

COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

ANNUAL TOWN MEETING

**Lawrence School
Lakeview Avenue
Falmouth, Massachusetts**

MODERATOR: David T. Vieira

**Monday, November 14, 2005
7:00 p.m.**

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P R O C E E D I N G S

THE MODERATOR: I want to remind all Town Meeting Members to check in, as attendance will be published in the Falmouth Enterprise. Will all Town Meeting Members please take their seats.

Okay. All Town Meeting Member please take your seats. I want to remind all Town Meeting Members that attendance is being published in the Falmouth Enterprise. Thank our friends at FCTV-13 for the live broadcast of Town Meeting. At this time I'd like to introduce Marguerite McElroy for an announcement.

MS. MCELROY: Good evening. Once again, I'd like to appeal to you, and I know that many of you have given at other places, at your churches, at your clubs, but there are many, many people in Falmouth who are not as fortunate as we are. It has been a year of great disaster across the nation and across the world. And I know we have all reached out many times this year, but with the holidays coming we're asking you to reach out to your neighbors once again and please bring food, whatever you can bring: peanut butter, stuffing, soups.

There's a service center bin out front and please, your neighbors really appreciate this. Thank you.

THE MODERATOR: Okay, our tellers this evening: in the first division will be Charlotte Tashiro; in the second division Mr. Dufresne; and in the third division Mr. Hampson.

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

[Pause.]

THE MODERATOR: Mrs. Tashiro?

MRS. TASHIRO: 58.

THE MODERATOR: 58.

In the third division, Mr. Hampson?

MR. HAMPSON: 58.

THE MODERATOR: 58.

And in the second division, Mr. Dufresne?

MR. DUFRESNE: 93.

THE MODERATOR: 93.

By a counted vote of 209 members, I call the Annual Town Meeting to order.

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

At this time I'll recognize the Town Clerk for the swearing in of our new Town Meeting members that were elected in at the last municipal election.

Michael Palmer, our Town Clerk.

CLERK PALMER: Will the following people please rise: Catherine O'Brien Bumpus, Victoria Lowell, Peter Clark, Judith Stetson, Virginia Gregg, Megan Jones, DeWitt Jones, Edward Dewitt, Linda Whitehead, Ahmed Mustafa, Cynthia Botelho, Richard Kendall, Douglas Souza, Scott Augusta, J. Michael Kinney, Kathleen Miller, Michael Miller, Mark Woods, George Kazarian, Grace O'Gorman, Jayne Abbott, Charles Swain, Steven Leaf, Margaret Szuplat, Joseph Briana, Dean Ayres, Gail Sylvia, William Peters, Jack Tompkins, Judith Magnani, Judith Rebello, Alice Dufresne, John Magnani, Pamela Vidal, Adrian Dufresne, Sandra Cuny, Nancy Galbraith, Maureen Northern, Ken Buesseler, Virginia Valiela, Peter Kirwin, George Hampson, Patricia Johnson, Kevin Callahan, Peter Boyer, Ray Rowitz, Troy Clarkson, Nancy Hayward, Helen Gordon, Margaret Finnell, Margaret Freeman, M. Reginald Soares, Scoba Rhodes, Michael Freeman, Brian Losordo, Meredith Holderbaum, William Buchanan, Shawn Brock, Edward Marks, Pat Bishop, Laila Friere Mustafa, Harold Crocker, John Gallagher, Kevin Lynch, Mary J. Little, Chester Krajewski, Kathleen Palmer, Mary Pat Flynn, Robert Antonucci, Martha Asendorf, Michael Duffany, Karen Bissonnette, Stephen Fassett, Daniel Shearer, Paul Sellers, John Netto, Susan Augusta, Joseph Martinho,

Joann Lemoine, William Peck, Joseph Netto, Richard Goulart, Brian Guthrie, Sally Collinson, John Turner and Brent Putnam.

Please all raise your right hand and repeat after me: I, state your name, do solemnly swear that I will faithfully perform the duties of Town Meeting Member according to the best of my abilities and agreeable to the Constitution and the Laws of the Commonwealth of Massachusetts.

Congratulations.

[Applause.]

