERATOR: Okay, Article 5, which was going to change a piece of property to this new district which we did not approve, the Planning Board's recommendation is indefinite postponement since the district doesn't exist as it's proposed. All those in favor of indefinite postponement signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 6. Mr. Chairman of the Planning Board for the main motion.

MR. LATIMER: Thank you, Mr. Moderator. I move Article 6 as printed in the warrant.

THE MODERATOR: As printed. This is to amend the zoning map re-zoning from Residential C to Business Redevelopment a parcel at 533 to 539 Woods Hole Road. That is the main motion. Discussion on Article 6? Mr. Murphy.

MR. MURPHY: Mr. Moderator, the Board of Selectmen, speaking on behalf of the Board of Selectmen, voted to support this article because this article will include a LIP application for a potential affordable housing project in Woods Hole. The developer is in negotiations with the Woods Hole Oceanographic Institute for a piece of property on Winding Land that would, if it comes to fruition, include 8 to possibly 12 affordable units under a LIP application.

On another note, I'd like to speak individually on this. For the last year and a half, myself and other members of the Board of Selectmen have met with this developer. This developer wanted to listen to the needs of the community as well as the needs of the people as a whole within this community. This means the people of Woods Hole as well as the greater population of Falmouth.

Originally, the developer met with the local community association, was engaged with that association, and there was give and take both – on both sides. The developer thought that because there were 56 units currently on the property – meaning hotel units – that he could proceed to build this unit with the same number of units. It came to his realization that that was not possible. The developer was moving forward with filing for a 40B, didn't want to do that, and then the community approached him, negotiated with

him to come to a development that both the community could survive with and live with not only the size, the scope, but the character of the development as well as the affordable units would not be age restricted.

We had a question there that was very good earlier, and it was the age restricted question. If this development were to have the affordable units on the development, you would have to be at least that minimum age. These affordable units now will be offsite and will be available as work force housing for people who live in this community and work in this community. We all know that that's an important issue and I want to take my hat off to the people in Woods Hole as well as the developer, Chris Wise and David Lawrence, who have seen the needs of the community, been able to work give and take, and this article was brought forward by that community association. I would hope that this body would support this article. Thank you.

THE MODERATOR: Okay, any further discussion on Article 6? Hearing none, the question will come on the – some one in the back? Where? Stand up, somebody wants to speak, I can't – oh. To my left? Okay, Ms. Putnam.

MS. PUTNAM: Rebecca Putnam, Precinct 9. I have a question on the affordable work living facilities. Does it meet the 25

percent that a 40B would be under – compared to the amount of units that he will be building on the other site? Or is it going to be far less units and is the affordables going to be only for people who live in Woods Hole or will be available to other people in town?

MR. MURPHY: The developer was originally going to build a 50 unit – I believe 50 unit? 53 unit 40B project. This unit will be 43 units with the potential of a minimum of eight, possibly 12 affordable units. So it would be more than that. And they would again be workforce housing. And that would be open as well as there would be a Falmouth community preference as well as it would be open to the regular lottery system.

THE MODERATOR: Okay, Mr. Dick, did you want to speak?

MR. DICK: Yeah, Mr. Dick, Precinct 8. Another question, it's not clear to me: are these affordable units going to be in Woods Hole? Okay, thank you.

THE MODERATOR: Okay, any further discussion? Main motion, Article 6. Ms. Sears.

MS. SEARS: I just have a question. What happens to the dome?

THE MODERATOR: Mr. Murphy.

MR. MURPHY: I probably should let the Planning

Board answer this question, but the dome will be preserved. That is part of the memorandum that the Board of Selectmen received and is in support of.

THE MODERATOR: Okay. Any further discussion on Article 6? Hearing none, the question will then come on the main motion as printed. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it by the two-thirds majority and I so declare.

Article 7. Mr. Chairman of the Planing Board for the main motion of Article 7.

MR. LATIMER: Thank you, Mr. Moderator. For clarification, I'm not the chairman, I'm the vice-chairman.

THE MODERATOR: Serving as chairman tonight. Mr. Vice-chairman.

MR. LATIMER: Article 7. I move Article 7 as printed in the warrant.

THE MODERATOR: Okay, Article 7. This is zoning existing B-3, by re-zoning from Residential B to Business 3 the land up near County Road. Ms. Johnson held this article.

MS. JOHNSON: I held this article because of the last sentence in the explanation in you warrant book. I would like the Planning Board to speak specifically on this. As a resident – I'll just make one comment. As a resident of North Falmouth we've had a lot of discussions on re-zoning, and I think we have to be careful about allowing a B-3 zone which automatically will allow condominiums to be built there. B-3 also allows other things by right. I would like the last sentence clarified so everybody understands this risk.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Thank you, Mr. Moderator.

Condominiums are not by right. It may be a special permit use, where they get looked at very closely. This article, again Planning Board's view stands on its own merit. It's an extension of an already existing business property. It's just enlarging it to go back further than it does from property that's been zoned for business for most of the last century and well into this century. It stands on its own merits. It's nice that the applicant is willing to restrict it but that was not part of the Planning Board's deliberations on this. The Planning Board made their decision that this small extension of the existing Business District simply made sense.

THE MODERATOR: Ms. Johnson.

MS. JOHNSON: The question really focus – my question really focuses on a protective covenant issue, promising restriction of the property. Will the petitioner provide that? That's restricting the property to professional offices and medical clinics.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Again, this was not something the Planning Board required. This is not something the Planning Board insisted on. The developer says he will do it, comes in for whatever permits he requires, he'll do it. It's the Planning Board's position that this article stands on its own merit as a reasonable extension of an existing – long-standing, existing Business District. Thank you.

THE MODERATOR: Mr. Johnson.

MR. JOHNSON: I would like to ask the petitioner if he's here tonight if he would adhere to his initial promise to put a covenant on this property restricting it to professional offices and medical clinics.

THE MODERATOR: Is the petitioner here and would he like to comment? Can we get a microphone right across there in the back aisle.

MS. MOYNIHAN: Thank you. My name is Laura Moynihan. For the record, I am a resident of the town. I'm also an

attorney and I represent Mr. Bagarella, who is here as well tonight, the petitioner on this article. Yes, definitely, the petitioner has agreed to restrict the property to medical use and professional offices only, certainly understanding that that is something that is important to the North Falmouth Business District and himself having owned and controlled this property for over 20 years, has been a businessman there himself. So, that is something that he can do in a couple of different ways.

A covenant has actually been submitted to the town already and is with Mr. Whritenour's office if the town chooses to accept that covenant. If not, certainly as part of the permitting process with the Planning Board on site plan review, that could be a condition of the approval that the petitioner would be agreeable to.

THE MODERATOR: Okay. Any further discussion for Article 7? Hearing none, the question will come on the main motion. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

Article 8. This is to amend the Zoning Board of

Appeals section of the bylaw. I recognize the Planning Board for the main motion.

MR. LATIMER: Thank you, Mr. Moderator. I move Article 8 as recommended in the warrant.

THE MODERATOR: Okay, the main motion on Article 8 is as recommended. Ms. Bumpus.

MS. BUMPUS: I would like to make an amendment to Article 8. It would be to strike and insert in – strike in its entirety and insert instead: Article 8, I move that the Town of Falmouth vote to amend Article 40, Zoning Board of Appeals, of the zoning bylaw by deleting the first two sentences and substituting the following: “There shall be a Zoning Board of Appeals of five members and two associate members appointed by the Board of Selectmen as provided by Mass. General Law Chapter 40A, Section 12. Each members shall be for five years, so arranged that the term of one member expires each year. And further, that the Board of Selectmen shall have the authority to select a date within three months of the adoption of this amendment to transition from the current three member board to the new five member board.

THE MODERATOR: Okay, and do we have a copy of that for the Clerk? He has it, okay. So, the main motion is as recommended. We have an amendment which includes an

additional sentence. We're basically going – the Zoning Board will be going up to five members from three members. The term of office of the members would be five years. One would expire each year and the Board of Selectmen will be given a window within three months for making the transition to establishment of the new board.

And, Mr. Murphy?

MR. MURPHY: Mr. Moderator, the Board of Selectmen voted to support this article. But we have worked with a transition plan. We would prefer that this article come back in the spring. But it is necessary, if this article is voted this evening, for the continuity of the Board of Appeals and be able to continue to operate, that this article be voted the way it is currently written.

There are some potential flaws that need to be addressed with this article moving forward tonight. One of those is a potential conflict with the Town Charter in term limits. Currently the Town Charter says that you can serve three consecutive three year terms, or a total of nine years. The state law for a five member provides for a five year term and in that five year term, you can only do one five year term. You would not have the potential to do two. That's the way this board and the town counsel is currently interpreting that. So, it is the potential that board

members may only be able to serve one five year term the way it is currently written.

We would ask that if you vote this article, that you do it at least the way that it is written this evening and been presented by the Board of Selectmen, because otherwise tomorrow morning the article would take effect and all of those cases pending before the Board of Appeals could be jeopardized. The Board of Selectmen recommended a transition plan tonight and this is what would happen, I just want you to know, if this article were passed and the Board of Selectmen weren't able to implement it.

Number one, the two current voting members would serve until their term expires. Those are the two voting members. The Board of Selectmen will advertise and appoint three new regular voting members with staggered five year terms to the Board of Appeals. The Board of Selectmen will advertise and appoint two associate members with staggered five year terms to the Board of Appeals. Current associates may apply for any open position. If necessary, to insure continuity and not to jeopardize any pending cases before the Board of Appeals, the Board of Selectmen will announce the transition date for the new five member board to start within the next three months to hear any new case. If any appeals remain open, they will continue to be heard to their conclusion by

the current three member board. It is important that we do not jeopardize any current appeals before the Board of Appeals.

Thank you.

THE MODERATOR: Mr. McNamara.

MR. MCNAMARA: Thank you, Mr. Moderator. Matt McNamara, Precinct 7. This young man has earned his money this evening.

Most of you know me because I've had the chance of getting to speak to you at the precinct meetings and I want you to know that I support the amendment made by Selectman Bumpus. My original petition, the purpose was to change the Zoning Board from a three voting member board to a five voting member board. I've handed out a yellow paper today with most of the facts on it. Most of you heard the reasons that I presented for that. The Zoning Board is a very powerful board. We hear petitions for changes related to variance, special permits, appeals, and of course 40B applications. We're the only town on the Cape that has a three voting member Zoning Board of Appeals.

The change that Selectman Bumpus has made is in compliance with state law. By the way, the recommendation of the Planning Board was also to accomplish the five voting member board; this does, as well. To provide the Selectmen a three month

opportunity to implement this change is certainly reasonable and I applaud their efforts. Thank you very much.

THE MODERATOR: Okay, Mr. Shearer. Microphone down here in the front.

MR. SHEARER: Mr. Moderator, I'm just asking for a point of information. Are we voting on Ms. Bumpus's or are we voting –

THE MODERATOR: First you'll vote on the amendment, which would be what Ms. Bumpus said, and then you'll vote on the main motion as amended, if you approve it. If you don't, you'll go back to the original main motion.

MR. SHEARER: Well, I'm confused. What was Kevin Murphy talking about?

THE MODERATOR: He was talking about prior to this meeting the Board of Selectmen had a meeting of which they adopted what their transition plan would be if you vote Ms. Bumpus's amendment.

MR. SHEARER: Okay, that –

THE MODERATOR: That's what their transition plan was if –

MR. SHEARER: Okay. Well you've answered my question. I thought he said the main motion, which we didn't have

one.

THE MODERATOR: No, he meant the amendment that Mr. Bumpus offered. Mr. Latimer and then Mr. Putnam. All right, you hold it and then Mr. Putnam, we'll come back to you.

MR. FREEMAN: Thank you, Mr. Moderator –

MR. LATIMER: Mr. Moderator –

THE MODERATOR: No, Mr. Latimer then Mr. Freeman, but I'm going to let you hold the mic.

MR. LATIMER: I just want to add that the Planning Board also supports the Selectmen's amendment. It's important that this board be increased to five members. The Selectmen have given it some good thought and had some good legal advice. It can be done but it can be done best in the way that the Selectmen proposed to make a smooth transition consistent with state law. Which also is consistent with our charter where the Selectmen are empowered to increase the size of the Board. Thank you.

THE MODERATOR: Okay, Mr. Freeman and then Mr. Putnam.

MR. FREEMAN: Thank you, Mr. Moderator. Michael Freeman, Precinct 8. I served on the Board of Appeals for ten years. At that time it was under the Charter that we could only

serve three consecutive three year terms. My question to this article is a very simple one. What happens – I think part of it was answered, but what happens to the current five – excuse me, seven members of the board? The five regular members or of which three are voting members and the two alternates. Their position, which was established by the Charter, had indicated very clearly that they had three consecutive three years to serve, and there is some time that they have left for that particular period. What happens to those members?

THE MODERATOR: Mr. Murphy.

MR. MURPHY: Mr. Freeman, there are only currently two sitting voting members. We had a resignation, so we currently have two sitting voting members. They would remain on the board.

To make them re-apply would be removal without cause. The remaining members who are currently associate members would need to re-apply for any position they wanted, whether it be an associate membership or a voting membership. They would all need to re-apply to be able to be put into a five year term.

MR. FREEMAN: So appointments will be open?

MR. MURPHY: The appointment process with everything except the two current sitting full-time members, voting members of the board, would be open. One of those terms expires

in June of '08 and one expires in June of 2010.

MR. FREEMAN: 2010; that answers my question.

Thank you.

THE MODERATOR: Okay. Up in the back left, Mr. Putnam.

MR. PUTNAM: Brent Putnam, Precinct 9. This gentleman is earning his money tonight.

I have to express some reservations here. This five year term thing is new to me. It wasn't mentioned in any of the precinct meetings and if anyone could answer the question –

THE MODERATOR: It's required by statute if you have a five member board.

MR. PUTNAM: It's required by statute. So if we go to a five member board, we have to have five year terms?

THE MODERATOR: That is correct. Chapter 40A.

MR. PUTNAM: That answers my question. Thank you.

THE MODERATOR: Any further discussion on the amendment? Mr. Murphy.

MR. MURPHY: I don't know if I made myself perfectly clear about one thing: if this is voted down tonight, the Board of Selectmen has agreed to bring it back in April under a Board of

Selectmen article and we will move it forward and have all of the particulars done and ready to move forward on the April town warrant. The Board of Selectmen voted unanimously tonight if this were voted down to bring it back in April and have the full process developed by that time. Thank you.

THE MODERATOR: Okay, any further discussion on Ms. Bumpus's amendment? Hearing none, the question will come on the amendment. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it by a majority, the amendment passes. The question will now come on the main motion as recommended. This is a change of the zoning bylaw requiring 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 the Ayes have it by a two-thirds and I so declare.

Article 9. Article 9, the Planning Board's recommendation is indefinite postponement. Mr. Hampson, you

held this. Do you want to put a positive motion on the floor?

MR. HAMPSON: I want to make an amendment.

THE MODERATOR: Well, the main motion as recommended is indefinite postponement. So, you have the right to put a positive motion on the floor.

MR. HAMPSON: Mr. Chairman, Mr. Moderator, I would like to offer an amendment to this article.

THE MODERATOR: All right, you'll be placing the main motion on the floor, otherwise –

MR. HAMPSON: Okay.

THE MODERATOR: – the main motion will be indefinite postponement.

MR. HAMPSON: Okay, I would like to make a positive motion of Article 9 to see if the town will vote to amend Article 21, Coastal Pond Overlay District, paragraph 240-97 through 102 of the Zoning Bylaw, by changing allowable wastewater discharge nitrogen concentrations which are site specific in accordance with the TMDL, which is called the Total Maximum Daily Loads, set forth by the Department of Environmental Protection Agency in consideration of the Massachusetts Estuaries Project.

Mr. Moderator, this makes it very clear we're not talking about individual numbers here. It's what the town is trying to

do with coastal ponds being consistent with Environmental Protection Agency. There might be others that will speak to this –

THE MODERATOR: George, I'll need this one in writing because there's a lot of language –

MR. HAMPSON: Absolutely.

THE MODERATOR: – that the Clerk's going to need for the record, here.

[Pause.]

THE MODERATOR: The only thing is Department of Environmental Protection Agency, there's no such thing. It's just DEP, it's a department within an agency, the Executive Office. Can we just strike that word?

MR. HAMPSON: Yes.

THE MODERATOR: It's a Department within an existing state agency. Okay. The main motion is as printed, striking out the 12 milligrams or less and inserting in its place, "In accordance with the TMDL set forth by the Department of Environmental Protection in consideration of the Massachusetts Estuaries Report." Mr. Hampson.

MR. HAMPSON: That's correct.

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

MR. LATIMER: Yes, I think we need some clarification. Mr. Hampson referred to a TMDL. Was that the term?

THE MODERATOR: Yes.

MR. LATIMER: I don't know, I have to –

THE MODERATOR: It's called Maximum Daily Load.

MR. LATIMER: And I'm not sure how many other people in this hall know what that means. Perhaps Mr. Curry could explain what that means.

THE MODERATOR: Ho, ho, way to set you up, huh?

[Laughter.]

THE MODERATOR: Mr. Curry.

MR. CURRY: Go ahead, laugh, sure. A Total Maximum Daily Load is the amount of nitrogen a coastal pond can assimilate, and they've been approved by the Federal Environmental Protection Agency for Great, Green and Bourne's Pond. And it's administered by the state, the Department of Environmental Protection. Although George's amendment is laudable and I understand his thinking, those are the only three coastal ponds it would apply to; where we have 14. So, I think it's somewhat premature to insert TMDL levels into a coastal pond overlay district by a law that the Town has today. I think we're

heading in that direction.

I think MEP is doing a great job. But I would suggest that the Planning Board's original reasoning should stand and perhaps some time in the future, hopefully soon in the future, we can return to this body, amending this bylaw to reflect Total Maximum Daily Loads for each pond based on our MEP reports that have been approved by the U.S. Environmental Protection Agency and administered by the state DEP. So, someday soon, I hope, George.

THE MODERATOR: Okay, further discussion. Mr. Wilber.

MR. WILBER: Jude Wilber, Precinct 1. It seems that Mr. Hampson has changed the animal here to the total daily load as applied to a pond itself. Whereas this article's focus initially is wastewater discharge, allowable wastewater discharge, which, as he pointed out, are point sources. So are we talking about point sources and the allowable discharge at a point source? Or are we talking about the total daily load of a pond in general? Those are two substantially different things.

THE MODERATOR: Mr. Hampson?

MR. HAMPSON: It would be the total daily load, Mr. Moderator.

THE MODERATOR: Mr. Latimer. Mr. Latimer.

MR. LATIMER: Thank you, Mr. Moderator. What we're looking at here is a bylaw that focuses on, as Mr. Wilber says, the point sources. And our feeling on the Planning Board was that we have to be practical. We have to be practical in terms of what is doable with the technology that is widely available today, which is why we have the present standard that exists in the bylaw and which is 12 milligrams per liter or less. We're not aware that there is any widespread technology that would allow anyone to get down to the standard of five milligrams per liter. I'm not as knowledgeable on this as Dr. Foreman is, but Dr. Foreman led the discussion on the Planning Board and we agreed with his thinking. I don't always agree with Ken, but I agree with his thinking on this one.

We asked for a referral from the Board of Health. They didn't give us anything different that would allow us to be comfortable with this reduction. But, as Mr. Curry has said, this is something we are looking at. This is something that should definitely come back to be changed at some later town meeting when we have the data that will allow us to enact a restriction that people can meet. We don't want to be enacting restrictions that people cannot as a practical matter comply with. To me, that's a

taking of property. Thank you.

THE MODERATOR: Okay, the gentleman to my left in the back and then Mr. Johnson.

MR. POTAMIS: Good evening, my name is Jerry Potamis, I'm a resident of Precinct 2 and I am your not-so-new Wastewater Superintendent. I've been on board for a couple of months. I've been asked to give an update on the comprehensive wastewater management plan as a background for town meeting members, so I'm asking if that's allowable.

THE MODERATOR: If you want to make a couple of points, but a full plan presentation would have to come under an article for a report. You want to make some points that relate to this.

MR. POTAMIS: Hopefully, it will be a few points and if I get long-winded – I've been cutting it down as I go.

The Comprehensive Wastewater Management Plan project that we currently have is basically an East Falmouth Watershed project. It studies Little Pond to Waquoit Bay. The study screened approximately 25 sites. It reduced the sites to 3 sites for wastewater treatment, and discharge. All those sites have town-wide capability if the town chooses to sewer the entire town or portions of the town.

Other comprehensive management plans will be undertaken subject to, as previous people said, completion of MEP studies and TMDL's. Some of those other areas of town that people have asked about in North Falmouth, West Falmouth Harbor, Oyster, Salt and Quissett Pond, they're all dependent on a completed MEP study and a final TMDL before we can proceed.

The essence of the report, there were four phases; the first two phases were basically a needs assessment and an alternative screening. The consultant is recommending three alternatives: expanding the existing wastewater treatment plant with a discharge at the treatment plant and then the remaining of the wastewater at the Falmouth County Club. Alternative two would be utilizing the existing capacity at the wastewater treatment plant and building a new treatment plant at the Falmouth Country Club. The discharge from those treatment plants would be at the existing wastewater treatment plant and the Falmouth Club. Alternative three –

MR. RHODES: Mr. Moderator.

THE MODERATOR: Mr. Rhodes.

MR. RHODES: I don't see what any of this has to do with what Mr. Hampson brought up initially.

THE MODERATOR: Okay.

MR. RHODES: I'm confused. I don't know about anybody else in the room.

THE MODERATOR: Okay. What the Wastewater Superintendent is trying to do is give you sort of a snapshot of what's happening in wastewater as it loosely relates to the change of this particular line item in a bylaw.

MR. RHODES: But none of us has it in front of us to look at it.

THE MODERATOR: I understand that. So, Mr. Potamis, anything to wrap up here? And then we'll move forward.

MR. POTAMIS: All right.

THE MODERATOR: Mr. Rhodes is correct, this is beyond the scope.

MR. POTAMIS: Okay, wrapping up, we have to move to get detailed cost estimates. We've got to file a Environmental Notification form with the state and with the Conservation – the Cape Cod Commission. We have to do far more extensive public outreach, then we have to come back to town meeting to get approval of this particular project as well as other projects that may come about pending future MEP's and TMDL's. Thank you.

THE MODERATOR: Okay, Mr. Johnson.

MR. JOHNSON: With all due courtesy to

Mr. Hampson, I'm wondering whether the article that George moved is really within the four corners of the article that's printed in the warrant. Mr. Wilber has suggested that it's really quite a different situation, so I'm concerned that we have a point of order here that this article as moved is not within the four corners of the printed article.

THE MODERATOR: I would say that measuring the output would be within the scope, and because I haven't read the entire estuaries report, to be honest, I don't know exactly how to rule on the specific scope issue other than that it is a measurement requirement and he is taking the existing measurement requirement even though the TMDL is not point source, from my understanding, but it's very limited in this arena. So I'm going to allow the amendment, but folks I think know what's going on here.

So, any further discussion? Ms. Liechtenstein.

MR. RHODES: I can without the mic. This is not an amendment. What Mr. Hampson –

THE MODERATOR: It is the main motion, that is correct. But the main motions do have to be within the scope of the article. And I'm deeming that it is. Ms. Liechtenstein.

MS. LIECHTENSTEIN: Leslie Liechtenstein, Precinct 8. My question is is this article enforceable, is it measurable and

enforceable, and if it isn't, if we don't have a way to deal with it, then it becomes moot.

THE MODERATOR: Mr. Hampson.