THE MODERATOR: Our new Town Meeting Members newly elected at the orientation last week, so hopefully they have their little handouts with them and ready to participate in this evening's festivities.

At this time, would everyone please rise for the presentation of the colors by Sea Scout Ship 40. They'll be piped in by Staff Sargent of the 215th Army Band Roger Gamache.

[Colors presented.]

THE MODERATOR: Please join me in the Pledge of Allegiance

[Pledge of Allegiance taken.]

THE MODERATOR: At this time the Falmouth Town Band Brass Choir will play our National Anthem.

[National Anthem played.]

THE MODERATOR: At this time, Roger Gamache will play "Amazing Grace" as our moment of silence in honor of members who have passed since our last meeting.

["Amazing Grace played."]

THE MODERATOR: I'd like to call Dr. Robert Antonucci for our invocation.

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

THE MODERATOR: Mr. Lynch?

MR. LYNCH: Mr. Moderator and Town Meeting, I'd like you to notice there's no sign

language interpreters tonight. And it's not because the Town didn't try to get them, they were just unavailable. But therefore my wife Betty Lynch, a Precinct 3 Town Meeting Member, and other hearing impaired persons in town, can't fully participate in this civic town duty. And also remember that disabled individuals confront this accessibility issue every day of their lives. Thank you, Mr. Moderator.

THE MODERATOR: I recognize the Town Clerk for an explanation as to why our sign language interpreters are not present with us this evening. Mr. Palmer.

CLERK PALMER: We have to request the interpreters approximately a month to two months ahead of time. We go through the proper channels to request the interpreters. There is at the present time a shortage of interpreters. There were no interpreters available for this Town Meeting tonight.

THE MODERATOR: Okay, one of the things we're going to be looking at is having an electronic interpretation system set up in advance for future Town Meetings when we're unable to get live interpreters. So, I know that the Clerk recognizes the issue and we'll make sure we resolve it before our next Town Meeting.

Okay, at this time the Chair would recognize the Chairman of the Board of Selectmen for dispensing with the reading of the warrant.

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

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

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous. At this time the Chair would entertain a motion for non-Town Meeting Members to sit up front with a Board or Committee.

FROM THE FLOOR: Moved.

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

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

At this time, the Chair would entertain a motion for all Town employees who are not residents of the Town of Falmouth to have the right to speak on all issues before this Town Meeting.

FROM THE FLOOR: Moved.

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

[Aye.]

THE MODERATOR: All those opposed, "No."

[No.]

THE MODERATOR: The Ayes have it by a majority.

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

MS. KERFOOT: In accordance with Chapter 40A, Section 5, Massachusetts General Law, and Article 43 of the Falmouth Zoning Bylaw, a public hearing was held on October 4th, 2005, on Articles 2, 3, 4, 5, 6, and 7 for the November 14th, 2005 Annual Town Meeting. All those who wished to speak were heard.

THE MODERATOR: Okay, at this point we're going to go through our rules for Town Meeting. If you open up the back cover of your warrant book -- you'll notice we have no rules for this Town Meeting. The Rules are now on the second page of your warrant booklet.

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

Only Town Meeting members may vote.

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

Two amendments will be accepted on any article.

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

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

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

Our Hours of Operation. The first night is seven o'clock. Each subsequent night at seven o'clock and we'll close the meeting at eleven o'clock unless we have a motion to continue, is made and approved by a two-third's vote of Town Meeting members.

I want to remind Town Meeting Members to please identify yourself by name and precinct each time you speak so that you can be part of our transcribed record.

At this time, I want to conduct a blanket vote on the warrant. On the blanket vote, I'll go through the entire warrant article by article. If you do not want the recommendation as the main motion, you'll hold the article and I'll go through the entire warrant twice. Any article that is not held on the blanket vote will then be passed as recommended. Okay? As recommended. Once we complete that, we'll then go back and start with Article 1 and progress through the warrant.

Article 1, unpaid bills, is a hold by the Finance Committee. Article 2, to see if the town will vote to amend the zoning bylaw, special permits. Article 3, to see if the town will vote to amend the zoning bylaw, substitution of some wording. Article 4, again cleaning up some wording to the zoning bylaw. Special permit requirements to home occupations. Article 5, to see if the town will vote to amend the zoning bylaw by deleting the number "800" and substituting the number "900" so that the footprint of the garage is no more than 900 square feet.

FROM THE FLOOR: Hold.

THE MODERATOR: Who's holding this?

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: Article 6. The

recommendation is indefinite postponement at this time. Article 7, to see if the town will vote to amend the zoning bylaw by adding the following: “windmills” at the end of the first sentence; to see if the town will vote to amend the zoning bylaw by adding the following: in parentheses two (2). We have a scribner’s error; it should say Section 240-63 G 2. I’m going to ask you to make that change so that we can allow this to go on the blanket if there’s no further discussion.

Article 8, to see if the town will vote to authorize the Board of Selectmen to sell Odd Fellows Hall.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 9.

FROM THE FLOOR: Hold.

THE MODERATOR: Is a hold.

Article 10 -- is a hold. Article 11.

MR. BOYER: Hold.

THE MODERATOR: Who’s going to hold it? Mr. Boyer.

Article 12, to see if the town will vote to authorize the Board of Selectmen to accept a gift of land on the shore of Long Pond from E. Kent Swift, Jr.

Article 13, to see if the town will vote to appropriate \$778,358 under Chapter 291, Section 2B, the Acts of 2004 for the state’s share of work under Chapter 90, Section 34 2A. This is for work done on Town accepted roads.

Article 14, to see if the town will vote to transfer \$31,997 from Certified Free Cash to be expended under the jurisdiction of the Falmouth Contributory Retirement Board.

Article 15, to see if the town will vote to transfer \$10,000 from Certified Free Cash to be expended under the jurisdiction of the Falmouth Contributory Retirement Board for the special military fund.

Article 16.

FROM THE FLOOR: Hold.

THE MODERATOR: Didn’t think that one was going to go through on the blanket.

[Laughter.]

THE MODERATOR: Article 17 is the capital budget; that is a hold.

Article 18, to see if the town will vote to transfer \$67,000 from Certified Free Cash to be distributed by the Town Accountant to the accounts affected for the purposes of Article 18.

MR. JOHNSON: Hold.

THE MODERATOR: Mr. Johnson.

Article 19, this is the Laborer's International Union of North America DPW contract to transfer \$58,000 from Certified Free Cash.

Article 20, this is the International Association of Fire Fighters Local 1397 to transfer \$105,000 from Certified Free Cash.

Article 21 --

FROM THE FLOOR: Hold.

THE MODERATOR: -- is a hold.

Article 22, Falmouth Superior Officers Association. Article 23, this is dealing with the Town's Classification Plan for Technical Administrative Management positions, deleting a principal office assistant in the Legal Department M—3 and adding a paralegal administrative assistant at M—4, and deleting an office assistant Personnel Department M—1 and adding an office assistant in Personnel M—2.

MS. MCELROY: Hold.

THE MODERATOR: Who's holding this? Ms. McElroy.

Article 24.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 25, transferring \$18,240 to delete a Property Lister-Assessor's at Grade 8 and adding an Administrative Clerk at Assessor's Grade 7 from Certified Free Cash.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 26, transfer \$30,000 from Certified Free Cash under the jurisdiction of the Board of Selectmen for conducting an organizational study of the Department of Public Works.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 27, to see if the town will vote to transfer the sum of \$7,000 from Certified Free Cash to the Revolving Fund. This is for the updating of the Code of Falmouth.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 28. The recommendation is indefinite postponement, \$15,000 for contractual services to the zoning administrator.

Article 29, transferring the sum of \$7,000 from Certified Free Cash for costs related to mailing beach and dump stickers.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 30, transferring the sum of \$7,000 from Certified Free Cash for continuing the part-time student apprentice internship with town government program.

Article 31, that the town vote to transfer \$11,275 from Certified Free Cash for the demolition of a structure located 51 Pond View Drive.

Article 32, that the town vote to transfer \$85,000 from the Reserve Waterways Appropriation Fund to be expended under the jurisdiction of the Waterways Committee for the Megansett Harbor Boat Ramp.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 33, transferring \$35,000 from the Reserve Waterways Appropriation Fund to be expended under the jurisdiction of the Waterways Committee for permitting for various navigational dredging projects.