MR. HAMPSON: I think the very important issue here was given to us by the Planning Board, the fact that we only have three ponds that have been completed. And the other very important issue here is that it's making the people of the town meeting here aware of what's going on with our coastal ponds, the TMDL, all these things that we are involved with, we know it straightforward, but to get it to the town meeting means that you're going to have to be more involved, because it's so critical to all of our coastal pond issues. And we're going to end up spending a lot of money to correct that. So, in some way or another you're going to have to get involved.

But I do agree with the Planning Board that we have three ponds and we're trying to do something positive here to protect them as larger developments come in, circumventing the Planning Board. That's all I need to say. I think you can understand where I'm coming from, thank you.

THE MODERATOR: Mr. Ketchum.

MR. KETCHUM: Paul Ketchum, Precinct 1.

Chair of the Board of Health. I think the question has to

come back to how you enforce this, and the Board of Health is the one who looks at alternative treatment processes at the site and we have looked at the alternative suggestions to switch from 12 to 5 and we go with the Planning Board's original recommendation, the 12 is the number that can be accomplished and 5 is not. And so we would vote to indefinitely postpone the original motion and you'd have to decide what you're going to do with the MDL that's on the floor. Thank you.

THE MODERATOR: Okay. Ms. Williams. And then Ms. Kozens-Long.

MS. WILLIAMS: Thank you, Mr. Moderator, Cheryl Williams, Precinct 3. One thing that I would like to point out to Town Meeting Members is the fact that you're talking about enforcement of these numbers. Perhaps you think you can enforce it, but given the size and scope of the project in this town, if the number of bedrooms equates to 90 or more, that equates to gallons per day, and it's a pretty complex issue. But anything above 90 bedrooms is immediately turned over to the State Department of Environmental Protection and I will tell you that they will hold any applicant responsible to the TMDLs that have been established for the ponds in this town.

For those ponds that are only in the final stages, that

have not been submitted to the federal government under the Clean Water Act, the state DEP will still use those TMDL numbers, even though they're only in draft format.

So, it's a very complex issue, but I would just like you to think about that, that in those cases where the authority is transferred from the town to the state, the state by golly will hold any applicant to the TMDL levels. So, there is enforcement. Thank you.

THE MODERATOR: Ms. Kozens-Long.

MS. KOZENS-LONG: As the original petitioner for Article 9, and a conspirator to poor Mr. Hampson this evening, I am quite pleased as a petitioner to hear Town Meeting to hear Mr. Curry, our Wastewater Superintendent, and the Health Department talk about working towards protecting and abiding by the Clean Water Act and the TMDLs set by the state that eventually will be mandated.

We need a plan to enforce, to protect our estuaries, and to lower that nitrogen loading. And to think it is a complex plan and this is something that may not even be available in the spring, but is very exciting that this town right now tonight seems as if they want to move forward on this. And thank you all.

THE MODERATOR: Ms. Harper.

MS. HARPER: I just have a brief comment. I know that the Wastewater Superintendent, Gerry Potamis, was unable to notify Town Meeting Members that there had been a series of public viewings of our consultant Nate Weeks from the firm of Stearns & Wheeler, that has been working on the town-wide comprehensive wastewater planning project. Those have been shown over the last week on FCTV and will be shown on a regular basis.

There also will be a website dedicated to the town-wide wastewater planning efforts, which will be launched within the next several months. So, I ask you to stay tuned, take every opportunity to view those public workshops. It's very informative, and he presents the material in a way that really anyone can comprehend.

THE MODERATOR: Okay. Article 9. The question will come on the main motion as presented by Mr. Hampson. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It's the opinion of the Chair is that the Ayes have it by a majority, and the meeting will stand in

recess for about 15 minutes. We'll take a break.

FROM THE FLOOR: No, no -- [Inaudible.]

THE MODERATOR: It failed, I'm sorry. Did I -- I misspoke. Somebody's saying I declared it. It failed. It didn't pass. Let's go to break for 15 minutes.

FROM THE FLOOR: No, no -- [Inaudible.]

THE MODERATOR: There's no main -- there's no amendment. He made the main motion. I know I got that part right.

[Whereupon, a recess was taken.]

[Whereupon, town meeting resumed.]

THE MODERATOR: I want to show you the new Town Report format. Not only to Town Meeting Members, but to all members of the Town, citizens, residents, taxpayers. You may have seen the last couple years you've had the option to get your printed Town Report or a CD-ROM. And with a little assistance from Ms. Harper, our Assistant Town Manager, we're going to walk quickly through a few things that are on this so that if you're interested you can take a copy. I think we have extras. Do we have extras?

MS. HARPER: Oh, yeah.

THE MODERATOR: And we have extras here, as

well. Okay? So, before we formally reconvene, I need it to be quiet so we can quickly do this. Ms. Harper

MS. HARPER: Thank you very much, Mr. Moderator. First of all, I am extremely delighted to present this year's 2007 Town Report. It's a real honor. I was asked to present this by our Information Technology Department. I gave them the option of having a special opportunity to come in and present to Town Meeting, and they elected that I should do this for them. And I'm really happy to do it.

First, I want to recognize the people involved in pulling the Town Report together. It really is a challenge at the end of the fiscal year, it closes in June, to have a report produced and printed and available for you at this Town Meeting, which we strive to do every year. And really the shepherd of the project is a young woman named Diane Davidson, who's the administrative assistant in our office, who masterfully and delicately gets every department head to get their report in on time and in the right format. And then our Information Technology staff, George Trudeau, Joanne McRobbie and Andy Payne, really do a great job pulling the report together.

And if I could have the next slide? And the slide to follow? This is really the heart of our presentation this evening.

Paper or plastic is the eternal question. Each year, we produce a book, as well as a CD version, and you see the beautiful printed material. The cost to the Town is \$4.50 a book. The CD is a mere 65 cents. The index in the paper version is a traditional paper index. And on the CD, you can point and click your way through any of the material that you're interested in looking at.

The convenience factor: of course, you can read the book anywhere; and for the CD, you need a computer.

There are no maps in the book, but we have any of the GIS maps of the Town of Falmouth are always included on the CD version. We provide additional material on the CD.

Past reports are not available in the book version, but we have past years right on the CD. So, I think they go back to 2005, so you have three years' Town Reports for you to view right on one disc.

And then finally, every year we try to add just a little special material, and this year the added material on the CD is the Board of Selectmen's five-year plan. As you know, the Town Charter change occurred last spring, and in May the Town voted that the Board of Selectmen shall adopt a five-year strategic plan for the Town of Falmouth. And in July, the Board of Selectmen completed that task and produced a five-year strategic plan, which

is also included on the CD version.

We have copies of these available for anyone who'd like to take a look at them, and I'll just give you a few little content -- a little bit of the material. That's the strategic plan that's available, the GIS mapping system that's available on the CD, as well as the prior years' Town Reports.

And I believe that concludes -- yeah, this is some additional information. When we were -- 100 years ago, 1907 -- and could I have the next slide? -- total valuation of the Town of Falmouth \$7,918,198. We were doing pretty well in 1907. There's a lot more of the 1907 report there for you to view.

So, I encourage you to reduce your consumption of paper and elect the CD version, which is available this evening. And thank you for indulging this report.

[Applause.]

THE MODERATOR: Thank you, Ms. Harper, and to the IT Department. Also, my first Watchman's Report is in there, as required by the changes in the Town Charter, so. Also, at the beginning of Town Meeting, we normally have an announcement this time of year that reminds us that the Service Center is seeking donations. And that's usually from one of our Town Meeting Members, Margo McElroy, who is no longer with us. She is working

for two years with the Peace Corps down in Central America.

So, I want to make the plea for the Service Center and from Margo that if we're here tomorrow night, bring some of your items for collection. If not, over the course of the week, if you could bring canned goods to the Service Center, as well as the turkey drop-off is when? When is it?

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: Sunday from 1:00 to 4:00 is the turkey drop-off at the Service Center. So, hope folks will be able to contribute either tomorrow night or in the future at the Service Center.

That being said, at this time we'll establish the quorum. All those present, please rise for the establishment of the quorum.

[Pause.]

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

MR. HAMPSON: 55.

THE MODERATOR: 55.

In the first division, Mrs. Tashiro?

MRS. TASHIRO: 50.

THE MODERATOR: 50.

And in the second division, Mr.

Dufresne?

MR. DUFRESNE: 98.

THE MODERATOR: 98.

By a counted vote of 203, we have a quorum and we're back in session.

Next article is Article 12. The Finance

Committee's recommendation is indefinite postponement.

This is dealing with the affordable housing revolving fund account.

Who held this article? Who held Article 12?

[Pause.]

THE MODERATOR: Does anyone want to speak on Article 12?

[Pause.]

THE MODERATOR: Hearing none, the Chair will hear the main motion of indefinite postponement from the Chairman of the Finance Committee.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 12 as recommended.

THE MODERATOR: As recommended. This is indefinite postponement. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it
unanimous.

Article 13. This is the capital budget. Mr.
Chairman of the Finance Committee for the main motion. If you go
to the center of your Warrant booklets, you'll see the green pages
are the capital budget. Mr. Chairman.

CHAIRMAN ANDERSON: Could we have the slide
on the --

THE MODERATOR: We have a slide for this one,
as well?

[Pause.]

CHAIRMAN ANDERSON: No, the motion
slide. That's the presentation slide.

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: You had a question? Mr.
MacDonald.

MR. MACDONALD: Mr. Moderator, I wanted to
withdraw that hold.

THE MODERATOR: You held Article 11?

MR. MACDONALD: That was 11 I held.

THE MODERATOR: I didn't have Article 11 held on my -- nor did the Clerk. We had Article 12 held.

MR. MACDONALD: You didn't have it held by me. I held Article 11 and you confirmed it.

THE MODERATOR: Okay. We must have gotten the wrong number, then. You didn't want to speak on Article 11?

MR. MACDONALD: No.

THE MODERATOR: Okay. Mr. Chairman, for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I move that the Town vote to transfer from the following sources, as shown on the overhead screen, to be expended under the jurisdiction of the Board of Selectmen for the purposes of Article 13.

THE MODERATOR: Okay. Basically, what this does is the main motion is as printed in the center section of your Warrant book. The funding sources, there's been a change that the line item -- organizational line item for the band shell transfer of \$125,000 has been reallocated into the certified free cash and overlay surplus fund line items.

So, I know it's hard to read each one there, but it's what's in your Warrant booklet, except for we're not going to transfer that 125,000. We're going to be looking to get it from two other sources. Mr. Chairman.

CHAIRMAN ANDERSON: The amount is actually -- it's 175,000 that will be transferred from the band shell, which is the last line that is shown on the green article in your Warrant. That's Org. Number 37124. That becomes -- that is zero. And instead, we are moving -- if you go to the top line, certified free cash, instead of 460,539.63, it increases by 50,000, which is now \$510,539.63.

The next line down, overlay surplus fund in your book in the green sheets, it's 330,000. That is increasing by 125,000. The new number is \$455,000.

THE MODERATOR: Okay. Thank you, Mr. Chairman.

Mr. Whritenour, presentation on the capital budget.

MR. WHRITENOUR: Yes, good evening, ladies and gentlemen. We just wanted to give a very brief overview of some of the capital planning issues confronting the Town. I'm going to start off and then I'm going to give way to our Assistant Town Manager, Heather Harper, who I do want to acknowledge for the tremendous

work that she's accomplished with the capital planning process for the community.

This evening we're here to approve what is essentially the fiscal year 2008 capital budget, but if we can go to that first blue slide and maybe keep that up there for just one second, a couple of points that I wanted to make on the context of the capital planning that goes behind the capital budget.

The capital budget that you see is part of a capital improvement program, which includes again that capital budget for the current fiscal year as well as a plan for a six-year period. And this really is one of the major financial planning tools for the Town. And it really is a partnership that we work with each one of the individual Town departments in terms of inventorying all of their needs and working with the Town's administration to put together a plan.

We have a public hearing with the Finance Committee and present this material to the Board of Selectmen. And through this six-year plan, we're able to lay out all of the capital spending, all of the sources of funds for the entire period, and that includes the buildings that need to have either reconstruction or work done on them.

Basically, any capital improvement is an item over

\$10,000 in town. And it also incorporates a very detailed analysis of the debt service of the community, all the way out until all of the notes are paid for, including what the capacity of the Town is to pay those items.

And if we could get the next slide up, I'm not going to go through in detail. I know this is very difficult to read, but I put this slide up here and the next couple to give you a little bit of a context for the multi-year planning process where we analyze the prior year. We have FY '08 through fiscal year '13.

And a sheet like this is one of the sheets that appears in the capital improvement program that analyzes all of the various sources of funds here that are available to support capital spending in our Town, items such as the free cash, the stabilization, all of the available funds that you see in the Town, the bonded debt is included in there, all of the betterments, waterways, traffic mitigation and other items. And those are all put together for the entire six-year planning period. And what you see this evening is again just year one of that.

Maybe we could just go to the next slide quickly. And this gives you a sense here more some of the uses of the funds, where the free cash is allocated, and this is an example of some Department of Public Works improvements by the category

numbers and lines again for the prior year and out to FY '13.

And maybe go quickly to the next slide. Again, another example of the six-year planning document. And this particular one is an analysis of all of the bonded debt capital exclusion items that we have. A total, as you can see, although it's perhaps 1.3 million in the free cash section that we're approving with the capital budget, if you incorporate the bonded debt that is included as well as the items in the capital budget, the totals really are in the 10 to 11 million, up to 12 in the outer years. So, the capital spending for the community, including the debt, is really in the 12 million dollar range. So, you're seeing maybe a tenth of that total spending in the form of the capital improvement program.

Now, one of the things -- if we go to the next slide, I just wanted to bring up a couple of issues that are really shaping what's happening in the community for that six-year capital improvement program and how things look.

And essentially right now, in 2007, where we stand, I see this as a fundamental crossroads in the capital planning efforts of the Town. Traditionally, we've funded this portion anywhere between 1.3 to 2 million from reserves of the Town, most notably the free cash account. And with the tightening of the Town's budget, with the state economy still in a very slow

growth format, we no longer have the available surpluses, which is the free cash numbers, to meet all of our capital needs.

You can see that tremendously from -- if you'll notice in the motion, we had the long list of items that were sources of funds. What essentially those were were accounts for completed -- previously completed capital projects that we've gone through, done some housekeeping, cleaned those out and put those remaining balances into new projects. That way, you know, at least for this year, has lowered the amount that we need from free cash.

But beyond being able to do that housekeeping in this year, what we really need to do and what we're going to see in the future of these capital improvement programs is a need to provide some sustainable funding sources beyond just the reserves of the Town, to have some money that we can count on. We know that we're in that 1.3 to 2 million dollar range every year for these ongoing non-building-related capital improvements, and we need to make sure that we have the funds that are available, that we're not just saying let's use free cash.

Also, in terms of strengthening the Town's financial condition, we've adopted some detailed financial policies that have target levels to set where the free cash should be, where the stabilization of the community should be, and in order to achieve

those goals, one of the key things that we need to do is to slow down the spending from the free cash, the amounts that we have are less, so that it shows more the need for some sustainable funding sources.

And one of the ways that we're going to try to achieve that, what you're going to be seeing over the next coming years, is we're working to bundle some of the key smaller projects for consideration by the town on the ballot for some proposed capital exclusions.

And again, that's different from an override, because it's only temporary for those items. And when those items are completed, it's not a permanent increase to taxes, but it is one way of treating some of the smaller projects in their cumulative impact in the same way that we've treated some of the building projects that we're working on.

And my last slide, I wanted to give you a sense for what those types of projects are under consideration for an exclusion would be potentially to bundle together some road maintenance, bridge work and sidewalks into an item that, you know, may be able to meet one or more years of those needs, and to have that as an exclusion for that item.

We have some specific fire apparatus needs in

terms of fire trucks that we're bundling together to have a potential exclusion from Proposition 2 ½. And that is a way to make sure that we stay on top of the fire apparatus needs without using up all of the Town's reserves. And potentially some of the other vehicle and equipment replacement can also be handled in that fashion.

And overall, our goal would be to make the capital spending that we know we have recurring from our multi-year planning, it's coming every year, and we need to have other sources of funds than just the free cash to meet those needs. And we're going to be working very closely with the Finance Committee and the Board of Selectmen to analyze these types of needs and to bring those back and report to you.

But the key thing I wanted to just make sure that you understood that the material you're voting this evening is part of a much broader planning process.

And with that, I'd like to turn it over to Mrs. Harper to talk a little bit about the capital budget portion.

MS. HARPER: Thank you. Could you move to the next slide, please? And that was a perfect segue to my portion of the presentation this evening. It's really very important --

FROM THE FLOOR: [Inaudible.]

MS. HARPER: You can't hear me? I'm sorry. It's

really very important to continue to consider what you're doing this evening as part of a multi-year planning process. And I'm going to deviate from the script a little bit and just acknowledge that this was a very difficult planning year to fund the fall capital improvement program. And this year we engaged our department heads, not just in the funding of the capital projects, and identifying the needs, but in working with us on the revenue sources.

You've got department heads who are here with an expectation level that the revenues they need to carry out the program of services that our community demands will be available for them. And this year we had to tell them it's not here right now, but stick with us, and stick with us through our multi-year planning process, and you will see those projects and programs move forward.

And I really have to just recognize the hard work of our department heads and the collaboration and getting together both those projects as well as the revenue sources together to present to you a plan that we feel is a responsible way to move forward in a very small way to make sure that our existing programs continue to move ahead, but recognizing that additional revenues are going to be necessary if we want to expand and to continue to provide the same service level that we've grown accustomed to.

And I want to walk just briefly -- maybe just go back to the last slide for a second. Some of the things we look at when we consider requests, we consider the financial policies of the Town. We consider the Board of Selectmen's strategic plan, what their goals are for a five-year planning period, how those relate to what we're projecting over the same financial period for the capital programs; the individual departmental goals, how the projects that they're proposing help carry out their own goals and vision for the department. We have some specific evaluation criteria for each of the projects, and the sort of the overall -- or what the funding sources available to support the projects are.

And if I could get the next slide. Generally, in the past even ten years or so, you've seen a capital plan in the fall in the range of two to three million dollars. Each year, we see requests in the arena of about four million dollars. If you review those requests, really any of them are extremely legitimate requests that you would view as a responsible use of municipal funds.

This year we've cut that very sharply to 1.36 million dollars proposed for this capital planning period, and that's a direct result in the reduction in the funding sources available.

Many of the expenses that you'll see in the CIP for this year are recurring expenses: road maintenance, cruisers,

ambulances, those expenses that you'll see every year.

We've made a priority to support our existing agreements and to support the minimum required maintenance for our programs. And we have taken some opportunities to improve programs, and you'll see the department heads' initiative in some of these to make improvements, even in a limited budget program this year.

And I want to just have you turn real quickly -- and I'm going to wrap this up, I know you're ready to get onto other things -- some of the specific items in this year's CIP.

First of all, you'll see that the highways are funded at just \$100,000. Generally, that's at the \$300,000 level. But this year we are able to continue to move that program forward because we do have additional revenue in Chapter 90 at the 900,000 range.

Bridge maintenance. That was an area we were hoping that we could see some savings in. Unfortunately, we do project that there are going to be some additional bridge work over the next year as a result of the delay of the Eel Pond Bridge in Woods Hole. So, we felt it was very important to maintain that source of funding.

Under vehicles and equipment, sharply reduced

from previous years, but we've got a really fresh look at the way we handle our vehicle equipment maintenance and replacement programs, and that's a real recognition of some of the organizational principles and leadership within the Department of Public Works in all divisions. Just a few vehicles replaced. The mileages all range over 100,000 to 160,000 miles on very high hard-work vehicles. So, those are at very stressed levels.

In addition, you see some safety improvements with some of the monitoring devices, as well as some improvements in our sanding and snow removal programs.

In addition, you'll see some fleet diagnostics, which will help us improve fleet maintenance within our own divisions and in-house rather than do some of that diagnostic outside of the department.

I'm not going to move through each line item. If you have questions, please feel free to do that at the end of the presentation.

I do want to draw your attention to the utilities divisions, both water and wastewater. You see those numbers. Those are direct -- those numbers directly correlate to the revenue sources associated, and those revenue sources are pre-existing authorizations for either water mains or utility work. And they're

specifically targeted to continue to carry out that work program.

Really, the last item I wanted to highlight is something that I think our community will be very proud of, and you'll hear a little bit more about within the next few months, and that's the permit tracking system.

We're funding the second phase of that program, which will allow continued permit tracking throughout our departments, including the Conservation Department and many of our Town permitting departments, and that's through the General Code. Hundreds of man hours have been put in through the Building Department, Zoning Board of Appeals, Information Technology, to prepare a permit tracking program that will both be user-friendly for the consumer, as well as provide the Town with an additional tracking program for permitting. We look forward to that program expanding.

And maybe I'll just hit the last slide. That's the program highlights. We just did that. The funding sources is funded by reprogramming previously approved fund balances and by existing funds. The funds, where appropriate, have been reprogrammed for their initial purpose, such as the utilities, water and wastewater.

And I just do want to highlight the band shell

account which will not be reprogrammed. We do have a cultural facilities grant at a little over \$172,000 to match some existing Town funds. That grant will allow us to redesign the project, which may mean some cost savings ultimately and what the project will ultimately look like, and we look forward to coming back to you in the spring with what the funding for that project will look like. And so for the time being, we're going to leave those funds available for the Town band shell. Thank you.

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: Thank you, Mr.

Moderator. I'd like to take a brief moment to explain the Finance Committee's concern regarding future capital budgets and Town finances in general.

It's probably going to be an exclamation point on what Bob and Heather have presented to you. Earlier on the screen you saw that we are financing the capital budget this year using sizeable free cash, overlay surplus and moneys that are in old articles that were approved at previous Town Meetings.

Over this past year, Mr. Whritenour and the Finance Committee have spoken about clouds on the financial horizon for our Town. Now, it's not a disaster alert, but it is a wake-up call for Town Meeting. What I would do is appeal to you to

examine all the requests that come in front of you at this Town Meeting and in future Town Meetings to ensure that they're a strategic fit for our town.

I'd like to show you what I mean very briefly about FinCom's financial concerns. First slide. One of the key financial assets for our Town is available funds, and you can look at these as the Town's savings accounts or rainy day funds.

The first key reserve that's shown in blue here is free cash. Blue is free cash. Free cash is the dollar amounts that are left over at the end of the fiscal year that have not been spent in a department's budget and any revenues that we have that come in over the budgeted revenue amounts. That's sort of the simplistic explanation of free cash.

The second, in red, is our stabilization fund, and our stabilization fund is really a true rainy day fund. We consciously put money, or we try to put money into the stabilization fund each year in the operating budget.

The third is the overlay surplus. And what the overlay surplus is, it's the excess that is in the overlay reserve account after all of the abatements and the exemptions have been satisfied out of the property taxes.

One of the concerns that we see is if you look at free

cash, it is decreasing, with one exception in '05 where it went up just a little bit. But you can see, as Bob and Heather had indicated, free cash is going down each year.

Our stabilization fund is not really increasing. It's remaining the same. And our overlay surplus, which is the white, is shrinking. We're spending our savings for the articles in these warrants. And as you can see, a trend like this is not sustainable.

On the next slide, I want to show you an example of what a decrease in free cash means to Falmouth. Now, we've changed the format on the slide. If you notice, the blue bars -- this is free cash only, and the blue bars are what we've spent at Fall Town Meeting, the red is what we've spent at Spring Town Meeting, and the white is the Spring Special Town Meeting spending of the free cash. Again, remember, this is just free cash.