Article 34, making adjustments to our debt service budget: transferring \$35,000 from long term excluded debt interest to long term excluded debt principal and transferring the sum of \$1,516.25 from short-term excluded debt interest to long term excluded debt interest.

Article 35, to transfer the sum of \$22,826.02 from Certified Free Cash for the purposes of paying interest on long term, unexcluded debt issued on July, 2005.

Article 36 --

FROM THE FLOOR: Hold.

THE MODERATOR: Okay. That's not for the scribner's error and the recommendation, is it?

FROM THE FLOOR: No, it isn't.

THE MODERATOR: Okay. Hold on 36.

Article 37. If you look in your recommendation, it's transferring the sum of \$25,000 from the Land Bank Fund. As you know, we no longer have a Land Bank Fund, those funds have been transferred to the Community Preservation Act. So you could strike out Land Bank Fund and put Community Preservation Fund in your recommendation, to be expended under the jurisdiction of the Board of Selectmen for the purposes of funding administrative expenses of the committee.

Article 38, to transfer \$75,000 from the Overlay Surplus Fund for the partial funding of the 2006 revaluation of the Town of Falmouth.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 39.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 40, to accept the doings of the Board of Selectmen in the laying out of the following roads: Edgell Road, Hummingbird Hill Road, and Tall Pine Road.

MR. MUSTAFA: Hold.

THE MODERATOR: Who held that?

Article 41, hold.

Article 42 is a hold.

Okay. I'll go through them real quick one more time. Article 1 was a hold.

Article 2. Article 3. Article 4.

Article 5 was a hold.

Article 6. Article 7.

Article 8 was a hold. Article 9 was a hold. Article 10 was a hold. Article 11 was a hold.

Article 12 --

MS. STETSON: Point of order.

THE MODERATOR: Yes, you have a point of order? Where are the mic carriers? Can we have a microphone to Ms. Stetson, please.

MS. STETSON: Judy Stetson, Precinct 1. I do not wish to hold Article 12. Is there any way that we as a body can thank the generous land donor for this? E. Kent Swift is a long-time member of this community and I think we owe him some thanks, but I certainly do not wish to hold Article 12.

THE MODERATOR: Okay. Pending the unanimous consent of the blank vote, let's have a round of applause for E. Kent Swift for this donation to the town. Hopefully he's watching at home.

[Applause.]

THE MODERATOR: Thank you, Ms. Stetson. I had the honor of serving on the Board of the Historical Society with Mr. Swift and this is a great contribution to our land preservation efforts around Long Pond Watershed.

Article 12. Article 13. Article 14. Article 15.

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

Article 19. Article 20.

Article 21 is a hold.

Article 22.

Article 23 is a hold. Article 24 is a hold. Article 25 is a hold. Article 26 is a hold. Article 27 is a hold.

Article 28.

Article 29 is a hold.

Article 30. Article 31.

Article 32 is a hold.

Article 33. Article 34. Article 35. Article 36 is a hold.

Article 37.

Article 38 is a hold. Article 39 is a hold. Article 40 is a hold. Article 41 is a hold and Article 42 is a hold.

Madame Chairman for the main motion on the blanket.

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

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

Article 1. Madame Chairman for the main motion on Article 1. This is unpaid bills.

We'll serve notice on reconsideration first.

CHAIRMAN LEMOINE: Mr. Moderator, I hereby serve notice of reconsideration of all articles passed under the blanket vote.

THE MODERATOR: Okay. Notice of reconsideration has been served.

Article 1, unpaid bills.

CHAIRMAN LEMOINE: Mr. Moderator, I move that the Town vote to transfer \$2,986.32 from Certified Free Cash to be expended under the jurisdiction of the Board of Selectmen for the purpose of

Article 1 as printed in the warrant booklet with the following additions: add Fire Department, Metromedia Energy, \$274.64; Library, Metromedia Energy, \$198.19. And that will bring the total of the six items to \$2,986.32.