If you add the bars up in fiscal year 2004, that totaled about 5.7 million dollars. In fiscal year '05, that got cut in half. We had about 2.7 million. Now, it bumped up a little bit, it went up to 2.9 million in fiscal year '06. But if you can see in the later years and today, we have 1.2 million dollars to spend in free cash.

If we fund all the articles tonight in this Fall Town Meeting, we'll be spending pretty close to 1.2 million dollars of our free cash. That means we'll have about \$55,000 left for the Spring

Town Meeting, and that's not a whole lot. If you compare that to what we had last year, we had \$800,000 to put toward the budget in the Spring Town Meeting.

We feel very strongly that it's our responsibility to be certain that you see the same picture that we do.

Go on to the next slide. Thank you.

We always have choices. Sometimes the choices aren't very good. But these are the choices that are left to us as we go forward. Number one, we can reduce the growth rate of our expenses. Now, this means rigorous analysis of the articles, hard decisions by Town Meeting, and requires spending restraint.

Secondly, increasing local receipts. That's also an option. But this means fee increases to all. Now, what local receipts are are things like our water rates, what we pay for water, beach stickers, dump stickers. Those are local receipts. This is about 20 percent of the total revenue that the Town has. So, even if we do increase those fees, there'll be a limited impact on our finances.

The third option, which Mr. Whritenour and Ms. Harper talked about, is debt and capital exclusion funding. These mean tax increases on your property taxes. Now, they're temporary, as Bob had indicated, and they also require approval at

the ballot.

The fourth option is a Proposition 2 ½ override. This would be a permanent tax increase, and it also would have to be approved at the ballot.

As you consider the decisions that you have to make on the articles, not just tonight, but going forward, think about the strategic fit. Not everything that's in the Warrant booklet is a good strategic fit for this town. Think about the costs of each of these requests and how we're going to pay for it.

We can fund the capital budget tonight. We're not at risk of that. But we simply can't continue to fund through our savings on a go-forward basis.

In the future, this is probably going to mean that not every -- that we're going to have to either try to have everything covered by revenues, and it's going to have to come out of these sources, and that means it's going to be borne by you, the taxpayer, and your neighbors as taxpayers, through tax increases.

I wish I had better news to deliver, but I believe that if the Town Meeting members have the facts, you'll make good decisions for our town. Thank you for your continued support of the Finance Committee.

THE MODERATOR: Okay. The capital

budget, what I'd like to do is go through -- it won't be a blanket, but we'll go through section by section. If folks have questions or comments, any action to take within the capital budget, again, the green spreadsheet in the center of your Warrant booklet:

Department of Public Works, Numbers 1 and 2.

Number 3, Vehicles and equipment

replacement.

Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6. Ever since I've been a Town Meeting member, we have asked the Board of Selectmen and the Town Administrator or Manager now to try and really study the vehicles we have in this town. And the overlap we have of Beach Committee and DPW vehicles, et cetera.

I got a list, and I forget how many there were on it, Mr. Whritenour might be able to tell you how many vehicles we have, but I think this is the time to say no. Let's say no more vehicles right now. Use the ones we have. Yes, some of them might be a little bit old, but if they're still running, fine. If not, when we get rid of these, we don't get anything for them anyway, let them die. But let's save a little bit. Let's ask the Selectmen to go in and study the whole plan if we need all the vehicles we do. It's not just the cost of the car, truck, or whatever. It's the maintenance, it's the

insurance, it's the registration, and the news tonight said fuel is going to go up in the next three months by 15 cents or more. So, let's -- why not give it a chance now and say no until we straighten this all out. Thank you.

THE MODERATOR: Any further discussion on vehicles and equipment replacement?

FROM THE FLOOR: Mr. Moderator?

THE MODERATOR: Yes, microphone.

MR. PEAT: Randall Peat, Precinct 8. I noticed on there it had highway, police and fire apparatus. There's one area that's not covered, the school buses. I'm not talking about the long-nose or the FP buses, but we do have a fleet of the maroon van 7D license fleet, the mini-buses. Some of those buses have gone over 190,000 miles. Some of them -- if you ever saw the inside of some of those buses, you'd be amazed how they manage to stay on the road.

They're the fleet right there that should -- someone should take a look at. We have those buses. They just don't hang around here. We have buses that go to Middleboro, Kingston, in some cases up towards Plymouth with the special needs children. And those buses are really being held on by duct tape and everything.

I understand about the rest of the vehicles, but I would suggest that they would -- the committee check those 7D buses. Thank you.

THE MODERATOR: Okay. Further discussion on DPW vehicles?

[No response audible.]

THE MODERATOR: Numbers 4 through 6, Road Manager System Maintenance, River/Pond Maintenance, Public Works Organizational Improvements.

Mr. Dick and then --

MR. DICK: Henry Dick, Precinct 8. I would like some specifics on this rather extraordinary item in a capital budget, river/pond maintenance. What specifically is that money for?

You say routine dredging and repairs. Where is that dredging going to take place? Is this something in the lower Coonamessett River? What is this for?

THE MODERATOR: We're pulling it up right now.

MR. WHRITENOUR (No microphone): Are you looking for some -- the DPW? [Inaudible.]

THE MODERATOR: DPW? Mr. Jack.

Mr. Dick, if you'll yield the mike.

MR. JACK: This is an annual expenditure for any of

the marine embayments and the associated riverine systems for repairs, routine dredging. Sometimes we would pay to have a specific area dredged. And I know under the Nutrient Management Committee we're looking at starting to dredge all of the inlets and all of the embayments in the ensuing years now. But as a maintenance item, annually, it only covers those particular items, any routine repairs and/or dredging. It's not for anything extensive. That would be a separate article itself.

THE MODERATOR: Got a question here in the middle.

MR. GOULART: Richard Goulart, Precinct 9. I have a question on Line Item 6. It looks like we had a request to purchase a diagnostic unit and the software, and what they're actually requesting to buy is just the diagnostic unit and with a request to be considered in the spring for the software. If we just buy the diagnostic unit and we don't buy the software -- and in the springtime we don't buy the software, what are we going to do with the diagnostic unit?

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: They are two discreet items. One is -- the diagnostic unit is the one item that the Finance Committee approved, that is for diagnosing -- it's like the

machines that you see when you take your car to the garage and they hook it up to a computer.

The software item is a completely separate item. A year ago, the Town hired the Matrix Group to do a consulting survey, consulting for the DPW. One of the outcomes or the recommendations that came out of the Matrix Group's study was to purchase this management system software.

The Finance Committee has looked at the entire Matrix Consulting Group's set of recommendations and essentially there are 38 recommendations in this 225-page report. The total cost of the recommendations in there approaches \$700,000.

We do not think it's a good idea to pick and choose of those 38 recommendations. What we think is the Selectmen, the Town Manager and the Director of the DPW should get together and take a look at all of the recommendations to see whether or not they agree with the consultant's recommendations first, set up a time line and decide which of these they want to implement, set up a priority.

So, the particular software in here is not related to the diagnostic unit.

MR. GOULART: Okay. I do fleet maintenance. That's the only reason that I asked this question.

And this diagnostic unit, is it going to just do just the DPW's vehicles? Will it do the police cruisers? What will it entail?

THE MODERATOR: Mr. Jack, do you want to take a shot at that one?

MR. JACK: Police and fire vehicles are serviced separately, so this one is just for the DPW vehicles. And as was previously indicated, it's a stand-alone unit. Believe it or not, for all the equipment that we have, we do not have a diagnostic unit that we can hook it up to in order to determine what the problems are. And as far as the management software, that is a set of programs that is intended to provide fleet asset management, building asset management and things of that nature.

MR. GOULART: Thank you.

THE MODERATOR: Any further discussion on 4 through 6?

[No response audible.]

THE MODERATOR: Okay. Facilities maintenance, 7 and 8. Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6. On 8, is this just for -- or 22,000 just for the design or to -- or for a new door? And if it's just for a design, how much is the new door going to cost, and why do we need it?

THE MODERATOR: Mr. Brodeur. Chief Brodeur.

CHIEF BRODEUR: Paul Brodeur, Precinct 4, Chief of Department, Fire/Rescue. It's only design money. I don't know what the cost of the door is, because I haven't had the design people look at it yet. The other issue with North Falmouth Station is when you start taking the two-bay door and making one big bay is the structural integrity of the building to carry the second floor.

We've been working hand in glove, the

Department with the Town Building Committee, and we went through the CPC issue for a year on this. So, this has been in the mix for about a year and a half. 22,000, what I'm told by reputable contractors in town and the Town Building Committee, 22,000 is a good start to find out exactly what you're going to have to pay for in April of next year.

The reason, the ambulance that we have up there, we purchased in 1997. It has 98,000 miles on it. And the other ambulances that they're building today are a little wider. And so it just goes, the apparatus is getting bigger, so the hole has got to get bigger.

Did that answer the question? This is to get another 12 to 17 years out of the North Falmouth Station before another station has to be built, because that would put about 70

years on that station.

MR. SHEARER: We don't have design staff in town that can do the design work or find out what kind of design work we need?

CHIEF BRODEUR: Well, when I went to the CPC, I had a contractor in town that gave me stuff for nothing, and then I got -- as I said, I got reputable people and the Town Building Committee involved and this is where we're standing, 22,000 for design. And then we'll know where we're going come April.

MR. SHEARER: Thank you.

CHIEF BRODEUR: You're welcome.

MR. SHEARER: All I can say is that we're never going to save big amounts of money. We've got to start saving little amounts of money, or we're going to have a 2 ½ percent override every year. And that's not going to be fun for the retirees of this town and the people on fixed incomes. So, let's look at everything and make sure we really need it. Don't want it, need it.

THE MODERATOR: Okay. Utilities Division, Mr. Netto.

MR. NETTO: Question on the process. And this is just one example, and I'll use this \$22,000. Excuse me, Joe Netto,

Precinct 9. Because you have to kind of listen to Danny a little bit and you listen to the Chief and you say well, yeah, we want these things, and yes, the people in the town they can't work without vehicles, so when it comes time to cut -- so, you know, where do you start? And that's the problem that we're all looking at.

But just how does this process come out? You know where I stand on this issue, that the town -- I think we do it a little bit backwards. Now let me ask you something. If you found out tonight that Town Meeting voted \$22,000 for design money and then I assume the Administration is going to put out an RFP; is that correct, to the Town Manager?

MR. WHRITENOUR: Correct.

MR. NETTO: Now we have an RFP for this process. Gee, don't you think the bids are going to come in like, you know, 19.9 or 21.2? And the point I'm trying to make, I'm sorry if you don't like the process, but I think we do the process backwards. And I'll say it again. Why don't the department heads put out the RFP first, and not only for this design, but for the trucks? We tell every bidder what we're appropriating and then we put out a bid. And gee, I wonder why it comes out for that?

Why don't we do what Chapter 30B says and then we can save some money: do the competitive bid process first,

have all the bids come in before the Fall Town Meeting or the Annual -- well, we have two of them, the fall or the spring, and then the department heads could stand in front of us and say, "I have a bid to design this for \$16,422 and we can buy a four-wheel drive pickup truck for \$30,502.19?"

We're doing the process -- and I'll speak to the people on the stage -- we're doing the process backwards. We're telling the people how much we've got to spend on the issue and then we wonder why the bids come in? And you can do it that way. I'll say it again. I did it that way on three quarters of a million dollar purchases. When I delivered the bill for the school buses of the Town of Wareham, it came to the penny because the RFP was -- well, in this case it was a bid process and not an RFP. And that's the way that we will save money, as Mr. Shearer is trying to do.

Case in point. Go to that last page that Mr. Anderson said. No one asked the question what does ORG 33475 stand for that represents \$27,240.22? No one told us what -- too many years of school teaching, we all sat here and assumed. These are all projects, if I'm not mistaken, correct, Mr. Anderson, that we have finished, nobody knows what they are, because you didn't tell us, you just gave us a line item number, and these are the funds that are left over in those accounts. Is that true or false?

CHAIRMAN ANDERSON: In most instances, that is true. In some instances, the projects are not completed, but the department head feels there's enough money in there -- more than enough money to finish the project.

MR. NETTO: Okay. So, you do the math. This is just -- I don't know how many years this represents, but these are projects that have been completed and this money's just sitting there.

So, I'll sit down. To those people on the stage, why don't we just do what Chapter 30B says, go out with a competitive bid first? Then come to us with the exact price of what you want and we'll support it.

I mean, I'm not the engineer, but boy, 22,000, I know -- and you're relying -- not to put you on the spot, you're relying on information that you're told. You're the Fire Chief, you're not an engineer. I mean, we all have to do it. I just think, again, we're doing it backwards. Thank you.

THE MODERATOR: Okay.

[Applause.]

THE MODERATOR: Mr. Putnam. Let's go, folks. Mr. Putnam.

MR. PUTNAM: Brent Putnam, Precinct 9. I'm going

to second what Mr. Netto said and I'm going to ask the question, if we vote all of these items down tonight, what is the potential negative impact?

THE MODERATOR: You don't get anything that's listed in the capital budget.

MR. PUTNAM: Let me be more specific. If we vote all of these items down tonight and ask that the Board of Selectmen, the FinCom and the other associated boards follow the process as recommended by Mr. Netto and come back in the spring with more specific numbers, will there be any negative impact to the Town and the services provided to the Town by waiting six months?

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: Yes, I think that there would be some very serious negative impacts. The thing that I ask everyone to consider -- I think it's been mentioned a couple times, like where do we start cutting? I mean you need to know -- I think Mrs. Harper pointed out that the original requests for capital items that really was a well-defensed package that departments came up with, was more in the four to five million dollar range.

We've gone through with a fine-tooth comb with the assistance of a conservatively- minded Finance Committee and we've made cut after cut after cut in these capital programs. We

have recommended this evening what we consider to be a bare-bones program that provides the money that we need to survive in items such as if you cut the bridge maintenance, you will be one very sorry community when bridges fail and you don't have the ability to keep them open.

I would very respectfully submit to Mr. Netto that items such as the designer selection for an architect and engineers to perform the services for the fire station, first of all, there's not an account that comes under the Chapter 30B. That's a designer selection law item. And the way those are bid is that they're bid in terms of the qualifications that are assessed. You don't ask the people what their bid is under the state law. What you are required to do is to assess the professional qualifications and then when you select the qualified designer, at that point you can negotiate the price.

What you see in terms of the funding for this capital improvement program, be very mindful of the fact that not one penny is spent out of this capital improvement program without my own personal signature. Each one of these items is meticulously bid and all of the state laws are followed.

If there are any left over items in any line item, those funds are sequestered and they're returned back to the community.

There is no cart blanche opportunity to take these funds and spend them in any way that, you know, a department or an agency would want.

The capital improvement program is the area of finances that is the most strictly controlled of all of the finances in the community. And I think if you have any misapprehensions that voting this down will somehow do a service to the community, I would submit that it would be devastating to the operation of this town.

I mean, take a look at the vehicles. With the long list of vehicles that need replacement, we've selected only the highest priorities. When you're down to \$100,000 in road maintenance, I think, you know, you're in a very dangerous ground talking about voting these items down.

MR. PUTNAM: I will beg to differ on a few points here. Clearly, I don't see the detrimental impact of having no engine for a pump-out boat during the winter when it's not used. So, I think we could take a closer look at some of these line items.

THE MODERATOR: Utilities Division, Water.

Want to use the one right in front, Peter?*

MR. BOYER: Peter Boyer, Precinct 5. I will address the more general rather than the specific line item. I have

a little different perspective of what I foresee is going to happen.

One of the things -- one of the options the Finance Committee mentioned to you is the probable inevitability -- and the Town Manager did, too, of introducing debt exclusion and capital exclusion as the fundamental tool for funding capital projects in the future.

I think that's going to mean that the capital budget will be dealt with in the Spring Town Meeting, because it needs to be followed by a ballot vote.

The implication of that is that what has to happen, under Mr. Netto's suggestion, is that bids have to be in hand or opened prior to the Spring Town Meeting, but no award will be made until money is available in the subsequent July.

I think we are looking at an entirely different calendar of how we fund our capital programs, and that's because I am convinced that the bundling of projects into the capital exclusion will happen every year.

I think that we are running in such a tight financial circumstance that we are not going to be able to fund from savings, because there are not going to be the savings. And so we will have to essentially fund from the ballot votes, and those happen in the spring.

So, I think that's what we're facing. And that, I think, really makes it extraordinarily awkward to have bids in hand prior to Town Meeting, because the lead time for commencing gets to be six months. And that's very difficult for vendors to deal with, I believe.

So, I think we're going to face an entirely new approach to dealing with our capital funding, and I think it will happen every year. It will be the bundle of capital exclusion votes, whether it's a million dollars or whatever amount it's going to be, I think that's what we're going to have to do.

The debate about don't do the dredging this year, don't buy that vehicle, I think is the minor stuff. The major strategic issue is what's going to be the substance of our capital plan. It's not going to be a two or three million dollar pay cash from free cash. It's going to be X dollars that are the capital exclusion plus whatever debt exclusion for the major projects. Thank you.

THE MODERATOR: Water. Mr. Lowell.

MR. LOWELL: I'm sorry. I'm still on Line 8. The issue I have with Line 8 is that -- the North Falmouth Fire Station door, is it is another camel's nose under the tent.

We are funding the \$22,000 in design. We will then be asked to fund a new garage door. Typically, design costs

are about ten percent of construction costs. So, we're looking at about 200, \$220,000 probably to do the design. I mean, who knows exactly, but it's going to be significantly more than the design work.

Then we're going to be asked for a larger, expensive ambulance. We're currently paying off our ambulance. We're on a four-year lease that's about \$40,000 a year. So, it will be \$160,000 for the new ambulance.

So, all of a sudden this \$22,000 garage door is more like \$380,000 ambulance. And if we're really going to try to hold the line on spending, I think that it's worth a test here to see whether we can amend Line 8 to zero it out. So, that's my amendment. I'd like to change Line 8 to zero dollars.

THE MODERATOR: Okay. The question will -- the discussion will be on the amendment to change Line 8 from 22,000 to zero. Discussion on the amendment? Mr. Boyer.

MR. BOYER: Peter Boyer, Precinct 5. Does that need to accompany with it an instruction to where the reduction in funding source comes from, or will that happen as a Finance Committee reaction that it's going to come from a reduction in free cash or a reduction of the overlay --

THE MODERATOR: I would prefer to let them have

a crack at it after these amendments, since those line items don't tell you where they're coming from. And by the way, I do have a list of that, because I asked for it in my briefing before Town Meeting. And it will appear in future Warrant booklets if we transfer these line items so that all Town Meeting Members know where the money comes from, but we'll reduce the revenue once we find out what the reductions in the expenses are, if any, by Town Meeting. Good question, though. Line 8. Mr. Crocker.

MR. CROCKER: Mr. Moderator, Ladies and Gentlemen, as a Town Meeting rep, I've been through here a few years, and I listen to people up on the stage and I listen to everybody else. I'm retired. I worked hard for a living before, and I saved my money and I worked hard. I know the people out there in the community are having a hard time. We are in part of a recession. We know that. But when it comes to our vehicles and our equipment, and to keep our buildings going, we have to have maintenance. And we lost that over the years.

We're paying for it now, like North Falmouth Fire Station. That's an old fire station. Eventually, you're going to have to have a new one. But till that time, you have to keep it running. It's like everything else. You buy a truck, you maintain it. You people have a house, you maintain it. We're losing the battle.

Now, the Town Administrator worked hard and the committees worked hard to get what they can have in here to keep us going. Let's not go backwards. Let's go forward.

[Applause.]

THE MODERATOR: Further discussion on the amendment to zero out Line 8?

[No response audible.]

THE MODERATOR: Hearing none, the question will then come on the main motion to zero out line 8.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

Any further discussion on 7 and 8, Facilities Maintenance? On my left over here.

MR. BARROW: Bruce Barrow, Precinct 8. I've got a two-part question. The first part is we're being told that this is a bare-bones budget. Are these the kind of expenditures that have placed us in the financial condition that we're in? That's the first question.

And the second question would be: If they are not the kinds of expenditures that have us in a difficult financial situation, what are the Town's spending habits that have put us into that situation? I'd like three or four examples of the spending habits that have depleted our funds to this extent.

MR. WHRITENOUR: The central issue is not -- the items in the capital program have actually been reduced to meet what is the general economic condition, you know, that's facing the community. What you have -- and, to tell you the truth, you know, when you measure -- you know, we saw the decline in the free cash -- when you measure the financial condition of the Town of Falmouth, it's actually very much stronger than most communities similarly situated to us.

We have a number of forces in the economy that have restricted the amounts of funds that are available to support expenditures. We have over the years the state aid has not grown at levels that meet, you know, anything near the consumer price index.

That year that we saw upon the chart, 2003, that started reducing free cash. That was a year that we lost two million dollars in state aid. The state's economy is slow right now. That means several of the key revenue items that feed the free cash,

that enable us to collect those local receipts, have been down.

Items that are not up is, you know, we collect the motor vehicle excises on the new cars. That item has not gone up.

The amount of money that the Town receives from the building permits when no one's doing any building is way down. The amount of new growth that the Town is able to assess when there is no new growth to speak of is again way down.

The Town has been recognized by Moody's Investors Services, which is the bond rating agency, as having done an excellent job in limiting expenditures to be more commensurate with the available revenues that we have. So, we're being recognized and the bond rating is still, you know, one step from perfect because we have been able to slow down the spending in this town to match the economic conditions that we're currently under.

So, the basic financial problem in the Town of Falmouth is not an issue of overspending. It's that our revenues are very strong, our revenues are very stable, and the values of property in this town are high. But what the issue is is that level of growth each year in those available revenues that we have at our disposal is much slower than it was say in the late 1990s, the early 2000s, when you saw that revenue grow at a rate faster than

inflation.

So, we're in an economic slowdown. The Town's revenues are not growing as fast as things like, you know, health insurance costs and the cost of energy, gasoline and fuel. So, we need to continue to keep spending, going as slow as the revenues are growing, and that is just a thumbnail sketch of I think the overall condition.

THE MODERATOR: Is this something new?

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: The microphone, please.

MR. BARROW: It would be nice to have just a yes or no answer to the first question, which was this kind of bare-bones budget, does this account for the expenditures that have depleted the Town's finances to the position where they are now?

Is this an example? These kinds of expenditures, is this an example ---

THE MODERATOR: The capital budget is about one-third of what was requested, so yes, we spend a capital budget every year. I mean, that's a political question, and I don't -- and I'm not going to allow it to go any further.

Yes, we spend a capital budget and that is a portion of what got us into spending issues. So, as revenues slowed down,

spending slowed down.

MR. BARROW: Okay. So, you're not --

THE MODERATOR: And if you want to know what we spent in the past, get the future -- old town reports, old warrant booklets, and you can see an exact list of what this body voted to spend.

MR. BARROW: So, your answer is yes?

THE MODERATOR: This along with every other expenditure that we've ever made in this Town has got us where we are.

MR. BARROW: So, you're not going to answer the question, thank you.

THE MODERATOR: So, yes.
This, along with every other expenditure.

Now let's focus on this budget and make decisions. You've got some decisions to make, and we've got some time here to do that in before we try to exceed the 11 o'clock. If you want to make some cuts in this budget, let's make it. Okay?

Article -- I mean Line Item 7 and 8. Further discussion on 7 and 8?

[No response audible.]

THE MODERATOR: We'll go on to 9 and 10.

Utilities Division, Water.

[No response audible.]

THE MODERATOR: Utilities Division,
Wastewater, 11.

[No response audible.]

THE MODERATOR: Police Department, 12. Mr.
Shearer.

MR. SHEARER: Dan Shearer, Precinct 6. Every year we replace seven cruisers. I would like to make a motion that this year we replace five cruisers, and do it on a four-year basis instead of a three-year basis.

I would also like to know what size cruiser we are buying and what the gas mileage is of it, because I'm seeing in other towns smaller cars being bought for police cruisers.

We have a new Police Chief. Maybe when he takes office, he may want to change. I don't know. But I'd like to make a motion for five cruisers instead of seven.

THE MODERATOR: What's the numerical -- what do you want to do? Do you want to take the amount and divide by -
-

MR. SHEARER: I want to change it to \$178,405.

THE MODERATOR: Okay. It's a reduction in

Line 12 to go from replacement of seven to the replacement of approximately -- what did you say it was, four?

MR. SHEARER: Five.

THE MODERATOR: Five. Okay, five. The capital budget can't bind management decisions on future Town Meetings, but that decision can be made in this line item for this capital budget.

Mr. Cusolito, I see, wants to speak.

CHIEF CUSOLITO: Thank you, Mr.

Moderator. David Cusolito, Police Chief for 17 more days.

[Applause.]

THE MODERATOR: And he's still fighting the fight.

CHIEF CUSOLITO: I'm not sure if I like that clapping after I said 17 days.

[Laughter.]

CHIEF CUSOLITO: To answer Mr. Shearer, if we go with five cruisers this year, I'm sure the next chief is going to be asking for nine next year. We have a program, it's been working since I believe 1996. We roll seven of the vehicles, we auction the vehicles off, we're realizing I believe almost a quadruple profit to what we get when we trade them.

It doesn't touch what we spend, but it's my

responsibility to put the men and women of the Falmouth Police Department in safe equipment, to make sure that they're responding at emergency speeds to your needs in the community, and at the same time make sure the equipment is serviceable.

I can remember in the early 1980s when we kept cruisers for four years and the maintenance on them was astronomical. Of course, those were the years when they bought cars with air conditioning and took the air conditioning out of the cars.

As for mileage, I can't account for that. I can't even give you a rough right now. Cars get different mileages with different drivers. These cars literally work almost 24 hours a day.

I would ask Town Meeting to maintain the program. I understand Mr. Shearer's concern, but I think we still need the seven cars in the rotation program. Thank you.

THE MODERATOR: Okay. The amendment is to reduce the line item to 178,405. Further discussion on Line Item 12?

[No response audible.]

THE MODERATOR: Hearing none, the question will come on the amendment. All those in favor of the reduction, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It's the opinion of the Chair is that the No's have it by a majority. Further discussion on the Police Department?

[No response audible.]

THE MODERATOR: Move on to the Fire Department, Number 13.

[No response audible.]

THE MODERATOR: Information Technology, 14 through 18.

[No response audible.]

THE MODERATOR: Geographical Information Systems, 19 and 20.

[No response audible.]

THE MODERATOR: The School Department Facilities Maintenance, 21.

[No response audible.]

THE MODERATOR: Harbormaster, 22 and 23. Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6. This is to

Mr. Whritenour, just a question. In the pump-out boat engine, the \$13,000, we're going to get \$9,550 of that back from the state.

Where will that money go? Will that go back into the Harbormaster's account or will that go into the general funds?

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: The funds for the Harbormaster section of the capital improvement program are coming directly from the Waterways Funds. So, it's funds reserved for Waterways expenditures. If we receive a reimbursement, it will be returned to the Waterways account, and then again they're limited for use in the Waterways.

THE MODERATOR: Okay. Further discussion on 22 and 23?

[No response audible.]

THE MODERATOR: Okay. The question will come on the main motion, the capital budget. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 14, Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I

move that the Town vote to appropriate the sum of four million dollars for the purpose of installing a wind energy facility at the wastewater treatment facility; and further, that the Town Treasurer with the approval of the Board of Selectmen is authorized to borrow said sum under the provisions of GL Chapter 44, Section 7 (3b), or any other enabling authority, and to issue bonds or notes of the Town therefor; and further authorize the Board of Selectmen to enter into any agreements and to execute any and all documents it deems advantageous on behalf of the Town for partial or full reimbursement of the cost of acquisition, said sum to be expended under the jurisdiction of the Board of Selectmen for the purposes of Article 14.

If I may, Mr. Moderator, there was -- language was added to the recommendation which will allow the Selectmen to enter into such agreements such as grants, which will allow us to repay and recoup the costs of this windmill perhaps even sooner.

THE MODERATOR: Okay. So, the main motion is what you have as recommended in allowing the Board of Selectmen to enter into agreements to try to get some reimbursement.

Any discussion on Article 14? Mr. Maclone.

MR. MACLONE: Rich Maclone, Precinct 4. We just hammered a little budget there for about an hour and a half, and we've been told that we don't have money, and I can't believe there's no discussion on a four million dollars expenditure for a windmill.

Could I have someone explain this to us? The total cost of the windmill, with the interest, when the payback is going to be, how much the bills cost at the plant right now, what we can expect to receive back as a payback on this? So, could I have a presentation by someone on this, please?

THE MODERATOR: Ms. Harper.

MS. HARPER: Certainly. If you could show the slides? Start with the slide with the figures on it. Start with the numbers.

But the short answer is, is that there's a no net impact to the municipal taxpayer. The revenues associated with the project will more than cover the cost of installing and operating the wind turbine at the wastewater treatment facility.

You can see the cumulative cash flow at the end of the chart, the last column is the net revenue anticipated over and

above expenses -- or excuse me, that's before expenses.

If you go to the next chart, the blue line is the total revenues and the areas colored in orange and yellow above that are the total debt service and operating and maintenance costs associated with the project.

We had a full feasibility study conducted with Massachusetts Technology Collaborative with two consultants, KEMA and Sustainable Energy. Their reports have both substantiated this revenue analysis, that there will be both offset of about \$200,000 from the energy costs associated with the wastewater treatment facility in addition to additional revenue associated with the project.

If net metering passes, which would allow us to bundle municipal energy consumption from other locations, then the project would even have a better cash flow associated with it. So, it's a no net impact project to the Town.

THE MODERATOR: Okay. Further discussion on Article 14? Mr. Patrick.

REPRESENTATIVE PATRICK: I'm Matt Patrick, Precinct 7, your State Representative for the Third Barnstable District. And you may have read something about the Clean Communities Energy Bill that's currently working its way

through the House.

The new net metering portion that Heather referred to is in the bill and it will be part of that legislation when it passes, probably this Thursday. So, that will improve the cost effectiveness of the wind turbine. And I'm proud to say that it's my legislation. Thank you.

[Applause.]

THE MODERATOR: Mr. Shearer. Mr. Shearer.

MR. SHEARER: Dan Shearer again, and I'm sorry to be taking up the floor all this time. But anyway, I'm not a windmill expert. However, my tenant in this town is a windmill expert. He built the one at Mass. Maritime. I don't know what the size you're thinking of here. That cost Mass. Maritime 1.4 million dollars. And I very much want to see this town go green, and I think windmills are great ideas, but I'd like to put some kind of restriction on how much grant money we get before we can find the other portion out of our taxes.

What I was told by this gentleman, Jay Cashman by name, and he said I could use his name here, is that for the first 20 years it will probably be a break-even situation and you won't make money, but you will break even. And after 20 years or 18, 20

years down the road, it will be a very profitable venture.

So, in the long run, it is very good. I probably won't be alive then. But I just hate to see us say to the Selectmen you can spend four million dollars or find the money and not challenging them by saying you must find half of it through grants or three quarters of it through grants. Thank you.

THE MODERATOR: Ms. Harper.

MS. HARPER: Is this on? Yes. This has no tax implications. It's a revenue bond. The revenue associated with the project will offset directly the costs associated with the borrowing. We've already got a commitment from the Massachusetts Technology Collaborative of 1.8 million dollars in REC payments, which will help support the project, in fact, make it financially feasible. Without those revenue credits, we would not have this project before you this evening.

In addition, we will pursue the possibility of wind turbines that are available through the MTC and will continue to pursue all options to provide a sustainable, stable revenue source in terms of the sale of the wholesale power through the Cape Light Compact. So, this project will be presented in the most responsible manner possible.

THE MODERATOR: Further discussion on

Article 14?

[No response audible.]

THE MODERATOR: Hearing none, the question will come on the main motion. This authorizes some borrowing, so it requires two-thirds. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

This meeting will stand adjourned until 7 o'clock tomorrow night.

[Adjourned at 10:55 p.m.]

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148 pages**

COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

ANNUAL TOWN MEETING

**Lawrence School
Lakeview Avenue
Falmouth, Massachusetts**

MODERATOR: David T. Vieira

TOWN CLERK Michael C. Plamer

Wednesday, November 14, 2007

7:00 p.m.

P R O C E E D I N G S

THE MODERATOR: Okay, folks. All

Town Meeting Members, please come forward and take your seats. Remember, attendance is published in the Falmouth Enterprise. We're going to establish a quorum here and reconvene the Annual Town Meeting. We left off at Article 15 last night.

I want to remind all Town Meeting Members that we're being broadcast live on FCTV-13, so please identify yourself, name and precinct, each time you speak.

Let's go, folks. We'll recognize again this evening our American Sign Language interpreters, as well as our stenographer, Carol Tinkham. I want to thank our microphone carrier last night. He brought a friend with him tonight, so we'd have our two microphone carriers this evening.

[Applause.]

THE MODERATOR: Our tellers this evening in the first division will be Mrs. Tashiro, in the second division will be Mr. Dufresne, and in the third division will be Mr. Hampson.

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

[Pause.]

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

MRS. TASHIRO: 50.

THE MODERATOR: 50? In the third division, Mr. Hampson.

MR. HAMPSON: 53.

THE MODERATOR: 53. And in the second division, Mr. Dufresne?

MR. DUFRESNE: 92.

THE MODERATOR: 92. By a counted vote of 195 members, we have a quorum and I call the Town Meeting back in session.

I want to remind all Town Meeting Members, if you're not sitting in front of the row marked Town Meeting Members Only, you will not be counted.

We had some members sitting behind the row last night. It was getting confusing for the tellers. If you are not in front of the row, the tellers have been directed not to count your vote. So, if you're sitting in the wrong area, please come forward if you're a Town Meeting Member. Very important that we have that delineation between the two groups.

Would all members present please rise and follow me in the Pledge of Allegiance.

[Pledge of Allegiance taken.]

THE MODERATOR: Mr. Nidositko for our invocation.

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

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

THE MODERATOR: Pause now for a moment of silence.

[Pause.]

THE MODERATOR: Okay. Article 15. Article 15, to see if the Town will vote to appropriate a sum of money for the purpose of completing construction of the Falmouth Public Library on Katherine Lee Bates Road.

Mr. Chairman, for our main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 15 as recommended with one change. If you go to your Warrant books on page 8, at the very top of the page, the very first line says that the Town vote to appropriate the sum of \$400,663. Change that number to \$406,000; four zero six, zero zero zero.

The second to the last line of the

recommendation, again the same number appears, 400,663.

Please change that number to \$406,000.

THE MODERATOR: Okay. You've all heard the main motion as recommended, the new number being \$406,000. Mr. Chairman.

CHAIRMAN ANDERSON: The difference between the two numbers, the 400,663 and the \$406,000 is \$5,337. That is the amount of the bonding costs. What this motion deals with is there was a delay in the Town getting the grant from the state. The state has agreed to pay an additional 15 percent of the amount of the grant, which is the 400,663. We will get that as part of a grant.

In order to receive that additional money, the Town needs to authorize the full amount. We are adding the bonding amount to this. That \$5,337 will go onto the levy.

THE MODERATOR: Okay. Discussion on Article 15? Mrs. Tashiro.

MRS. TASHIRO: Thank you. Mr. Moderator, Town Meeting Members, Charlotte Tashiro, Precinct 4. I would urge Town Meeting Members to vote no on this article. It's double, double taxing.

This construction project has been under -- it has

been going on now for into its second year. Why has the state not responded with the amount of money they were supposed to give us and are willing to go on and pay interest on the money that they were supposed to give us in the first place?

I don't believe that the Town can afford to put another 500 -- approximately \$500,000 on the tax rate for the people of this town. We have to think about them. I would urge Town Meeting Members to vote no, to bring this back in the spring. Hopefully, by then, the state will have done something positive. But in the meantime, we cannot afford to be doing this over and over and over. This will go under the Proposition 2 1/2 override. We will have to pay interest on this amount. I urge you to vote no.

THE MODERATOR: Further discussion on Article 15?

[No response audible.]

THE MODERATOR: Hearing none, the question will come on the main motion as recommended for the amount of \$406,000. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, "No."

[No.]

THE MODERATOR: It's the opinion of the Chair is

that the Ayes have it by the two-thirds, and I so declare.

Article 20. To see if the Town will vote to appropriate a sum of money to be distributed by the Town Accountant for the purposes of the administrative, management, and technical permanent employees.

Mr. Chairman, for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I

move that the Town vote to appropriate the sum of \$68,000 from free cash -- Certified Free Cash to be appropriately distributed by the Town Accountant for the purposes of Article 20.

This particular article is the salary increase for the TAM, which is the administrative, management and technical. They are not under a contract, but they do get the same amount of an increase as the other unions that are -- that do get an increase.

The amounts that will be -- the cost of living increases are two percent going back to July 2007, two percent beginning July 2008, two percent on July 2009 and, this is a split year, it will be an additional two percent on January 2010.

THE MODERATOR: Discussion on Number 20? Mr. Whritenour.

MR. WHRITENOUR: Thank you, Mr. Moderator. I'd like to point out this is obviously a year in which

we're negotiating the Collective Bargaining Agreements for all of the Town's employees. Each one of the agreements has expired the past July 1, that's of 2007.

And as you can see, this article, along with the next six articles, seeks to approve Collective Bargaining Agreements for each and every one of the groups. And there are some very common characteristics that you're going to see throughout each and every one of these articles, and I thought I would just take one second and point out a few of the points.

We've got a slide up there showing a summary of some of the Collective Bargaining, and it does show, as the Chairman of the Finance Committee has indicated, wage settlements for three-year agreements. Year one, which is the current fiscal year that we're in, is a two percent cost of living increase. Year two is a two percent cost of living increase. And then the third year, just as the same pattern that three years ago this body approved, we have that two/two split in the third year, and I really wanted to take a moment to thank all of the employees of the Town across the board, every unit that we've dealt with. This is the second round of going for those two percent, two percent, two/two split settlements that they have accepted in order to recognize the tight times that are facing the Town financially and to

try to help the Town through these times.

You know, we do know that employees feel the pinch of rising health care costs, gasoline, power, food and all of those things. And to stick with the Town with those two percent cost of living increases is a definite assistance financially for our community.

I do also want to acknowledge we have a team of negotiators with seven different Collective Bargaining Agreements that we work with. In addition to myself negotiating the contracts, our Assistant Town Manager, Heather Harper; Christina Callahan, the Personnel Director; Chief David Cusolito, Captain William McManamin, Paul Brodeur, Ray Jack. They all have a key role in the negotiations.

And I do want to illustrate the Collective Bargaining that occurs in the town is not all about deciding, you know, what to give the employees and how much money. There is a very detailed and comprehensive discussion over all of the issues governing working conditions and issues that are of concern to the Town and employees, and there are some highlights that are contained in the Collective Bargaining Agreements that really transcend some of the money issues and get to issues that help us better manage the resources of the Town

and provide better services. And I just want to point out a couple of those items.

You'll see in these contracts that we have sick leave usage incentives that we're putting in the public safety departments that will incent people to use less sick time. That is going to prevent some costly overtime and will actually save the Town money over time.

We've instituted a new system of performance appraisals for all of our police officers that I think is going to be very much helpful in terms of enhancing the communication throughout the department.

There is a major item in there that I do thank the fire fighters for working with the Town on that shifts some of the fire disability retiree medical costs over to the health insurance. Currently, the Town has passed a law that indemnifies all of the health care costs of our disability retirees. However, the way it stands right now, the Town has been on the hook 100 percent for those payments, which have been over \$80,000 in the last three years alone. Working with the team, with the fire fighters, we're going to be trying to use the Town's health insurance program to defray most of those costs. That will be an enormous savings to the Town.

We've also worked out fitness and wellness standards for all public safety employees that we're going to be ongoing joint labor management discussions to have a better work force that is in better shape.

Just a couple of other key items. We've in the DPW had a complete reform of the vacation use policies so that none of the vacation will interfere with the work crews that we need to be out performing tasks.

The vacation/sick leave, again, DPW and Library.

We've got a new policy for uniforms for DPW employees. You'll see them around town looking a lot better.

The GPS is being installed in all of the DPW vehicles and that will be an enormous safety help in times of storm.

We've got provisions in there also for workplace professionalism, internet use standards.

So, as you can see, there is a very large number of management improvements that we've made in the contracts. The units across the board, every single unit that you're going to be asked to support this evening, have all agreed to that same two percent, two percent, two/two split, and we're happy to present those. And we just thought with all the articles coming that it would be nice to give you a little overview of the big picture on that.

THE MODERATOR: Okay. Article 20. Any further discussion on this particular contract, or increase?

Mr. Herbst.

MR. HERBST: Thank you. Ralph Herbst, Precinct 8. The Finance Committee, could you please tell us what rate of inflation you used in the last -- these last negotiations? So, the rate of inflation for the last year, ending June 30th of '07?

CHAIRMAN ANDERSON: I would defer that question to the Town Manager.

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: I don't have that CPI number, but the number that we use is to compare our contracts to increases in our labor market area for similarly situated contracts. And they're all coming in, you know, in mostly the three percent range. So, we're lagging behind the CPI. The CPI is over three percent for the year, so -- it's over three. So, we're lagging both in terms of matching what the consumer price index is and what in our labor market area similar communities have for settlements.

THE MODERATOR: Mr. Murphy.

MR. MURPHY: Mr. Moderator, I'm Bill Murphy, Precinct 3. I'm also a member of the Finance Committee.

Mr. Town Manager, I just have a

question. We have not seen any of your Collective Bargaining arrangements, but I have one question. If we could go back two slides. There's an incentive to -- I think it was a sick leave incentive. I'd like some information on that, how that works and I'm really curious about how we're going to pay for that if someone's here for 20 or 30 years and they've got a huge accumulated sick leave, how are we going to fund it?

And Social Security gave us -- for us retirees, Social Security gave us 2.3 percent increase starting January 1.

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: In the police contract, one of the big problems that we've had in the department are people that are long-term employees by and large have used up all of their sick time, and if you get a large amount of sick time, that -- every time someone goes out sick and they're on a public safety shift -- or almost every time, you have to replace them with an employee on overtime. And that use of the sick time has really been a problem for the Town and -- because of the overtime costs. You replace that with time and a half. And so anything that you can do throughout the year to reduce the sick time is a good thing.

We did not have a situation where we take people with large amounts of accumulated sick time and pay them

for that. What this provision calls for is it sets a target. And in the police contract, we set that target as an accrual of 85 days. And many of the employees have four, five, six days on the books. But we set a target that if you can accrue and maintain over 85 days sick, that you will be eligible to participate in an annual buyback program of up to five days. But first you have to save up 85 sick days. So, you have to go several years without wasting and burning the sick time.

And through that process, by the time you get to the point where you're buying back the five days, you've saved uncounted days in terms of overtime.

What we did -- we kept the same is we did not in any major way increase any -- there's not going to be any big, huge payouts or anything like that. It's just simply a rolling program that if you maintain those targets and make it so we don't have to keep replacing people, that you can buy back a couple of days.

THE MODERATOR: Further discussion on Article 20? Mr. Johnson.

MR. JOHNSON: Leonard Johnson, Precinct 5. I'd like to thank the Town Moderator for giving us more information than they have in the past about these settlements. I appreciate that.

On the other hand, you're asked to -- I mean, where else in the world are you asked to approve somebody's salary increase, you usually like to know what their existing salary is. And every year I ask and you give us some indication when you present this to us what people in certain particular jobs, not every one, but what people in certain particular jobs are making so that we know what the increase -- the dollar amount of the increase and what those people are actually making. Anybody in industry anywhere else, that's the first question they'd ask, how much is somebody making.

THE MODERATOR: I've got to give credit where credit is due. It wasn't me. It was Mr. Whritenour that put the slides together.

Any further discussion on Article 20? Can we have a microphone down here?

MR. ROWITZ: Thank you, Mr. Moderator. Ray Rowitz, Precinct 5. How much is being appropriated for this by Article 20?

THE MODERATOR: Article 20 is \$68,000 from Certified Free Cash. Any further discussion on Article 20?

[No response audible.]

THE MODERATOR: Hearing none, the

question will come on the main motion. \$68,000 from Certified Free Cash for the purposes of Article 20.

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 21, Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move that the Town vote to appropriate the sum of \$31,000 from Certified Free Cash to be appropriately distributed by the Town Accountant for the purposes of Article 21.

THE MODERATOR: Okay. The main motion on Article 21 is \$31,000 from Certified Free Cash for the superior officers. Any discussion on Article 21? Microphone to the left.

MR. RUBINO: Yes, thank you, Mr. Moderator. Jeff Rubino, Precinct 9. I'd like to ask why we're funding these articles through the dwindling supply of Certified Free Cash? These are wages and salaries, and I'm looking for an explanation as to why it's coming out of the free cash, which, as we saw last night, is dwindling and it's substantially diminished from the

levels that it has been at the past.

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: At the Fall Town

Meeting, the free cash are the funds available for this type of appropriation, and we have reserved adequate amounts to provide for the cost of living in this current fiscal year. And in subsequent years, it will be shifted into the tax levy budget.

THE MODERATOR: So, it will be in the operating budget for next year and at the April Town Meeting, but we've always taken the contracts that we settle in the current fiscal year and transfer Certified Free Cash to cover that year. So, you'll see it in April within the line items of the budget.

Ms. O'Connell.

MS. O'CONNELL: Maureen O'Connell, Precinct 4. Just to follow or for a little more -- to follow up on what the gentleman just asked about the free cash issue, there was this line -- these line items in the green section accounts where there was leftover cash. Is this a complete account of all the leftover cash we have, or are there other lines that we haven't been presented with that we may be able -- that we may -- well, I'm just wondering what's in there.

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: Those do not represent every single appropriation account in the Town. There are literally hundreds and hundreds of accounts.

MS. O'CONNELL: I understand that. I'm wondering of those with money that's left over, are these the only lines from past decisions where there is money still left in accounts, or are there --

MR. WHRITENOUR: No.

MR. O'CONNELL: -- more? There are more?

MR. WHRITENOUR: There are more, but you do need to understand that during the discussion of the capital improvement program that we had last evening, I believe it was pointed out that many of those appropriation items that you're referring to in that list were restricted for a certain type of purpose.

Some of those funds were borrowed. Those are bonding funds. And they can only be used for specific projects that are a like type of a project for which the money was originally borrowed.

So, currently we don't have a large source of funds that are sitting in line items that we can appropriate towards salary increases. That's the type of funding that every year gets closed out, all of those salary line items, into the free cash.

So, there are some other capital budget items that are still -- that we remain -- perhaps during the next capital improvement program we'll transfer those remaining balances, but there are no available funds that I know of that we could simply appropriate from to meet the salary needs of the Town.

MS. O'CONNELL: Well, just a final request or thought, that in the future we might have some kind of a listing of those accounts, say over two years old, where there's money that has not been used for the purpose -- and that appears will not be used for the purposes it was appropriated. Thank you.

THE MODERATOR: And we're looking at -- the Rules Committee has been talking about assisting me with the preparation of the Watchman's report and we're looking at, without being a staffed committee, how we can within the Warrant Watchman's Report list when a project's completed and what's left over. So, we're going to move in that direction, as well.

Any further discussion on Article 21?

[No response audible.]

THE MODERATOR: Hearing none, the question will come on the main motion. This is \$31,000 from Certified Free Cash for the Superior Officers.

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

[Aye.]

THE MODERATOR: All those opposed, "No."

[No.]

THE MODERATOR: The Ayes have it by a majority.

Article 22, Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I

move that the Town vote to appropriate the sum of \$110,000 from Certified Free Cash to be appropriately distributed by the Town Accountant for the purposes of Article 22.

THE MODERATOR: Okay. Article 22 is \$110,000 from Certified Free Cash for the Police Federation. Any discussion on Article 22? Mr. Lowell.

MR. LOWELL: Nick Lowell, Precinct 5. Through the Moderator, I have a question for the Administrator. On the presentation that you gave, you indicated that the DPW Department was now going to have GPS, Global Positioning System, tracking in their vehicles. And you indicated that was for safety reasons.

I didn't see the same bullet on the police, fire and other safety positions. I'm wondering whether it was an omission on the slide or whether the police, in this case, already have the GPS tracking, or -- I'd just like some clarification on that, since it's

apparently a safety issue. Thank you.

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: That's a very astute question and I'm sure that you've heard that the Police Department is working toward the installation of the GPS for all of their cruisers. And I know the Chief could give you a lot more detail on that.

The reason it wasn't up on the slide is that it was not an item that was specifically negotiated in this current contract. So, we just listed up the items that are -- as contract revisions in this latest settlement. The police is being done independent on that.

THE MODERATOR: Mr. Cusolito and then Mr. Lowell. Right behind you there. He's coming down the aisle.

CHIEF CUSOLITO: Thank you, Mr. Moderator. David Cusolito, Chief of Police, Falmouth, 16 days.

[Laughter and applause.]

CHIEF CUSOLITO: That's why I did that. Actually, we have not been able to talk about -- Mr. Whritenour and I have not been able to exchange. We've been involved in a number of different things. We went live with automatic vehicle locator last Thursday. It was successfully installed. There's a 52-inch screen in the communications area. All of the marked cruisers have

capability of being tracked.

So, that allows us; number one, officer safety; number two, a far better allocation of resources in identifying response to different situations; and should some critical situation occur, we're able to allocate resources to a specific area more thoroughly.

This was funded through the Executive Office of Public Safety on a community policing grant. It cost approximately \$45,000 for 12 vehicles, a screen and the computer software.

And do have to thank Ms. Lynn Grant Majors and the IT Department for their help with this.

THE MODERATOR: Any further discussion? All set, Mr. Lowell? Any further discussion on Article 22?

[No response audible.]

THE MODERATOR: Hearing none, the question will then come on the main motion, \$110,000 for the Police Federation from Certified Free Cash.

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 23, Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I

move that the Town vote to appropriate the sum of \$140,000 from Certified Free Cash to be appropriately distributed by the Town Accountant for the purposes of Article 23.

THE MODERATOR: Okay. Article 23 is \$140,000 from Certified Free Cash for the Fire Department Local 1397. Any discussion on Article 23? Ms. Johnson.

MS. JOHNSON: Patricia Johnson. I'd like to know like how many employees are in each -- like, in this bargaining unit. And secondly, can you give us, Town Administrator, how many Town employees we have and what -- maybe some idea what percentage of our total Town budget is salaries, wages and benefits?

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: Perhaps -- is our Personnel Director here? I think that's a great question for her. I'd like to introduce Christina Callahan. She's got her finger on the pulse of all of this.

THE MODERATOR: Ms. Callahan.

MS. CALLAHAN: Good evening. And I'm not sure I

have my finger on the pulse of all of those figures. We have about 340 Town employees. There are -- and some of these union folks may be better able to correct me. I think there are 60, approximately, fire fighters. Russ, is that about right?

FROM THE FLOOR: 71 [inaudible.]

THE MODERATOR: 71.

MS. CALLAHAN: Excuse me. Thank you. So, does that answer your question, Pat, or --

MS. JOHNSON: What percentage of our Town budget --

MS. CALLAHAN: That one I can't answer.

MS. JOHNSON: [No mic. Inaudible.]

THE MODERATOR: The question was what percentage of the Town budget is --

MR. WHRITENOUR: Maybe 70.

MS. CALLAHAN: Salaries and wages?

MR. WHRITENOUR: 70 percent or so.

MS. CALLAHAN: It is about 70 to 73 percent? Including -- that's total compensation, which includes benefits, salaries, wages.

MR. WHRITENOUR: It's where your money goes, to services.

MS. JOHNSON: [Inaudible.]

THE MODERATOR: Okay. Ms. Johnson, if you want to speak, you've got to get a mic, if you have other questions. Would you like the mic again? No? Okay.

Any further discussion, Article 23?

[No response audible.]

THE MODERATOR: Hearing none, the question will then come on the main motion, \$140,000 from Certified Free Cash for Fire Local 1397.

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 25, Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move that the Town vote to appropriate the sum of \$65,000 from Certified Free Cash to be appropriately distributed by the Town Accountant for the purposes of Article 25.

THE MODERATOR: Okay. \$65,000 from Certified Free Cash for the Laborers Union. Any discussion on Article 25?

[No response audible.]

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

[Aye.]

THE MODERATOR: All those opposed, "No."

[None opposed.]

THE MODERATOR: The Ayes have it unanimous. Article 26, Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I

move that the Town vote to appropriate the sum of \$22,000 from Certified Free Cash to be appropriately distributed by the Town Accountant for the purposes of Article 26.

THE MODERATOR: Okay, Article 26 is \$22,000 from Certified Free Cash for the Library Association. Any discussion on Article 26?

[No response audible.]

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

[Aye.]

THE MODERATOR: All those opposed, "No."

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 28, Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move that the Town vote Article 28 as printed.

THE MODERATOR: Okay. Article 28 as printed. This is dealing with Network Computer Technician. Mr. Chairman.

CHAIRMAN ANDERSON: This position as is shown in the explanation will be funded within the IT Department in the fiscal year 2009 budget at the April Town Meeting.

The original recommendation in the Warrant called for a transfer of funds and it was determined that that was beyond the scope of the article, and so at this time the -- we will just be voting to change the position classification, voting the position into the IT Department.

There is somebody that is doing the work for the Police Department on a consulting basis, and there is money in the budget to continue to fund that for the balance of this year.

THE MODERATOR: Okay. The main motion is as printed. Any discussion on Article 28? Microphone to the right.

MR. NIELSEN: Pete Nielsen, Precinct 5. Is this a full-time position with benefits?

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: Yes, it is.

THE MODERATOR: Further discussion on Article 28?

[No response audible.]

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

[Aye.]

THE MODERATOR: All those opposed, "No."

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 31.

MR. MURPHY: Mr. Moderator?

THE MODERATOR: Article 31's recommendation from the Finance Committee is indefinite postponement. This was held by Mr. Murphy. Mr. Murphy.

MR. MURPHY: Mr. Moderator, I move that the Town vote to appropriate the sum of \$30,000 from the Overlay Reserve

for the purpose of Article 31 or to expend under the jurisdiction -- to be spent under the jurisdiction of the Board of Selectmen.

If I may, Mr. Chairman?

THE MODERATOR: Okay. Main motion is to transfer \$30,000 from Overlay Reserve for the robotic camera. Mr. Murphy.

MR. MURPHY: My fellow Town Meeting Members, we've heard during this Town Meeting that we need to decide between our wants and needs. I respectfully say to you all that this is definitely a need that this community has.

Transparency in government is paramount to democracy, provides for integrity to our system, and improves professionalism and improves public interest and involvement in our processes.

This is your government, you deserve to know what affects you and your property values and your quality of life today and tomorrow. Not after the fact, but during the process. Not after you hear about the process.

The newspaper and town meeting minutes come very often after the event. In many instances, they cannot tell the whole story, and typically they're after the story's been told, after the meeting's been held, and after you have a chance to comment on

it.

We have over 70 committees in this town. We're fortunate to have so many hard-working individuals. As a matter of fact, every year when I have an opportunity to write the Town Report, I often say that our biggest asset is our volunteers, each and every one of you.

Currently, we only have the ability to broadcast Board of Selectmen, Planning Board and the Board of Appeals from only one meeting room in Town Hall. This proposal would equip the downstairs meeting room in Town Hall with a robotic camera and acoustically adequate microphone system so you could actually hear the meetings, taping and control system that would provide for either a taping or live broadcast of committee meetings.

Currently, the only -- only the Board of Selectmen, Board of Appeals and the Planning Board are televised. The following regulatory committees, people that can make decisions that can change your lives and our quality of life, as well as property values and the way this town will go in the future: The Conservation Commission, the Board of Health, the Historic District Commission, all of these bodies which enforce regulations and create them very often are not televised and you don't have an opportunity very often unless you know what's happening, read the

agendas and follow through.

Now, often people say to me well, "Well, how are we going to know what's on television?" Well, I'm going to tell each and every one of you that you relate after this Town Meeting when you're in a store and someone says something to you, think back, how many times did someone say to you after you left the Town Meeting, "What happened?" How did they find out? They watched it on television.

Community television is very impactful. As a matter of fact, on Monday night was the first Monday night I'd stayed home. Now I know why people watch our Selectmen meetings, because there was nothing else on the television.

This would also give an opportunity for the CPC to televise their meetings so you may follow the process of how they bring about their decisions and how they come to their conclusions before Town Meeting. It's not going to affect just the regular taxpayer, but all of us as Town Meeting members. It may even lend itself the ability to the Finance Committee to monitor their deliberations, find out how they oversee the Town budgets, capital plan.

After all, these folks are public committees and all of these meetings are public meetings. We all

have the right to know. Transparency is the key. This is your government.

A year ago, the Selectmen settled the suit with Adelphia Cable for \$60,000. We made a decision to deposit that money into the General Fund. Hindsight being 20/20, we should have probably put it into a donation account to be able to fund an issue like this. So, that's where an opportunity may come from.

We've heard from Town Meeting that we need to make decisions based on those wants, based on those needs. But we're asking tonight for \$30,000 from the Overlay Reserve Fund to be used to fund this article. You'll hear from others tonight that it would be best served to wait and spend our money to outfit another location somewhere else in this town. But I say to you, buildings like the library should someday be set up so that we could televise. But Town Hall is the seat of our government. Town Hall is where regulatory bodies meet, not some other meeting place in this community, but in Town Hall.

Regulatory bodies can affect the tax rate, they can affect you and your property values. I just ask you tonight to think about this. This is not a want. This is a need. Each and every one of those folks in those committees would in fact like you to know. They don't want to do their jobs and then be questioned after the

fact. They would like you to be part of that process.

I ask you tonight and I say to you tonight, this is not a want, it's a need. I ask you to pass this article as presented. Thank you.

THE MODERATOR: Mr. Anderson.

CHAIRMAN ANDERSON: Thank you, Mr.

Moderator. Although Town Hall is the seat of government, there are several boards and committees that meet in places other than Town Hall. The School Committee, Community Preservation Committee, and the Finance Committee among others, not all of which are televised.

During a recent tour of the new library, which is under construction, it was pointed out that a state of the art conference room with a capacity of in excess of 120 people was being built with a high quality sound system, lighting and wiring which would allow live cable TV output. Currently, no TV cameras are included in the construction.

This conference room will be served by a separate entrance so that it can be used even when the library is not open.

The Morse Pond School Auditorium and the School Administration Building also have live cable TV output capability.

None of these options seem to have been seriously considered, nor was a low-tech option of recording for delayed re-broadcast.

The Finance Committee questions whether the acoustics and the lighting in the basement of Town Hall are sufficient to provide a quality telecast without new lights and acoustic tiles.

Additionally, it's been reported that the cameras in the Selectmen's room are eight years old and may need to be replaced within a couple years.

Lastly, there is a document that was produced by the Board of Selectmen and it was distributed in August. It outlines six strategic priorities. It's a valuable document which the Finance Committee used to evaluate the articles that we have in front of us in the Warrant.

One could suggest that this article fits under the strategic priority which is entitled "Leadership and Public Trust". But within that section, there are four goals, and under each of those four goals there's a total of 15 action steps. We couldn't find this article among them.

The Board of Selectmen in their cover memo said, and I would quote, "It is our hope that all decision makers,

including staff, boards and committees will embrace our priorities and take positive steps toward achieving our strategic vision."

We took their request seriously and determined by their criteria that it didn't fit.

As I relayed in my presentation to Town Meeting last night, we are rapidly spending down our savings. We can't afford to do everything we would like to do. We may have a difference of opinion of what's a like and what's a need.

Regardless of whether the source -- the proposed source is Free Cash or Overlay Surplus, the question is is this the best use of scarce funds? Should other options be explored further?

The Finance Committee does not believe it's a prudent expenditure now and that the matter bears further study. I would urge a no vote on the motion on the floor.

THE MODERATOR: Mr. Putnam. Mr. Shearer, you're on my list. Microphone to the left.

MR. PUTNAM: Thank you. Brent Putnam, Precinct 9. Why wasn't this expenditure perhaps negotiated with Comcast instead of coming out of our pockets? Anyone?

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: I'm afraid we don't have the

ability to negotiate these capital improvements with Comcast. They come under a ten-year license agreement and the next license agreement isn't up for another two, two and a half years.

At that time, the community will have an opportunity to negotiate for additional capital improvements, but we are prevented during their licensed term from just every year trying to negotiate something new.

MR. PUTNAM: I'd like to suggest that we wait two or two and a half years and ask Comcast to fund this. While I was a member of the Conservation Commission, we did have folks taping and rebroadcasting the Conservation Commission meetings.

That stopped, not for lack of equipment, but because of a lack of volunteers. And I would suggest that other meetings it's -- with regards to putting equipment in the basement, that it's not a lack of equipment that's preventing the broadcasts, it's a lack of volunteers. Thank you.

THE MODERATOR: Mr. Shearer was next on the list.

MR. SHEARER: Dan Shearer, Precinct 6, Mr. Negative.

[Laughter.]

MR. SHEARER: I don't know how many of you people

get involved with Conservation Commission, but I sure hear an awful lot about it, about every place I go, and they don't have the answers.

If you go to the meetings, you can't hear in that room. I think this should happen, the town should get involved in this Commission, it should know what's happening.

We just gave \$32,000 for two roadside message boards. You all voted for that. God knows why we need them. But this would be a much better program. Thank you.

THE MODERATOR: Can you use the mic right there?

MS. ROGERS: Hi, I'm Debby Rogers, Precinct 5, and also the Executive Director of Falmouth Community Television. I was asked to work with our Town Hall personnel, IT Director and Facility Manager to come up with a plan for this room, and I think we've put together an excellent plan.

I just want to mention to you that you see in this room five cameras, and you see four volunteers manning these cameras. What you don't see is behind the curtain another five people, two of them are staff and two are volunteers, who are also working this production. And it took us probably about 12 hours on Friday and some more time on Tuesday to set up for this production.

So, when you talk about why the volunteers have stopped for Conservation Commission, because people really don't want to lug equipment over to the basement of Town Hall and set it up and then have to tape the meeting.

Seven years ago, when the Selectmen decided to fund the robotic camera system in the Selectmen's meeting room of Town Hall, it made an enormous difference in how our government was perceived by this community.

I'm not going to read too many numbers, but in the four years that we've been tracking the numbers of meetings taped as well as the number of hours, we've had over 1200 hours of just Selectmen's, Planning Board and Zoning Board meetings taped since 2004.

There's other meetings that are done upstairs, as well. These include things like most recently the Police Chief candidate interviews. We had an Open Meeting Law Forum done by our Town Attorney upstairs. The reason it works upstairs is we have robotic cameras. One person walks in the room, turns on the equipment, and is able to do the entire production by themselves.

This is what we're talking about doing downstairs, putting in a robotic system. We met with a company that I've done business with for over 20 years who came

in free of charge to work with us to talk about what we would need for video as well as audio.

We plan to outfit this system with eight wireless microphones. That means everybody gets heard. From the committee people to the people making presentations, they will all be heard. The cameras will be of a better quality than we currently have upstairs, because they'll be seven years newer. And so technologically, they're much better.

So, I can assure you we have looked at this technically. We've worked with the personnel at Town Hall. And not only will these programs be live or taped, either/or, on Channel 13, but we'll be able to train either committee members or the administrator for each committee, if we can't find a volunteer for some reason, where they can just go in, turn on one camera, and do a C-SPAN type production where they have a wide shot, turn on all the microphones, and then we'll pick up the tape the next morning and put it on.

We don't have Conservation Commission meetings done right now because nobody wants to spend the hours that it takes to lug all the field equipment over. If they can go over there and turn on a camera -- three cameras and just do it, they'll do it. And if they can't do it, we'll work with the Town Hall personnel, we'll

work with the committee so that one person can just turn everything on.

But I think this is important. I ask you to vote for it.

Thank you.

THE MODERATOR: Mr. Young, next on my list.

MR. YOUNG: Bob Young, Precinct 5,

former member and Chairman of the Cable Advisory Commission. I'd like to thank Kevin for his thorough explanation on this article, and I do support its acquisition. It's nice to be home and watch the stuff on TV, we know what's going on in town and how we're spending our money.

I do have one -- a couple questions. Is there a Comcast channel available other than 13? It says in the article a separate government access channel. I assume that's other than 13. And if there is, is there a cost associated with it?

THE MODERATOR: Ms. Rogers.

MR. MURPHY: That, to the best of my

knowledge, is the technical way to write the article. We do have another channel and it's currently being used by the school system for the transmission of data from one school to another. We do have another channel, but that's being used by the school system. This is the technical way to write the article so that we can

buy the equipment to broadcast it on Channel 13.

THE MODERATOR: Okay. Next on my list was Mr. Mustafa.

MR. MUSTAFA: Thank you, Mr. Moderator.

Town Meeting Members. Ahmed Mustafa, Precinct 4. I know what it's like to lug those cameras around. You see the people up here, and Mr. Putnam is absolutely right. It's hard to get volunteers today to do things.

So, with that in mind, and the many times that I slipped down the back stairs coming into the CD room lugging a camera or lugging the wires down, believe me, the robotic system is the best. You depend upon one person to run the whole operation.

That particular camera over there, there's nobody on it. Now, last night you probably saw Nathan running out there every so often to move it around a little bit because the person up in front wasn't told to stand absolutely still. So, he had to keep adjusting the camera.

These are some of the points about the cameras. The robotic system is the way to go. It's the only way to go.

What I would say to you is this: Also bear in mind that FCTV has done one very tremendous leap forward by putting in the streaming effect. In other words, right now my wife is in

Framingham watching what's going on here in this meeting on her computer. So, everybody has that opportunity.

And what Kevin alludes to is absolutely right. This way here it's transparent. We have a lot of snowbirds that go to Florida. They can take their computer and they can watch exactly what's going on in this town by going through the computer and watching the live streaming of the action that's taking place.

I would ask wholeheartedly that you concur with this article and vote it. Thank you.

THE MODERATOR:

Mr. Dufresne.

MR. DUFRESNE: Adrian Dufresne, Precinct 2, speaking as a minority voice of the Finance Committee. A number of years ago I had the opportunity to work in Town Hall, and the lower level of the building was known as the orphan child that received the total neglect of any moneys that were ever spent in that building.

The building was built too small in 1964. But thanks to this Town Meeting, substantial improvements have been made to clean up the building and make it a building that we're proud of. We have spent roughly in the last three or four years some two million dollars in order to make some major improvements. This is just another one of the major improvements necessary, as

Selectman Murphy alluded to, to keep the open -- so that people in the Town of Falmouth will know what goes on in the Town of Falmouth.

Some major decisions are being made at these meetings. I happen to be one of the guys that stays home on a Monday night and watches the actions that go on that are televised. I think an investment of \$30,000 -- we've made a major improvement in the lower level in the last ten years. This is just another improvement. We created that meeting room, we should utilize it to its maximum efficiency, invest in making it a functional meeting room, open to the public throughout the entire community.

I would urge that you support the Selectmen on this. Again, I speak as a minority voice of the Finance Committee.

THE MODERATOR: Okay. The woman in the back in the aisle on the right. In the back.

MS. HAHN: Erica Hahn. I am not a Town Meeting Member, but I live in Precinct 5 and I am a taxpayer. I'm also a member of FCTV and I want to speak in favor of this article and I want to thank Debra Rogers and the staff of FCTV, because they have made Channel 13 cable access one of the most watchable cable access TV channels in the entire state of Massachusetts.

And I just want to speak to our Honorable Town Meeting Member, Mr. Putnam, over here, to his comment, was I also have some experience down there because I take the minutes of the meeting of the Coonamessett River Working Group. And I remember one time there was a problem and I had to take the minutes from somebody had videotaped the meeting, and I was able to hear what had been said after I took the minutes. And it was just really -- it's really going to be a great way for us to have a record of what's happening after the fact. And I think it's a great idea. So, please consider voting for this article. Thank you.

THE MODERATOR: Mrs. Putnam, you're next on my list, and then Mr. Lynch.

MS. PUTNAM: Thank you, Mr. Moderator.

Rebecca Putnam, Precinct 9. Also we are FCTV members. I agree with Mr. Shearer, I agree with Mr. Murphy, that we do need to know what is going on in town government in these meetings. But I also recall hearing from several Town Meeting Members, Mr. Shearer, Mr. Netto and several others, we need to say no at some point.

And watching the meetings on TV does not get you involved with the decision-making process unless you are physically at those meetings to ask the questions. If you're not

there, hearing it on TV is not going to change how the members decide what happens in this town. And I really feel that to wait two years to have Comcast fund \$30,000, \$30,000 that this Town could be spending elsewhere or on better things, is really worth the wait. Thank you.

THE MODERATOR: Mr. Lynch, can you use the phone right there. Mr. Lynch, do you want to use the -- Mrs. Lynch, okay.

MS. LYNCH: Betty Lynch from Precinct 3. I have a question related to having a separate government access channel. Will this also provide access or closed caption for deaf and hard of hearing? Have you also explored the cost that would be involved with providing closed caption for deaf or hard of hearing?

[Applause.]

THE MODERATOR: Okay. We wouldn't have a separate channel, but if somebody else could answer the question about cost of closed caption for public access.

MR. MURPHY: I would have to refer to Deb Rogers on that.

THE MODERATOR: Ms. Rogers.

MS. ROGERS: I can tell you that I've looked into it. I know of one other community channel in the country that's

doing it. It's a government access channel in Hillsboro, Florida, and they pay upwards of \$60,000 a year to a staff member to do the closed captioning.

THE MODERATOR: Mr. Lewis, did you -- Mr. Lewis, you were next on my list. Are you all set, Mrs. Lynch?

MS. LYNCH: The reason why I ask this is because if this will be a separate government access channel, I think by ADA law you have to provide closed caption for deaf and hard of hearing.

THE MODERATOR: This will not be a separate channel.

MS. LYNCH: Should be aware of them.

THE MODERATOR: This will be part of the public access channel. It will not be an independent channel. Channel 23 is currently a data transfer station.

MS. LYNCH: Okay. But I hope that you do consider providing closed caption for the deaf community and hard of hearing community.

THE MODERATOR: Thank you, Mrs. Lynch. Mr. Lewis, did you -- you were next on the list.

MR. LEWIS: Just a couple of points, Mr. Chairman. Gardner Lewis, Precinct 6. I'm also on the Finance Committee.

When you talk about televising meetings downstairs --

FROM THE FLOOR: Can't hear.

THE MODERATOR: Speak a little louder.

MR. LEWIS: When you talk about

televising meetings downstairs, you also have meetings going on upstairs. You told us you couldn't have those meetings upstairs, because the room was already occupied. So, nothing that gets televised downstairs is going to be live. That should be pointed out.

My other point is I agree with Mrs. Putnam that we can wait. But last night there was a gentleman over here who asked us how we got in this financial position, and this is how we got in this financial position. It's very easy to promote a single article. It's hard for the Finance Committee to say you just ought to save the money.

THE MODERATOR: Okay. I think we're ready to go on this one. Is there anything new? Is it new, Mr. Crocker? Go ahead. Mr. Crocker and then the issues are before the meeting, we're going to take a vote.

MR. CROCKER: Mr. Moderator, Harold Crocker, Precinct 3. I've been a member of Cablevision for quite a few years in Falmouth, which I had a variety show and everybody knows. And I'm involved in a lot of the entertainment part. I would like to

say this is the best thing that's come to the Town of Falmouth to have this televised.

I went to a few meetings and I wasn't too happy. And I'm a native here. I've been here many years, and I've seen what's happening. I watched the Board one night and I wasn't pleased what went on. And I think the public should know what's going on.

And Mr. Murphy brought it up that they would like to do downstairs and with Debra and with Channel 13, there is no problem in putting those remote cameras down there. The only problem is we have to have a change in the Town of Falmouth and let the town people see what's going on and show professionally what's going on in the Town of Falmouth. Thank you.

THE MODERATOR: Okay. Article 31. The main motion is to transfer \$30,000 from the Overlay Reserve Account for the purposes of funding the robotic camera.

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

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

[Pause.]

THE MODERATOR: First division, Mrs. Tashiro?

MRS. TASHIRO: 22.

THE MODERATOR: 22. In the third
division?

MR. HAMPSON: 26.

THE MODERATOR: 26. And in the second
division?

MR. DUFRESNE: 51.

THE MODERATOR: I couldn't hear that.

MR. DUFRESNE: 51.

THE MODERATOR: 51. Thank you.

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

[Pause.]

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

MRS. TASHIRO: 29.

THE MODERATOR: 29. In the third
division?

MR. HAMPSON: 28.

THE MODERATOR: 28. And in the second

division?

MR. DUFRESNE: 54.

THE MODERATOR: 54. By a counted vote of 99 in favor and 111 opposed, the article does not pass.

Article 32, Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move that the Town authorize the following adjustments to the debt budgets for the fiscal year ending June 30th, 2008:

Transfer \$6,764.23 from 01756-59925, short-term unexcluded interest, to 01755-59925, short-term excluded interest.

Transfer \$11,793.76 --

FROM THE FLOOR: [Inaudible.] Is there a slide?

CHAIRMAN ANDERSON: There is not.

THE MODERATOR: Do we have a slide?

CHAIRMAN ANDERSON: No, we do not. My apologies.

THE MODERATOR: Let's get the motion on the floor and then we'll have a discussion about this.

CHAIRMAN ANDERSON: Transfer \$11,793.76 from 01754-59915, long-term unexcluded interest, to 01753-59915, long-term excluded interest.

Transfer \$20,000 from 01754-59910, long-term

unexcluded principle, to 01753-59910, long-term excluded principle.

Transfer \$66,783.88 from 01755-59925, short-term excluded interest, to 01753-59915, long-term excluded interest.

Raise and appropriate the sum of \$55,945.36 to be applied to account 01753-59915, long-term excluded debt, to be expended under the jurisdiction of the Town Treasurer.

THE MODERATOR: Okay. We don't have a slide for this. I want the Town Treasurer to explain what we're doing here. The numbers that we're talking about are moneys that have been appropriated into line items dealing with the debt, either excluded or unexcluded. And she is looking, and she'll explain this, to adjust the existing budget and to take the last number that the Chairman read, which is \$55,945.36, and raise and appropriate it, since we haven't set the tax rate yet for this year.

So, all of the other numbers you heard were from excluded to unexcluded, vice versa, and then to raise and appropriate that amount. Madam Treasurer.

TREASURER MARTIN: The first three items on the list that the Finance Committee Chairman read, the first three transfers, are a direct result of the vote on the question on

excluding all of the debt service on the New Silver project that was voted on the annual town ballot on May 15th, 2007.

The fourth item, to transfer from short-term excluded interest to long-term excluded interest, is a result of the estimate on short-term excluded interest being higher than was necessary on the bond sale, or the band sale, and it needs to be transferred to long-term excluded interest to meet the deficit in that account as a result of a July sale of a bond which requires a January 2008 interest payment, the same thing as Item 5.

THE MODERATOR: Mr. Jones.

MR. JONES: Douglas Jones, Precinct 2. I'm sorry. I can't really follow the explanation or the numbers without something in front of me. I don't think we really have much choice, but it sounds like all these issues were raised about four or five months ago.

I don't understand why this information couldn't have been put either the booklet, in a handout, something that we can actually look at. Those have those kind of numbers, the 003-27, doesn't give the Town Meeting anything to work with. We can't have done our homework because this wasn't presented ahead of time. We're given it and have to make a decision in five minutes. Our only option is to just to trust you and act as uninformed voters

with nothing to go on except for you tell us what to do.

TREASURER MARTIN: I apologize to --

THE MODERATOR: Madam Treasurer.

TREASURER MARTIN: -- Town Meeting for these necessary adjustments, but it came -- the raise and appropriate section became available because the tax rate hasn't yet been set.

THE MODERATOR: Mr. Shearer.

MR. SHEARER: Through the Moderator, I'd like to ask Carol. Basically, I can't follow this here without seeing it on paper. How much is this going to cost us in dollars and cents?

I have found you to be a very honest lady, A. And Number 2, if you were a Town Meeting Member and not standing up there, would you vote yes or no?

[Laughter.]

THE MODERATOR: Madam Treasurer.

TREASURER MARTIN: Under Item 5, we're placing an additional \$55,945.36 on the fiscal '08 tax rate. All of the other items are already included in the annual budget, and please do vote yes on this. Thank you, Mr. Shearer.

THE MODERATOR: Ms. Murphy. Can we get a microphone down here in the center? If you can stand so he can

see.

MS. MURPHY: Sandra Murphy, Precinct 3. Why haven't the tax rates be sent -- set yet? And where are the tax bills?

TREASURER MARTIN: It was entirely the schedule of the Division of Local Mandates that comes into the Town and sets the tax rate with the assistance of the Town Assessor.

THE MODERATOR: Yeah, the state changed the formula for assessing property and we had to get caught up with the new regulations in order to get a rate assessment so that we could set the rate and get the bills out. So, the state legislature worked on changing the statute. Mr. Chairman.

CHAIRMAN ANDERSON: Just by way of information and to provide some background as to why there is no slide, we only got the information on Tuesday. A lot of this information was still in flux. We were still verifying the issue as it relates to the raise and appropriate. So, this information wasn't available until Tuesday.

THE MODERATOR: Okay. Ms. Lichtenstein.

MS. LICHTENSTEIN: Could I make a request that for these figures which are being presented to Town Meeting kind of at the last minute you obviously have a hard copy

that you are reading from. I trust that there is a scanner in Town Hall that could be scanned and could be put on a computer disc and put into a computer here so we could see it. And that would take -- I'm computer illiterate and I can do that.

TREASURER MARTIN: My oversight entirely. I'm sincerely apologetic to Town Meeting.

MS. LICHTENSTEIN: Because it's very hard for us when we --

TREASURER MARTIN: I understand.

MS. LICHTENSTEIN: -- get numerous -- but this isn't the only article. It isn't only this, Carol. I mean, it would be nice in the future if when there are changes and when there are numbers like this that you could just put it up there. All it has to be is a scan of whatever you're reading. It doesn't have to be beautiful. Thank you.

THE MODERATOR: Further discussion? Ms. Grant. Microphone down here for Ms. Grant, please.

MS. GRANT: Jill looks like she she has a thumb drive, so maybe we could go to the next article and we could see if we can load it and then you can see some figures.

THE MODERATOR: Do we have a motion to table?

FROM THE FLOOR: So moved. Yes.

THE MODERATOR: Okay. The question will come on tabling this, to see if we can actually pull these numbers up electronically and then we'll come back to it. All those in favor of tabling, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it by the majority and we're going to table and see if we can get it from one computer to the other.

And let's see. Article 33 was held by Mr. Putnam. The recommendation was from the Community Preservation Committee, Mr. Chairman for the main motion.

CHAIRMAN CLARK: Mr. Moderator, Peter Clark, Chairman of Community Preservation, Precinct 1. I move the article as recommended.

Is that what I'm supposed to say? I haven't learned this yet.

THE MODERATOR: That's exactly what you're supposed to say. As recommended, Article 33. This is to transfer the sum of \$100,000 from previous Land Bank appropriation to the

Community Preservation Fund Open Space Reserve.

Mr. Putnam held this article.

MR. PUTNAM: Thank you, Mr. Moderator.

Brent Putnam, Precinct 9. This Town has done a phenomenal job of preserving open space. Just recently I read the 300 Committee had taken another step of purchasing ten acres up in Hatchville. In fact, I looked at some statistics today, and 30 percent of our land area is protected, and 85 percent of that is publicly owned, publicly accessible.

But earlier this year, as many of you know, I had a chance to talk to a lot of people. And the biggest concern that folks have on their mind right now is not open space. It's 40B's and development. And I think we need to do more with respect to affordable housing. Because, ultimately, that's the only way we're going to get a real good grip on the 40B issue.

So, to that end, I'd like to make an amendment to this article and change the words "open space" to "affordable housing". Right now --

THE MODERATOR: Under the statute authorizing the Community Preservation Act, Town Meeting cannot take any action unless the committee makes a recommendation or authorization under statute. If I'm correct, it's yes or no. If it's no,

they can get a sense of what we want them to come back with, but the statute does not allow us to transfer the recommendation.

MR. PUTNAM: All right. Well, then to that --

THE MODERATOR: Am I right?

MR. PUTNAM: With respect to that, then, I'm going to ask that you vote no. At this point, 55 percent of our CPA funds go towards open space, towards servicing the debt on previously purchased open space. And I think we really need to refocus our priorities and to more equitably allot the money that we do have available to us to the various Town's priorities. And affordable housing is one priority that we really need to do more of. Thank you.

THE MODERATOR: Mr. Clark.

CHAIRMAN CLARK: Mr. Moderator, the Community Preservation Committee felt that this money derived from the Land Bank Fund back before it became the Community Preservation Act moneys, and in respect to that should be put into the Open Space Reserve.

It is true that we carry the burden, if you will, of the bonding from the Land Bank. We have put relatively small amounts of our state match money, that is the new money that we get, other than from the Town surcharge, which goes to the Land Bank, the

state match has contributed relatively little to new purchases of open space.

We have been able to fund the proposals that have come to us on affordable housing, and are very concerned about affordable housing. And I feel we will be able to fund affordable housing proposals that come to us and still have this money in the Open Space Reserve for future use that would come back to Town Meeting for a vote.

THE MODERATOR: Okay. Any further discussion on Article 33 as recommended?

[No response audible.]

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

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it by a majority.

Article 36. Article 36, to see if the Town will vote to amend Chapter 1, Section 1-2 of the Code of Falmouth General Provisions for non-criminal disposition.

MR. MURPHY: Mr. Chairman?

THE MODERATOR: Mr. Chairman, for the main motion, Board of Selectmen.

CHAIRMAN MURPHY: Mr. Moderator, I move Article 36 be adopted as printed; and further, that the Board of Selectmen, if necessary, be authorized to petition the General Court for special legislation to carry out the purpose of this article. Thank you.

I'll turn the microphone over to Michael Palmer, who can explain.

THE MODERATOR: The main motion is as printed, and we're adding a clause that if we have to, we can apply to the General Court of the Commonwealth for special legislation. Mr. Palmer.

MR. PALMER: The current law as it reads now requires a person enforcing -- an authorized person enforcing a bylaw violation or ordinance to give notice in triplicate. One copy will go to the offender, one copy to the district court, and one copy to the authorized person.

If the offender fails to pay or -- the offender fails to pay or appear in district court within 21 days, the district court is required to return that violation to the officer that wrote the violation.

And that decision would be made to take out a criminal complaint at that point.

Herein lies the problem, is that district court priorities -- or for example, a bylaw violation such as a barking dog violation, is extremely low on the district court's priority list. These are getting -- these are falling through the cracks without the Town in some fashion being able to track these.

So, what this proposes to do to fix this problem, it proposes the tracking to be done by the Town Clerk's office and to make sure these aren't falling through the cracks.

THE MODERATOR: Okay. Discussion on Article 36?

[No response audible.]

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

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it by a majority.

Do we have that slide? The Chair would entertain a

motion to take from the table the Article 32. 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 and Article 32 is back on the floor. The main motion is -

- if we can scroll down on that so we can actually see the motion.

Okay. The main motion there is the first four lines there, are the transfers. And the fifth line is to raise and appropriate. That's what would be set as the new cost on the rate. The other line items would be moving money around that we've already appropriated.

[Pause.]

THE MODERATOR: Okay. Further discussion on Article 32?

And I think it's clear not only on this one but on others, that we want as much information available to Town Meeting Members as early as possible. I know some of these are last minute; I know I got my number just before the 7 o'clock meeting on this one, as thing were changing. But we have photocopiers and we do need to get this information out, even if it's a photocopy at

the last minute.

I think that's clear to all boards and committees and Town officers that Town Meeting, if we know the financial constraints we're with, we really need to have as much information as possible.

Any further discussion? Mr. Murphy.

MR. MURPHY: Mr. Moderator, Bill Murphy, Precinct 3. I guess I'm still confused. I don't understand what the raise and appropriate \$55,000 is for, so I need --

THE MODERATOR: If you can pass the mic that way and -- pass it further. Ms. Martin.

TREASURER MARTIN: Specifically, it's for long-term interest on the high school debt. There's a new issue of the high school debt and this is the amount that has not been raised and appropriated in the spring budget. Is that helpful?

THE MODERATOR: Mr. Shearer, if you -- no, you're all set? That was the same question, okay. Further questions on Article 32?

[No response audible.]

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

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

Article 38. This is to amend Chapter 184, Section 25A of the Code of Falmouth, dealing with freestanding signs. Mr. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MURPHY: Mr. Moderator, I move Article 38 as printed.

THE MODERATOR: Article 38 as printed. Who held this article, on the sides? Please stand if you held this article. I'm having trouble for some reason with the lighting seeing the hands go up. Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6. One question: What is the difference in shopping center and shopping mall, and do we have a shopping mall in the Town of Falmouth? As the dictionary defines it, we do not. But I don't know how we define it.

THE MODERATOR: Okay. Mr. Duffy's going to answer that one.

MR. DUFFY: The difference is in the column

under shopping mall it's reducing the sign from 132 square feet to 100.

THE MODERATOR: No, the question was what's the difference between a shopping center and a shopping mall?

MR. DUFFY: Oh, I don't know that one.

[Laughter and applause.]

THE MODERATOR: Anybody know the answer to this one? In the back left. Microphone, please. Microphone in the back left, please.

MR. JOHNSON: Good evening. Richard Johnson, resident Precinct 2, representing the Design Review Committee. A shopping mall actually does not exist in the Town of Falmouth by code definition because it has an interior passageway with stores facing each other. We don't have that anymore. I understand prior to my arrival in Falmouth that the Falmouth Mall was a shopping mall and its signage has been treated as such ever since then.

The current code provision is for 132 square feet for a sign for a shopping mall. This is more than three times the next largest sign permitted by code, and we have made a recommendation to the Town that it be reduced to 100 square feet, which is still quite adequate in our opinion.

The existing signs for the Falmouth Mall would not

be affected unless there was a change in ownership. So, this change in the code would apply to any new shopping mall sign which was applied for permit in the Town after the order was enacted.

THE MODERATOR: Okay. Further discussion on Article 38? Ms. Putnam. On the left.

MS. PUTNAM: I guess -- thank you, Mr. Moderator. Rebecca Putnam, Precinct 9. I guess this is a question for the Design Review Committee. As a business owner in town, I'm trying to figure out are we now doing away with -- it used to be a formula for the measurement of your -- the frontage of your building determined how large of a freestanding sign you could have either on the building or just outside the building. So, I'm just wondering are we now doing away with this formula that -- or I mean, is that -- does it make it fair for a business owner with a larger building to have a smaller sign than --

THE MODERATOR: This is the maximum limitation, but let's get an answer to the question.

MS. PUTNAM: Thank you.

MR. JOHNSON: Thank you. The formula for the size of sign being related to the building size relates to wall or roof-mounted signs only. Freestanding signs have a separate size

category that is defined by code, and it does not matter how large it is. It matters how many stores are in a shopping center, for example, then you do have a variation in size. But the maximum size is not affected by the size of the structure in a shopping mall or a shopping center.

THE MODERATOR: Over here on the left.

MS. PETERSON: Thank you, Mr. Moderator.

Laura Peterson, Precinct 3. Does this affect -- will this affect any existing signs now? Will business owners have to change their signs if they don't fall under these new sizes?

THE MODERATOR: Mr. Johnson.

MR. JOHNSON: The requested change is only for shopping mall signs -- freestanding shopping mall signs, and it would only affect existing signs if there was a change in ownership of the shopping mall.

THE MODERATOR: Okay. Article 38 dealing with the shopping mall that we don't have. Anybody else want to discuss Article 38?

[Laughter.]

THE MODERATOR: 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 41. This is to see if the Town will vote to amend the Town's Position Classification Plan by deleting principal office assistant part-time and adding principal office assistant full-time.

And the main motion will be made by the petitioner. Mr. Mustafa.

MR. MUSTAFA: Thank you, Mr. Moderator, Town Meeting Members. Ahmed Mustafa, Precinct 4, and Chairman of the Falmouth Veterans Council. I would move Article 41 as printed.

In regards to this --

THE MODERATOR: Mr. Mustafa, one second.

Article 41 as printed doesn't tell us which principal office assistant we're deleting and which one we're adding, and what department or what location of the Position Classification Plan are we doing this?

MR. MUSTAFA: I would aim to delete the principal office assistant part-time in the Veterans Office and add the

principal office assistant full-time in that office.

THE MODERATOR: Okay. In the Veterans

Office is part of the main motion which was not part of the article. Go ahead.

MR. MUSTAFA: What I would say to you is this:

It's like everything in life, being human, I made a mistake in putting this petition article forward. However, we had reached the blank wall and there was nowhere over that wall except with a ladder. I had to use the ladder to try to gain what we have been trying to gain for the past ten years.

Every time we go before the powers to be, we're told maybe next year, maybe next year. We've gone through one Director of Veterans Services already because he was inundated with work and couldn't keep it -- couldn't keep up with it. We now have a very competent Director of Veterans Services and he has been asking from day one: he needs a full-time assistant in that office to keep track of things that are going on.

What I would like to do, if you would bear with me a few seconds, is just go back a little bit in history. Back when the Town Hall was at Peg Noonan Park, which wasn't there at that time, we had a Veterans Agent, Roy Berg, that worked that area. And he had Mrs. Hennessey as his assistant.

Town Hall then moved over to where it is now and Vinny Inus because the Veterans Agent. By the way, when I use the word Veterans Agent or Director of Veterans Services, they're one and the same. A Director of Veterans Services has been approved and voted, but they mean exactly the same thing.

The office when Vinny Inus took over, he had Prudence Brousseau as his full-time assistant.

Through the years, Mr. Inus retired and Prudence Brousseau took over the job. She was not a veteran, which is in violation of the law. However, the state in its infinite wisdom said as long as a Selectman is a veteran, she could hold the position working under his or her authority, that particular veteran.

Prudent Brousseau held that job for quite a while. Back then you had probably three or four people that were on the Chapter 115 laws. As a matter of fact, in 2006 -- excuse me, 1986 we had three people on 115 -- Chapter 115. 2006, there were 32. 2007, we have 45.

The Town is growing. There are more needs to take care of the veterans. We also -- if you've been watching the news and reading the newspapers, you see where a lot of our veterans are coming back now with tremendous mental problems that have to be dealt with.

What I'm asking tonight is to allow the use of a full-time assistant in that office so that we can take care of the veterans that are in need and to take care of the spouses of those veterans that are no longer here with us.

I would ask this in all fair conscience, that you allow this to go through to move this position as full-time. It's needed and it's needed now. Thank you very much.

THE MODERATOR: Mr. Anderson. Mr. Freeman, I'll get you on my list.

MR. ANDERSON: There's a lot of emotion around the issue of providing services to those veterans who have served our country. Please don't misinterpret the Finance Committee's recommendation for indefinite postponement on this article as indifference to veterans. Nothing could be further from the truth.

We along with all the citizens of Falmouth want to see those who have served our nation bravely and honorably treated with dignity and respect. And we want all of those veterans who have a need to get the benefits to which they are entitled.

In our discussions with the Veterans Services Office, we learned that they would like to embark on an outreach campaign, to reach even more veterans, by presenting at the

Senior Center and other venues. We applaud these efforts.

There are three issues to be considered here.

First, will veterans be at risk of not getting their benefits if this article is not approved tonight? Second, since Falmouth is reimbursed from the state for 75 percent of the cost of these benefits, is the Town at risk of not getting reimbursed if this article is not approved tonight?

We discussed both of these issues with the Veterans Services Office. The answer is no to both questions. Veterans will get their benefits and the Town will get its reimbursements. However, the proposed outreach program may be delayed.

There is no money attached to this article, so regardless if the article is approved or not, no additional hours will be paid until July 1st at the soonest in the new fiscal year.

This then brings up the third issue. By approving this article tonight, do we run the risk of undermining the Town's existing personnel process for how we handle position classifications? Do we set a dangerous precedent? Clearly, the answer is yes.

Anyone who seeks a change in their hours or job grade could point to this article as a precedent and proceed with a

petition article.

The change recommended in this article is part of the 2009 staffing plan, and it should come up as part of the fiscal year 2009 budget at the Annual Spring Town Meeting. Let's do this the right way. I recommend a no vote on the motion on the floor.

THE MODERATOR: Mr. Freeman was next on my list.

MR. FREEMAN: Thank you, Mr. Moderator. With all due respect to you, Mr. Chairman of the Finance Committee, I heard that same thing from our Town Manager a year ago: "We will consider it the next year, we can't do it now."

Now is the time to do it. If anybody knew the work that was put in by Ted Gibbs, who was our previous Veterans Agent, you saw what it did to him. If you saw him today, he's a shell of a man. I don't know if anybody watches the news. 25 percent of the homeless now on the streets are veterans. They cannot get help. We all know what we had seen at Walter Reed Hospital, an absolute disgrace. Nobody did anything.

Again, the reasons, you know, like you had stated here in your explanation: passing this article without following the salary administration procedures would violate the structured methodology and on and on and on. Well, that's a lot of baloney.

The veterans need help now. They're not getting it from the federal government. And that 75 percent that's paid by the state is money that comes in. There's still an awful lot of paperwork that has to be handled. There's a still a lot of visits that have to be made to the veteran hospitals. Who does that? One man? Can't be done. Sorry.

My question to you, Mr. Chairman -- rather -- yes, through you, Mr. Moderator, is deleting the assistant or the part-time and going full-time, how much money is involved there, please?

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: My understanding is that the dollar amount is \$11,200.

MR. FREEMAN: And what fund does that come out of?

THE MODERATOR: There will be no transfer on this article because it exceeds the scope of the article.

MR. FREEMAN: What does that mean, exceeds --

THE MODERATOR: It means you can't fund this position until April because this article was not written properly. So, you can change the classification plan like you did for the fire

fighters last year. You got two new fire fighters and you didn't pay for them. You can change the classification plan, but you're not going to be able to fund it. You can do that in April.

MR. FREEMAN: Okay. To the Town Manager, what does it take to get this done in April? We're talking about our next Town Meeting? That's again another delay. Is that correct? Do we have to wait, Mr. Whritenour, through the next Town Meeting?

THE MODERATOR: That's my decision on scope, and yes, you do have to wait. I made the Finance Committee change its recommendation on the Information Technology position because they didn't post that they were going to move money.

MR. FREEMAN: Our Town Manager --

THE MODERATOR: I've been doing this for nine years and I've always said if you're going to move money, you're going to tell Town Meeting and post it in the article as the legal warrant that you're moving money. This article did not talk about transferring money.

MR. FREEMAN: This article cannot be passed as written?

THE MODERATOR: It can be passed, and it will change the

Position Classification Plan, but it will not fund this position currently.

MR. FREEMAN: Again, through you, Mr. Moderator, Mr. Town Chairman, did we not have a commitment from your office that this would be taken care of at this Town Meeting? This goes back a year ago.

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: Yes, I'd like to address that directly, because I think you might be mistaken that this position, which I would add that I support having this a full-time position, I support the services in the Veterans Service department, and this community, the Town of Falmouth, I think is very well-known in this Commonwealth for our support of veterans, something that we're very proud of.

We discussed this position since it was created. It was originally requested for a full-time position, but it was knocked down at the time that we created it to a half-time position. And since that time, it has been placed in the Town's five-year staffing plan to convert from a half-time position to a full-time position in fiscal year 2009. That is with the budget in April. That was the planning, that was what you were promised, that's what we all agreed that we would do.

And the current game plan is to put this into the budget for fiscal year '09, which would be the April Town Meeting, and then to seek at that time to fund it. And I think that, you know, it's all right to vote to do this article at this time, but we're going to have to -- the idea is that when you do new positions, you need to have the funding in conjunction with the whole year and analyze, you know, make sure that you have enough money for everything. And I don't have any problem with voting this article. I've supported this position right from the start. But I would maybe underline some of the comments of the Chairman of the Finance Committee.

In moving forward, and I really do caution for future Town Meetings, I think that you want to be careful if there are personnel added, jobs upgraded, that occur just through the petition process, generally speaking, we do have a five-year staffing plan. We do have collective bargaining units that we negotiate all of the upgrades. And I just wouldn't want to see a steady stream of individuals that might try to negotiate through one process and not successful and then asking Town Meeting to address all manner of job upgrades independently.

MR. FREEMAN: Well, Mr. Moderator, I implore this group here to pass this article. This is definitely needed. There is no doubt that this need is existing, and we're talking about our

veterans who are returning broken in spirit, broken in mind, broken in body. And they have to be properly treated.

Now, if you've got problems with other departments, you guys straighten it out. That's what you've been hired for. Thank you.

[Applause.]

THE MODERATOR: Mr. Netto. Mr. Netto. Let's go, folks. Mr. Netto. I've got a list. Mr. Netto, right behind you.

MR. NETTO: Joe Netto, Precinct 9. First of all, I'd like to pass this article and put some funding on, and we'll talk about that later. I'd like to have Town Meeting listen to our Veterans Officer, Mr. Jay Hill. And then, Mr. Moderator, could I please have the mic after he's done, please?

THE MODERATOR: Mr. Hill.

[Applause.]

MR. HILL: Thank you, Mr. Moderator. First and for the record, I'd like to wish my wife Donna a happy anniversary.

[Laughter.]

MR. HILL: Get that out of the way, okay.

Now, Mr. Shea, please. Thank you. Good evening. Falmouth has thousands of veterans. We live in a caring, supportive community. We provide services for less fortunate, for

the low income, for the disabled. Massachusetts is the only state with a program for veterans' spouses and widows. Mass. General Law 115 directs and has policy for our veterans agent, me, to provide specific benefits. Massachusetts is the only state that also has a Welcome Home bill, more benefits available to veterans.

My department must wear two hats, one state and one federal. The state hat uses money from our budget. The federal hat uses federal money. Both have increasing requests. Both need your support for Article 41.

115 mandates that all towns with a population of 12,000 people will receive full 115 benefits, extensive benefits, complicated application, supporting documents and reports. The state also -- if all the guidelines are met for those documents, will receive -- the Town will receive 75 percent back in reimbursements. 75 cents every dollar out of my budget comes back to Falmouth.

So, looking at my budget, don't forget to subtract the reimbursements coming back in when you're looking at my budget. On the cherry sheet, reimbursements going to the Falmouth General Fund.

In FY '06 Falmouth received over \$108,000 in reimbursements back to the General Fund. Here is a

check for \$12,716 that came in last Thursday. Reimbursements back to the Town of Falmouth for one month's benefits. Again, state-mandated, state-reimbursed. All of our clients are currently World War II and Korea, with three disabled American -- three disabled Vietnam veterans. Not one penny of the Town's fund under 115 is spent on Iraq or Afghanistan veterans. Remember the two hats, that we're talking 115 here. All financial support for rent, health care and heat is all to low income veterans, spouses and widows over 65.

Did I mention that Falmouth Veterans Services only has one person in the department?

Presently there are 45 active 115 cases, up 30 percent since July of this year. Again, we're using that figure. We're talking about elderly. We're talking about 115 out of the budget.

So, if all the documents are correct, our job is done right, reimbursements come in. 41 straight months, 100 percent reimbursements. The next seven checks are already authorized for Falmouth. We've already done our homework. Between this meeting and spring meeting, \$80,000 is on the way into the Falmouth General Fund.

We could go back to 2003. Falmouth lost \$10,000 a month. Benefits paid out, there was no agent to provide the

documents, no trained employee to do the benefits. 115 is mandatory. The benefits are mandatory. The reimbursements are not.

Next slide, please. We have 80 calls a week, just a reminder, we only give 115 benefits to Falmouth veterans and we only process Falmouth veteran claims, but we give information to everyone.

VA benefits. VA benefits are all for our federal compensations and pensions, no taxpayer money from the VA side. So, 115 side you're giving out money out of my budget to low income people and the elderly, and the VA side is where you're hearing a lot of the compensations and health cares.

We have 165 open cases, but these cases hardly ever, ever go away. By law, the veterans agent, the acting officer, is the burial agent and the graves officer, calls for hearing aids, burial information, health care, all are given to our veterans daily. There's 165 cases that are open, and that brings in approximately 1.4 million dollars comes back into Falmouth veterans and their checks.

Compensations and pensions and retirements. Cases range from World War II to Persian Gulf. It's important to address every issue and every concern.

Next check, please. The web. Thank you. The web. It is not possible to have a more complete circle filled with the most qualified and conscientious people than we have right here in Falmouth. A caring community. I get to talk to Peter Kirwin, Brenda Swain, Bob Murray, Karen Gardner and Kathy Barrett almost on a daily basis. Both 115 and VA cases are rapidly increasing. 115 clients are elderly, the spouses are passing away, leaving their homes to – with only people with half incomes. The health care is escalating -- is going crazy. The cases are up, the benefits are up, the money out of the pocket -- out of the budgets are up.

Increases are from state advertising in the newspaper and articles and TV. Everything on them says: Call your local agent. In our web, on the board there, we call and inform each other of possible clients. Veterans services still has over 100 to address the first issue that was raised, will services be affected. No, we cannot outreach any farther than we are doing right now. There's still 100 to 120 veterans and widows still in nursing homes that we have not reached that have possible pensions coming.

Again, 45 cases for 115, 165 active cases for the VA. Right now, my '09 budget request is on the table. It's up 70 percent. Remember, so will the reimbursements when the

paperwork's done right.

So, if we have qualified personnel to submit the documents, then we will have all reimbursements come back. And I cannot assume -- the second question was -- from the finance board is will reimbursements be affected? Could. Could. It's just too much paper.

Slide, please. I would be remiss not to thank everyone for Sunday's ceremonies. Ceremonies are also part of my department's responsibility, the most rewarding part. I'd like to thank you for honoring our veterans with your presence and your assistance.

Remember the two hats. One is town funds for veterans reimbursed, the other is federal funds for Falmouth veterans, lots of time and effort and -- like the veterans returning now for their benefits.

Benefits we provide are not just niceties. They are life-supporting. They are also the law. I ask you to provide me with the tools to provide the state and federal benefits mandated and available, spend the money which came from my budget, reimbursed back to the General Fund, not on vehicles and other part-time positions, spend it on veterans benefits. Thank you.

[Applause.]

THE MODERATOR: Mr. Netto. Can I get a microphone for Mr. Netto, please?

MR. NETTO: Fellow Town Meeting Members, I think that this article -- I feel very strongly about it. I would hope that not only do we pass it, but I have found funds that we could fund it and that we put the person in the position literally tomorrow.

The Moderator and I am going to get into a disagreement, but I think it should be decided by the rest of us fellow Town Meeting members.

THE MODERATOR: The scope will always be decided by the Moderator.

MR. NETTO: Hold on. Let me finish, please. That's your point of view. That's your opinion on it.

THE MODERATOR: That's the statute.

MR. NETTO: Every penny that is spent in the Town of Falmouth is passed by us, not the Selectmen, not the FinCom, but by the people who make up the Town Meeting membership.

I think we should consider, Mr. Moderator, if this Town Meeting is willing to consider -- I have the funding source of accepting this article as it's written and funding it. And I think we should decide. This is our Town Meeting and we owe this to the veterans that have served our country,

representatives from the Town of Falmouth.

As Mr. Hill has told you, his office is tremendously overworked, and I'll give you the justification and the reasoning, Mr. Moderator, for my stance. And it's because of the situation internationally and nationally in this country is literally changing as we speak here.

Six months ago, a year ago, did we think we were going to have this many veterans from Iraq and Iran, and his office isn't even dealing with those. Tuesday's Enterprise says Falmouth Turns Out to Honor its Veterans. I would like Friday's headlines to read: Falmouth's Town Meeting Honors its Commitment to its Veterans.

This is our town, we were elected to make decisions, and sometimes we have to look a little bit the other way at the rules. I got that, by the way, from the people that reside in Washington, D.C. It's not my own thinking. It's my opinion.

Therefore, I would amend the article to read: the funding of \$11,200 be transferred from the Overlay Reserve Fund, which we were considering to buy a camera system just an hour ago. And use this money to fund this position and start it immediately.

This office -- there's many more things I can say, I

will sit down -- but this office and this position will serve people, people that have served us as citizens of the United States and the Town of Falmouth. And I'm not going to go down that road. I look here, I see many veterans. And I'm not a veteran. My military classification doesn't quite take care of Mr. Turkington and myself.

But let us give back what these people have given to us. And I will ask you, Mr. Moderator, to let this political body of the Town of Falmouth decide what it wants to do on this issue.

And one last comment. I have to wonder -- this is not in regard to Mr. Mustafa, but here we have a member of the Board of Selectmen who puts in a petition article, and let us look at these petition articles, and now at the last moment we find there's a technicality in it.

Can someone tell me the process, where does a petition article go? From what desk to what desk? I know the Selectmen have to okay every petition article by law that comes in front of them. But somebody should have seen this.

This is a grave error if we can't vote on it tonight, and somebody should have pointed this out before the Warrant book was published. It's unconscionable that this happened.

Please let's talk about what I just said and

consider it. Thank you.

[Applause.]

THE MODERATOR: I am put in a position because my phone didn't ring prior to a petitioner submitting an article with an intent of what a petitioner wanted to do. If I had gotten a call from anyone interested in doing this, and saying they wanted it to start right after Town Meeting, we would have discussed putting the language in necessary to transfer funds or to find available funds from other sources, or to raise and appropriate.

Mr. Hill, as he showed today, does a lot of work in his department. The Veterans Council and his support does a lot of work. And I don't appreciate as the Moderator, who is here to enforce procedure and statutory requirements of our legislative body, to be put in a position that looks like I do not support veterans and that I don't support that motion.

This article is clearly outside -- the amendment is clearly outside of the scope, as was the Finance Committee's recommendation, a board that I appoint and that you confirm, I told them their motion was out of order at my Town Meeting. And they voted to change their main motion on a previous article because that is procedure.

So, I am going to say that the amendment is out of

order, and I think everyone listening tonight understands that this has nothing to do with my commitment to veterans, and I do not appreciate being put on the spot, because that's exactly what this does, and the amendment is out of order.

The next person on my list is Ms. Whitehead. Mr. Netto.

MR. NETTO: I think you took some comments that I may have made about a petition article going through the process as directed at you. Excuse me. I don't think --

THE MODERATOR: No, but you know what this does.

MR. NETTO: No, no, no --

THE MODERATOR: This puts me in a spot to look like I don't want to do this.

MR. NETTO: You're doing -- I just said you're doing your job. What I asked is do we have the authority and can we -- please don't take --

THE MODERATOR: No, you do not have the authority to rule on scope. Mr. Duffy doesn't even have that authority as Town Counsel.

MR. NETTO: Okay. Thank you.

THE MODERATOR: Ms. Whitehead was next on

my list.

MS. WHITEHEAD: Lynn Whitehead, Precinct 1. I think this is a win/win -- a win/win operation. If we vote yes on this, at least in April -- although I wish it were sooner -- we're talking about Falmouth people, these are all veterans in Falmouth, these are our people, and we're a caring group. This is a Town that cares about everybody and should be caring about every single person, particularly veterans.

I know that Jay does everything he possibly can. He's got paperwork up to his ears. But we certainly won't get reimbursement if he can't get the paperwork out. There are so many veterans that are not being taken care of just because of the paperwork. At least that's what I heard at the precinct meeting.

And I think he said there were 45 known that you can't even get the paperwork done. If you did get the paperwork done, we'd get the reimbursement. So, all you need is somebody to help you that knows what they're doing, that is qualified.

So, if we passed it tonight, and I wish we had \$11,000, if we can spend \$22,000 for a redesign of a garage door, I would think that we could probably help by April to find \$11,000.

I don't think we can wait till 2009. These are our

people. We're a caring community. We care about people, especially these people who are fighting for us. And that's the main point.

So, thank you, Jay, for all you're doing, for your constant fight that you have to put up to try to get help to help other people. Thank you.

THE MODERATOR: Mr. Dewitt. You're all set? Mr. Krajewski, you were next on my list. Over here on the left.

MR. KRAJEWSKI: Chet Krajewski, Precinct 3. If this Town Meeting ever set a precedent, let's do it tonight and vote this.

And I'd like to pose a question, if it's not out of order, to the veterans' agent. Are we servicing any veterans that are not residents of the Town of Falmouth?

MR. HILL: No, sir. No, sir. All 115 clients, town money, every cent comes out of only Falmouth residents. That's the number one requirement for providing 115 services. Number two, the other hat, I should have brought two hats -- the other hat, the VA hat, again, all moneys which come back into Falmouth to the veteran and to their families are programs and process is applications from my office with our letterhead so that all the cherry sheets that are shown that come out of reports have to come back

in through Falmouth, so that get Falmouth gets credited and accountability for those funds.

So, both the 115 is only a Falmouth resident by law. The VA, because I am the Veterans Service Officer, by law, are filed out of Falmouth and those come on cherry sheets to Falmouth, only Falmouth veterans.

Now, information is free, as I said. So, we get calls from all over the world actually for bonuses, et cetera. But only Falmouth veterans receive the hands-on 115 out of Boston and the reports that we have to handle are only Falmouth veterans.

MR. KRAJEWSKI: Now, you, sir. Am I led to believe that you are the only service agent on the Cape?

MR. HILL: No, sir.

MR. KRAJEWSKI: There are other towns?

MR. HILL: Yes, sir. Barnstable, Wareham, Martha's Vineyard.

MR. KRAJEWSKI: Thank you, very much. And please vote it.

THE MODERATOR: Mr. Dufresne, you are next on the list.

MR. DUFRESNE: Adrian Dufresne. I'm going to speak as the voice of the VFW. I was a member of the Veterans

Council for approximately 12 or 13 years, until the Charter removed me and I now speak for the voice of Franny Lucy who represents the VFW.

The Veterans Council has one member from each veterans organization, the AMVETS, the VFW, DAV, the Legion and the Elks Lodge. We did not wade lightly submitting a petition article. We didn't want to start a controversy. We did not want to start any disputes between Town Meeting and Town management. But this came to my attention in 1997 when Ms. Brousseau retired, and we had a one-month interruption in veterans benefits services. And I tried to address this with the powers to be. And it was ignored.

There was -- we lost the reimbursements. There was a lot of services that were not performed. Again, when Mr. Gibbs resigned for health reasons, because he worked a one-man office, again it came to my attention because the position was not advertised until after he was gone, and it was three months of interrupted services. And if it was not for Selectman Mustafa acting in his capacity that came down and provided the services, we didn't get the reimbursements, but at least the checks went out to those that are required by law that the Town of Falmouth provides when we accepted Chapter 115 back in 1947.

When we put the article in, and I'm probably the guilty guy, it was to reestablish a two-person office that this Town Meeting voted in 1947. The interruption in services, the loss of revenues to the Town, are a concern of the Veterans Council, who are appointed by the Board of Selectmen to oversee that he does his job so that the people of the Town of Falmouth are well-served.

Again, I'm going to apologize for not putting in a proper article. It could have been picked up by the people behind me. Someone could have said we need money in this article. I'm not going to blame anybody else except we did not know.

We are requesting that you increase this position to full-time. And somehow or other we will continue to provide the benefits that this Town Meeting supported in 1947, and you've just heard the recent case loads as presented by Mr. Hill. He needs the help, he needs it now. He doesn't need it next July. He will need it a hell of a lot more between now and next July. And hopefully we can find a way that we have no more interruptions in the service requirements under Mass. General Law Chapter 115, which we adopted in 1947. Thank you for hearing me out.

THE MODERATOR: Mrs. Peterson.

MS. PETERSON: Laura Peterson, Precinct 3.

Thank you, Mr. Moderator. I just want to be really clear that I don't

think there's anyone in this room who thinks that anyone in this room doesn't care about veterans. I mean that's for sure.

But what I did pick up at my precinct meeting, and what I heard was he, talking about Mr. Mustafa, should have known better than to do it like this. So, it sounds like it became a contest, and I think this is what we're seeing. And it could have easily been avoided if the funding did come up.

And what I'd like to ask all of us, just as we all care about our veterans, let's really work as a community, and I'm asking the Selectmen and everyone else that something like this comes up, let's avoid it. Instead of pointing fingers and saying, "He should have known better than to do it this way", because we all want to help our veterans and we all want to be a community that shows that we care. And that's what we are. So, let's act like it. Thank you.

THE MODERATOR: Mr. Mustafa. You're on the list, Mr. Latimer.

MR. MUSTAFA: Can we go back to Slide Number 2? The next one. If you look on his chest, that very top badge that he has, I wear the same badge right here. He lost a lot. I may have lost this little skirmish, but I hope we're going to win the war. That's what I'm saying. In my particular case, being new at this operation,

and not being a good politician, so to speak, because that's not what I am, I'm just a common, ordinary person. This is what I put in. This is my petition. And just to read the explanation to you:

This addition of a full-time principal office assistant will allow the office to keep up with the increasing work load within the Veterans Service department, the increase from 18 and a half hours to 37 and a half hours will require funding of \$11,196.89, 31 weeks from 1 December to 30 June.

If there was an error in that, somebody with more knowledge than I have of these things maybe could have said something.

However, I have to take the blame, because the buck stops here. So, I just wanted to let you know these are the facts, and that's what we're dealing with.

THE MODERATOR: Okay. The gentleman behind Mr. Murphy. And then Mr. Latimer.

MR. LEWIS: Wayne Lewis, Precinct 7.

THE MODERATOR: Ms. Swain, you're on the list. There is a list. Trust me. Mr. Patrick, you're on it now, too.

MR. LEWIS: I am a Vietnam veteran. In fact, in 1965, out of our graduating class, which got out of – was right in this building, 16 of us joined together and most of us ended up in

Vietnam. One never came back. Well, he came back, but you know what I mean.

The worst thing that you run into with veterans, and I ran into this when I was living in California as well, veterans -- we were the first to step up and fight for freedom, which is what this country represents. And to be told over and over and over again, "Go to the end of the line" or "Come back later" or, you know, "We'll send some papers off, we'll let you know when it comes in", especially when you get to around my age, 60-ish or so, you don't want to hear that. You've heard it so often. And they're going to be very argumentative and we need the staffing to serve them right away, like they stepped up right away. So, I urge everyone to vote yes on this. Thank you.

THE MODERATOR: Mr. Latimer, microphone to the right down here, and then Ms. Swain.

MR. LATIMER: Richard Latimer, Precinct 2. I just want to comment on this article on the Chairman of the Finance Committee's and Mr. Whritenour's -- I would call it a red herring or a scare tactic that if we do this, understanding that the money isn't there now, but if we do this to upgrade the position, somebody else is going to come back here sometime in the future. That's nonsense.

This isn't about somebody coming here trying to get a better job or getting an upgrade in their pay. This is about a dedicated public servant who needs help and wants to make sure that he gets that help to deliver services that are needed by a very deserving segment of our community.

So, that's just scare tactics that you're hearing from the Administrator and the Finance Committee, that somebody else could come in and do this, because I'm going to tell you these people are making a very compelling case that this position is needed. If we can't fund it now, what we can do is send a very clear message that that 11,000 some hundred dollars is there in April. Thank you.

THE MODERATOR: Ms. Swain. Microphone in the back. And then Mr. Patrick.

MS. SWAIN: Brenda Swain, Precinct 9, and I'm speaking as the Director of the Falmouth Service Center. We -- when people come in for the first time and ask for help with food, we sit down with them and talk about a lot of other things besides food.

And one of the questions we ask is: "Are you a veteran?" And when somebody says yes, I say, "Do you know Jay Hill? And if you don't, you need to." We ask: "Do you have health

care?" If they don't have health care, we tell them to talk to the Free Clinic. We try to create a safety net for people.

In the last two weeks, we've seen -- I personally have inputted five people into the computer who said, "Yes, I'm a veteran, and no, I haven't seen Jay Hill." That's just in the last two weeks.

My concern is that certainly I hope you vote yes on this, but I also heard Mr. Anderson very convincingly explain to this Town Meeting that we have some serious critical issues coming up with our budget and the picture doesn't look good for the future. And I just want to implore you to make sure that if we do vote yes now, and we come to April and we have to make hard decisions, let's not think or talk too long about this one.

THE MODERATOR: Okay. Mr. Patrick.

REPRESENTATIVE PATRICK: Thank you, Mr.

Moderator. Matthew Patrick, Precinct 7. I just want to say I think we should move this article, we should vote this article today, even with the technical problem. It's obvious that Mr. Mustafa put the money in the article -- in his petition, and maybe that was only in the explanation. I find it hard to believe that from that petition article and the explanation nobody said, "Well, maybe we ought to have \$11,000 in the article itself."

Be that as it may, I want to speak to the work that's involved with supporting veterans today. And I know this from personal experience. You all know that my family is from New Jersey. New Jersey doesn't have the same system that the Commonwealth of Massachusetts has. They don't have veterans agents. My mother had to take care of my father, who was a World War II veteran, who was disabled in his last five years of his life, had diabetes, and the amount of paperwork that she generated was just truly awesome. And she is a great advocate. Some of you know her. She's a former mayor of my hometown. She's a tremendously hard worker. And she would not let my father out of her sight.

I think of the paperwork that she generated and the paperwork that Mr. Hill and Crystal Flagg must generate for each and every veteran that goes through the program, and I'm just amazed. They need the help. Let's vote this question tonight and take care of the money as soon as we can. Thank you.

THE MODERATOR: Mr. Boyer.

FROM THE FLOOR: Question. Question. THE MODERATOR: Yes. Mr. Boyer and then --

MR. BOYER: Mr. Moderator, Peter Boyer, Precinct 5.

I think the way to deal with this is pretty clear. You don't have the money now, but it is possible not to propose that money will be available as of next July, but in the Spring Special, which would affect money for the remainder of this fiscal year, and by then it's about \$5,000, be voted as part of the Spring Special Town Meeting to get us out of this awkward bind that says here's how we can at least offer a sufficient encouragement that this will happen as quickly as we can make it happen. Thank you.

[Applause.]

THE MODERATOR: And I'll also mention that we can do it in the Annual Meeting and spend it in the current fiscal year, as well. That would be in order to have an article to do that, because I looked into that to figure out how quickly this could happen.

Okay. I think the issues are here. Is it anything new? Because, the issue's out. Let's vote on it. Mr. Waasdorp, something new?

MR. WAASDORP: Peter Waasdorp, Precinct 1. If the town privately raises \$11,000, and through you, Mr. Moderator, to the Town Manager, is there a way that the Town could accept that and would we have to vote tonight to fund that full-time in order

to for that money to be appropriated?

MR. WHRITENOUR: I believe the Board of Selectmen is empowered to accept donations and can apply it if the position is created already.

THE MODERATOR: Something new? Mr. Lewis. Microphone here for Mr. Lewis, and then Ms. Cuny.

MR. LEWIS: Mr. Chairman, this might be a Mr. Duffy question. Is this a Reserve Fund transferable item?

THE MODERATOR: Mr. Duffy. Reserve Funds are for the emergency transfer --

MR. DUFFY: No, Mr. Vieira has ruled that the article itself does not mention money, so it doesn't matter whether you're doing a Reserve Fund transfer or coming from any other source. It's no money. I think that's his ruling.

THE MODERATOR: I think what Mr. Lewis is getting at is is the Finance Committee empowered under their statutory authority to move without Town Meeting's appropriation from the Reserve Fund, which has \$325,000 in it each year. I don't know what's left, but that's what we put in it. It doesn't appear to be an emergency -- there's a statute that says it's an emergency, so that's --

MR. DUFFY: Usually it's when you have money

appropriated and you run out. In this particular case, the money has not been appropriated, and we haven't run out. But I'm not prepared to answer your question here right now.

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: He's saying the statute also uses the word "unforeseen", so there's clearly legal questions that could be explored. If we vote yes and we want to do that, we could explore that to see whether or not the Finance Committee has the legal authority to transfer that money without the appropriation of Town Meeting.

Mrs. Botelho. Microphone for Mrs. Botelho. You're not the only one.

MS. BOTELHO: Years ago, when the East Falmouth Library was purchased, we did it, it was one of those things we found out that we could buy it on a quick move and the money wasn't all there. But the Town didn't want to lose the chance to buy it. And so what they did, what the Finance Committee came up with was they went digging and they found out that there was a pump on Slocum Street in Woods Hole that hadn't been purchased yet, and so they took that money and they used it for the remainder that was needed for the library and with the intentions that the pump money be -- would be brought up again at Town Meeting.

And I remember John --

THE MODERATOR: Mrs. Botelho, it's not an issue --

MS. BOTELHO: Wait a minute.

THE MODERATOR: -- if there's money. It's that we can't take the --

MS. BOTELHO: Why can't we ask -- why can't we put a -- I don't know, just it seems so logical to me that I can't get it out. It seems to me that we could vote this with an amendment or vote an amendment first saying that the Finance Committee finds something that hasn't -- the money hasn't been spent on yet and we use that money.

THE MODERATOR: Mrs. Botelho, I'm sorry. I've already made a ruling on that. Ms. Cuny, you have the floor next.

MS. BOTELHO: Well, you've made the ruling?

THE MODERATOR: I'm sorry. I've already made the ruling.

MS. BOTELHO: Excuse me. Thank you.

THE MODERATOR: I said it's beyond the scope of a transfer. I'm sorry, Mrs. Botelho. You're bringing up the same issue that we just had. We cannot transfer money -- the Finance Committee can't move money unless the Town Meeting votes for it, and we have to have a motion.

And I can see that after this Town Meeting I'm going to ask to see the petitioner warrant before it goes to the Selectmen, because I would like to prevent this from happening in the future and help all residents on all issues get something clearly before the Town Meeting.

I don't get to see it till after the Selectmen vote on it, and I'm going to change that after this Town Meeting. Ms. Cuny.

MS. CUNY: Sandra Cuny, Precinct 2, and also I am the Treasurer of Together We Can, Incorporated, here in Falmouth.

And so we were on the same wavelength when we talked about we are using Together We Can, Incorporated right now to raise World War I Memorial funds to restore the memorial in front of the library.

If people would like to see me afterwards, if we would like to as a Town Meeting raise \$11,000 to help put some part-time help in there by next month, that can happen. So, that's what Together We Can is all about, and we can talk afterwards.

[Applause.]

MS. CUNY: Thank you. Let's vote the question.

THE MODERATOR: The question will come on Article 41, the main motion as presented by Mr. Mustafa.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it by a majority, and I so declare.

[Applause.]

MR. MUSTAFA: Mr. Moderator?

THE MODERATOR: Article 42, the recommendation of the Board of Selectmen is indefinite postponement. This was a petitioner article. Can I have a main motion from a Town Meeting Member for Article 42?

MR. MUSTAFA: Mr. Moderator, if I might?

THE MODERATOR: Mr. Mustafa.

MR. MUSTAFA: Excuse me for interrupting. Town Meeting Members, thank you very much.

[Applause.]

THE MODERATOR: Do I have a Town Meeting

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Article 42? Microphone there.

MR. POTTER: David Potter, Precinct 6.

I don't know what the protocol is, but I'd make a positive motion on this to proceed.

THE MODERATOR: Okay. The motion as printed, Article 42. Discussion on Article 42? Mr. Tork.

MR. TORK: Thank you, Moderator. Thank you, Town Meeting Members. My name is Mike Tork. I'm the petitioner on Article 42. I'm a Vietnam veteran, completed two tours of duty performing river patrol. Before I get started, I'd like to request from the Moderator and the Town Meeting Members that three of us be given the opportunity to explain this article before it is open for discussion. I promise that we will be brief and it will go very quickly.

I am asking that you, the Town Meeting Members, first consider Article 42 outside of the context of does it fit in the

Town Meeting. Consider the article on its own merits first, and please keep an open heart and open mind.

Article 42 is non-partisan. Article 42 asks that a letter be written to our Congressional delegates and to the President of the United States requesting two things. The first is to set goals for a U.N. monitored, orderly, safe withdrawal from Iraq. I believe this is a very reasonable request. We are not demanding immediate withdrawal or setting a date. We just want goals to be set.

The second part, for me as a veteran, is a high priority. We do not do nearly enough for our returning veterans. In the letter we are asking to be sent to our Congressional delegates and the President of the United States, we are requesting that our veterans be given the best care possible and that our elected officials fully fund all reasonable legislation aimed at improving veterans' care. Remember, these men and women laid it all on the line for us and were willing to die if need be.

Why do we need improved veteran care? And I think our previous discussion really highlighted some of it. 1.6 million veterans have served in Iraq and Afghanistan since 9/11. 600,000 veterans are waiting on their disability claims. One of four homeless are veterans. That's pathetic. One out of every four. We're not doing enough for these people.

Physicians For Social Responsibility, winner of the 1985 Nobel Peace Prize, estimated that long-term financial burden to care for a new generation of veterans will far outstrip the amount of money spent on combat operations in Iraq.

Almost half of the veterans that served in Iraq and Afghanistan experience deployment-related mental health problems, according to the Department of Defense. The VA believes that a third of all soldiers that served in Iraq and Afghanistan will suffer from PTSD.

During the same period that the military was ramping up, the VA did not hire new doctors or bureaucrats to help them with the paperwork. In fact, between 2005 and 2007, the VA lost 20 -- excuse me, 200 positions. The VA is operating on last year's budget. We need to do a lot better.

This is your opportunity as Town Meeting Members to do something to help our returning veterans. It should be looked on as an honor. Please tell other communities that in Falmouth, "Support the Troops" is far more than just a bumper sticker. Stand up for our veterans and pass Article 42. It will cost you nothing.

Why bother dealing with articles of this nature? For myself, I have two reasons. One is my very beautiful daughter, 30-year-old daughter. The other reason is a five-year-old, very cute

Goddaughter. This is their world. It's our children's world. We need to do everything we can to ensure that it is in the best shape possible.

Thank you and I appreciate your time and consideration. And now if I could introduce Todd Morrison.

THE MODERATOR: Mr. Morrison.

MR. MORRISON: Thank you, Mr. Moderator.

Todd Morrison, Precinct 1. I have heard almost no one oppose the intent of this article. The objections have been that it's not a local issue, not something that should be considered by Town Meeting.

In the Falmouth High School lobby there is a bulletin board with photographs of recent graduates who are currently in service in Iraq and Afghanistan. Our family takes in foster children, including kids from Falmouth. One of those young men is now in the United States Marine Corps and is currently stationed in Iraq.

Reports in the Falmouth Enterprise over the past several years list at least two young men from Falmouth who have wounded in combat in Iraq and Afghanistan.

More recently, Zack Tellier, the stepbrother of one of my son's friends, was killed in action. Zack's mother is our friend and a citizen of Falmouth who needs our

support.

These are our children serving our country and in harm's way, and that is a local issue.

According to Jay Hill, and this is a difficult number to pin down, but Jay is the Director of Veterans Services in Falmouth, approximately a dozen citizens of Falmouth or people with Falmouth connections are in service in Iraq and Afghanistan at any given time.

Those citizens of Falmouth are in harm's way. They are subject to financial hardship, physical and emotional problems and disabilities as a result of their service. They will need and deserve our assistance, Falmouth's assistance, when they come home, and that is a local issue.

If you add up the Iraq appropriations bills that have passed the U.S. Congress and multiply it by Falmouth's share of the federal income tax, you arrive at the staggering total of 72 million dollars just from this town spent in Iraq. That's as of October 2007. Currently more money than we've spent on the high school.

That money is no longer available to trickle back to the local level, to be spent on schools, on teachers, on fire and police departments, on infrastructure here in town, and that is a local issue.

As citizens in a democracy, we have a responsibility to participate, as we are doing tonight; a responsibility to voice our opinions; a responsibility to vote at all levels of government.

The Falmouth Charter states that the Town Meeting is held to consider and act upon with or without amendments all proposed operating and capital improvement budgets, bond issues and all other issues that may properly come before the meeting. Whether you are for or against the intent of Article 42, it is not an issue that can be dismissed as not our business, as not appropriate for Town Meeting. Town Meeting is the body through which the citizens of Falmouth act as a Town. Town Meeting is exactly the right and appropriate venue for this resolution.

130 other cities and towns in Massachusetts believed that making a statement about the war was a town issue and voted to send a similar letter to Washington; we should join them. This is absolutely a local issue, it is absolutely a Town Meeting issue, and we have a responsibility as citizens to discuss and address it.

I ask that you vote in favor of the article. It's time to set goals for bringing our troops home in a safe and orderly manner, and we have a responsibility as a Town to take care of

them when they get here. Thank you.

[Applause.]

THE MODERATOR: Further discussion on
Article 42?

MR. LEDWELL: Thank you, Mr. Moderator. I'm
Jim Ledwell from Precinct 1. We've talked about the problems the
war in Iraq has caused locally and to our veterans. I'd just like to
mention that we can't forget that approximately -- the best
estimates are about 800,000 Iraqis have died since we invaded
Iraq. And about two million are refugees in refugee camps in Syria
and Jordan. And another two million are mostly in camps, they're
displaced from their homes, within Iraq. That's -- for a nation of
about 25 million, that's a lot of people.

All of this tragedy, in addition to the infrastructure
that's been damaged in Iraq, all of these tragedies have been
precipitated by what our country has done. And we have to put a
stop to this, I think, in order to avoid further callous policies carried
out in our names by our country. That's another reason for sending
this issue --

MS. AGUIAR: Point of order.

THE MODERATOR: Ms. Aguilar.

MS. AGUIAR: I really don't believe this is what we

should be talking about.

THE MODERATOR: There is an article before Town Meeting, so I --

MS. AGUIAR: But he's not talking about the scope of it, in my opinion.

THE MODERATOR: Okay. He's going to wrap up and we're going to have Town Meeting's word on this.

MR. LEDWELL: I'm almost done. I just want to say that there is a special -- it's a moral issue for us to speak up about this, just as an individual and as a town. There's a special strength, though, in giving a unified voice to this issue, and from a town that's taken the time to deliberate on it. Thank you.

THE MODERATOR: Discussion on Article 42?

[Applause.]

THE MODERATOR: Discussion from any Town Meeting Members on Article 42? Ms. Siegel.

MS. SIEGEL: Four years ago I stood here to introduce on behalf of the Bill of Rights Defense Committee a non-binding article opposing certain unconstitutional aspects of the Patriot Act.

One of the reasons it was defeated was because some of you felt it was unpatriotic, that to disagree with the Patriot

Act dishonored those in the military. And I really hope we're not going to hear that criticism tonight about this article.

The other reason was that some felt it was not the business of the Town. And, as was mentioned, the Town Charter does say "and all other issues of the Town".

But there's something else that I'd like you to know. Within weeks after that 2003 Town Meeting, and continuing to this day, I have complete strangers approach me on Main Street, in Eastman's Hardware, in the supermarket, and thank me for speaking out. I've had Town Meeting Members tell me that we were right to introduce that article and that they wish they had supported it then.

Four years ago, I said that the business of the Town is more than zoning, budgets, wastewater and beaches. This Town made the decision that we wanted to be a No Place For Hate Community. We made the decision that we wanted to be an affirmative action community. As a result, both of those things have become Town policies.

Deciding what kind of community we want to be, whether it's taking care of our veterans or speaking out about how we want to be perceived, that is most certainly the business of this Town. Thank you.

[Applause.]

THE MODERATOR: The gentleman standing in the aisle. The gentleman standing in the aisle wanted to speak? No, okay. Anybody out front? Go ahead. Ms. Abbott.

MS. ABBOTT: Jayne Abbott, Precinct 7. I'd like to speak to this article as a citizen of the United States of America, as well as the Town of Falmouth.

I've been unhappy about this war since before it started. I have in my hand two letters I've written to President Bush. One was dated February 2002, and one was September 2002. And the second letter -- he had asked for people to comment about the war to him, and I did. I didn't get replies to either of my answers. I was very concerned that we were going into an unnecessary war, that we should increase the number of inspectors, that we should listen to the generals who told him that it was not a good idea, Generals Zinny -- I'm mixed up about the names, but Scocroft -- Shwartzcroft and Powell, because at that point Colin Powell was not in favor of the war at all.

I never got answers. I was a voice in the wilderness. I think as a Town we need to join our voices together to tell our government that it is time to plan to leave Iraq. I hope you will agree that this is the business of our Town Meeting. Thank

you.

[Applause.]

THE MODERATOR: Mr. Murphy.

MR. MURPHY: Mr. Moderator, I don't begrudge anyone bringing anything before Town Meeting, but I will say that I take exception to one fact. I was elected by the people of this community and I'm not talking about as a Selectmen, as a Town Meeting Member, to represent them in Town government. Everyone has an opportunity to voice their opinion on this when you go to the ballot box, when you elect your Congressmen, when you elect the President of the United States.

On this particular issue, I feel uncomfortable 220 of us taking a vote for the 32,000 people who live in this community and we're going to send a letter that says -- makes a statement on their behalf. We were elected to represent Town government, not state and federal issues. This community and this body said in the last article: we support our veterans. Those are our local veterans. I heard many people say are those people from Falmouth. We do support them.

What my personal opinions are about this make no difference here tonight. What I believe what the 220 of us opinions are tonight make no difference. I don't think we're in a position to

make a statement on a national issue for every citizen of this community. That's why we have Congressmen, that's why we have Senators and that's why we elect a President. That's why we have democracy.

We would be speaking on behalf of those people without giving them the benefit of their vote. I just say -- and I'm not saying that anything should not come before this body, I'm just saying that I feel uncomfortable voting my opinion of their right to vote. Thank you.

[Applause.]

THE MODERATOR: Okay. Any further discussion on Article 42? Mr. Latimer. Mr. Latimer down here on the right.

MR. LATIMER: Richard Latimer, Precinct 2. When we were discussing the previous article, we talked about a lot of money in that article, money that's paid by our local taxes. But the federal government gives back a portion and the state government gives back a portion of the benefits that are paid. But we bear the administrative costs. This comes out of our budget.

The Veterans Agent, who now needs more help because there are more veterans in need of services who are -- and that number is increasing because of a war in Iraq that is also

costing our taxpayers -- I think the figure was 72 million dollars?

Now, the point was made that that 72 million dollars was more than the cost of our high school, so far. But –

[Laughter.]

MR. LATIMER: Yes, but the point is here that to tell the government that doesn't think, "Well, education is a local issue", no, the federal government comes in and tells us we have to have federally mandated programs, No Child Left Behind, that's the Bush Administration, but other federal agencies are involved, that costs us money. Now, if the federal government tells us they're going to reimburse us this money. Nationally, there is a 14 billion dollar shortfall on reimbursements for No Child Left Behind. Nationally.

Local towns pick that up. Meanwhile, the administration is asking for 45 billion dollars more to fight this war in Iraq. I think it is an important concern to our citizens in this town that we speak out and we say when the federal government tells us how to spend money on education, that we are going to have some say in how their money is being spent. How that money I is being spent. When they renege on their promise to us --

FROM THE FLOOR: Question, question. [Inaudible.]

THE MODERATOR: You all set? Dr. Clark.

DR. CLARK: I would like to state that we are a

representative government and as representatives we have to speak up for how we believe and how we believe our constituents believe. We can't poll them every time. So, I want people in Precinct 1 to know that I believe I'm speaking for them. And if they don't like my vote for this, then they should elect me out of office the next time they have a chance.

[Applause.]

THE MODERATOR: All right, here we go.

Let's go, Mr. Murphy.

MR. MURPHY: Matthew Murphy, Precinct 7. I'm a member of the Finance Committee, but I'm not speaking on their behalf. There's an old Indian expression that if you decide to ride the tiger, you better not fall off. And I think this war has not been executed flawlessly. History shows very few are.

However, we're riding the tiger. This article talks about having the U.N. oversee our withdrawal. The U.N. oversaw the slaughter -- probably the most rapid slaughter in human history in Rwanda. They're doing nothing in Darfur. The U.N. won't send troops into Iraq because it's too dangerous.

If anyone thinks the U.N. is going to do anything in the Middle East, you better read a newspaper. They're not going to do anything.

We did this in Vietnam. We pulled out. We backed that country for many years. We cut all funding. Do you know what they called Southeast Asia when the U.S. pulled out? The Killing Fields. Millions were slaughtered.

Does anyone not think that's going to be repeated? The very state of Israel will be destroyed once we pull out. They'll know there'll be no support. We have countries, Iran right now, calling for their destruction.

You know, these are people that will see our moving out as weakness. Osama Bin Laden himself said it: These Americans have no spine. We are showing we have spine. We're actually winning, finally the surge, enough troops is making a difference. They're going to follow us home. They've killed us all over the world. The [inaudible] towers, they killed people in Madrid, in Thailand.

If anyone doesn't think they'd come after us, they're crazy. Our soldiers should be there fighting for us. This is ridiculous. Vote this down.

THE MODERATOR: Mr. Pinto.

[Applause.]

THE MODERATOR: Mr. Pinto. Ms. Putnam, you're on my list. Mr. Pinto.

MR. PINTO: Thank you, Mr. Moderator. Greg Pinto, Precinct 3. There are a lot of things that I could say about this article, good, bad, indifferent, but at the risk of a reputation I seem to be gaining, call the vote.

[Laughter and applause.]

THE MODERATOR: Question comes on moving the previous question. All those in favor of closing discussion and voting on the main motion, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The opinion of the Chair is that the Ayes have it by a two-thirds majority, and I so declare. The question will come on the main motion as printed, Article 42.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

FROM THE FLOOR: Count, count, count.

THE MODERATOR: I'm sorry, well, okay.

I - I – All those in favor, signify by standing, and the tellers return a count. All those in favor of Article 42, signify by standing, and the tellers return a count.

[Pause.]

THE MODERATOR: In favor. We always vote yes first.

FROM THE FLOOR: Point of order.

THE MODERATOR: Yes.

FROM THE FLOOR: If you're standing up now are you voting for --

THE MODERATOR: You are voting yes on Article 42. We always vote yes first. I don't know why that's confusing on this issue and not the other issues. We are voting yes on Article 42. All those in favor, stand, and the tellers will return a count.

[Pause.]

THE MODERATOR: Okay. Would all Town Meeting Members present please sit. Would the tellers please return to the front of the well. The well of the auditorium.

I'm having more members telling me they're confused on what they're voting for. The motion is on the floor to approve Article 42 as printed. If you want to do that, you

vote yes.

All those in favor, please stand now and the tellers
will return the count.

[Pause.]

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

MRS. TASHIRO: 12.

THE MODERATOR: 12.

In the third division, Mr. Hampson?

MR. HAMPSON: 33.

THE MODERATOR: 33.

In the second division?

MR. DUFRESNE: 58.

THE MODERATOR: 58.

All those opposed to the article,
signify by standing.

[Pause.]

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

MR. HAMPSON: 21.

THE MODERATOR: 21.

In the first division, Mrs. Tashiro.

MRS. TASHIRO: 36.

THE MODERATOR: Again, please?

MRS. TASHIRO: 36.

THE MODERATOR: 36.

And in the second division?

MR. DUFRESNE: 36.

THE MODERATOR: 36.

By a counted vote of 103 in favor and 93 opposed,
the article passes.

[Applause.]

THE MODERATOR: Article 43. Mr.
Chairman of the Finance Committee for the main motion on Article
43.

CHAIRMAN ANDERSON: Mr. Moderator, I
move that --

THE MODERATOR: Let's go, folks.
Article 43.

CHAIRMAN ANDERSON: Mr. Moderator, I
move that all articles considered in this Town Meeting be
funded as voted for a total of \$7,611,518.36.

THE MODERATOR: Okay. You've all heard the
main motion to fund this Town Meeting for \$7,611,518.36.

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 of the Board of Selectmen for notification of the next Annual Town Meeting.

MR. MURPHY: Mr. Moderator, (inaudible) reconsideration, please.

THE MODERATOR: Hold on a second. Let me get this notification and then I'll take your point of order.

CHAIRMAN MURPHY: Mr. Moderator, I move to set Spring Town Meeting for April the 7th, 2008.

THE MODERATOR: Okay. April 7th is our next Annual Town Meeting.

Mr. Murphy, what was your point?

MR. MURPHY: Mr. Moderator, around me, I heard a lot of confusion before that vote.

FROM THE FLOOR: Oh. No.

THE MODERATOR: And that's why I stopped the vote, had everybody -- the tellers come back to the front of the auditorium, reestablish what we were doing to vote, and then took

the vote again.

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: All those in favor of
reconsidering the article, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The opinion of the Chair is
that the No's have it. Mr. Chairman of the Finance Committee for
the main motion.

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

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it
unanimous and the meeting is adjourned.

[Whereupon, town meeting adjourned at 10:53 p.m.]

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing transcript represents a complete, true and accurate transcription of my audiographic recordings taken in Falmouth Town Meeting, November 14, 2007 to the best of my knowledge, skill and ability.

Carol P. Tinkham
Notary Public
My Commission Expires

Carol P. Tinkham
(508) 759-9162

May 14, 2010

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