THE MODERATOR: Okay, we have two additional unpaid bills to the main motion. Any discussion? Hearing none, the question will come on paying the unpaid bills. All those in favor, signify by saying "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Unpaid bills in an annual town meeting require a four-fifths majority, for those of you who haven't gone through the orientation. And in a Special Town Meeting they require a nine-tenths majority.

Article 2 -- no, Article 2 wasn't held.

Article 5. Planning Board for the main motion.

CHAIRMAN HERBST: The Planning Board recommends the Article 5 be accepted as published.

THE MODERATOR: Okay, the main motion is as printed. This is changing the zoning bylaw deleting 800 and substitute the number 900 for the footprint of a garage. And this was held by Ms. Tobey.

Can our microphone carriers keep the mics with you so that when somebody is ready to speak they can stand up? And when I recognize you to speak, if you could stand up so the microphone carriers can see you? That would be great.

MS. TOBEY: Linda Tobey, Precinct 4. I guess I don't understand the purpose of increasing the size of the three car garage from 800 square feet to 900 square feet. I don't think it's in keeping with the look of the Cape, and one that we'd like to do a little more to preserve. I'm surprised that the Planning Board would want to increase the size of a three car garage, or maybe make it easier? And I'm thinking that some of these may just be used in the summertime. It may just become just a larger storage unit. I don't understand the purpose and I just don't think it's in keeping with the look that means Cape Cod to me, anyway. Thank you.

THE MODERATOR: Chairman --

CHAIRMAN HERBST: I'd like our Town Planner to respond. Mr. Curry.

THE MODERATOR: Mr. Curry.

MR. CURRY: Well, I certainly respect the Town Meeting Member's opinion. It's not a question for me to answer, but the background to this is it came to us from the Board of Appeals. They see these Special Permit applications all the time. And it's my understanding that your standard size stall for a garage is 14 by 20; that's 280 square feet. Three of those is 840 square feet, for your standard size garage, and anything bigger than that would be oversized and require a special permit from the Board of Appeals; hence the 900 square feet. That's the math behind the change brought to you by the Planning Board who recommends the article as printed.

THE MODERATOR: Any further discussion on Article 5? Ms. McElroy.

MS. McELROY: Through you, Mr. Moderator, another question for Mr. Curry, I'm afraid. If it no longer requires a special permit, will that not mean that a person can put a three car garage on a lot of any size, not just one proportional to the lot size or the dwelling size? Isn't it then by right and it sort of overrides setbacks and lot coverage and proportion?

THE MODERATOR: Mr. Curry.

MR. CURRY: No, Marguerite, what would happen is if in fact the three car garage tripped your lot coverage special permit, it would have to go to the Planning Board. Anything over 20 percent trips that special permit, up to 25 percent. And that's a discretionary permit for the Planning Board.

THE MODERATOR: Further discussion on Article 5? Hearing none, the question will come on the main motion. All those in favor, signify by saying "aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[No.]

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

Article 8. Madame Chairman for the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I move Article 8 as printed.

THE MODERATOR: Article 8 as printed. Can you stand up so they know that you're the one that's going to be speaking? Can we have a microphone down front, please.

If there's anybody in the back that can turn the lights up a little, I'm having trouble

seeing the hands in the crowd, here.

MS. MAJOR: Can you hear me? I held this article not because I'm opposed to the sale of Odd Fellows Hall; I understand why we have to do it and whatnot, but I did want to bring attention to the parking problem in Town Hall Square, and that if you sell this building to some business that's going to take five to ten parking spaces in Town Hall Square we're going to be in bigger trouble than we are now.

We've been really lucky with this building over the last I don't know how many years, 20 some years, because there haven't been any parking needed for the daytime, and we did notice a big difference this year when a business on Main Street opened and their employees were parking in Town Hall Square, and at that time it even got even harder to find a place to park.

So, if we do sell to a business, maybe we should think of making more parking spaces behind Town Hall or on the side of Town Hall. I'm not recommending paving the universe but maybe some dirt or grass that we can park on. It's particularly hard for our departments that come and go in the day. The minute you leave you're in trouble; you can't get a space back. And so that's the only reason I held it.

THE MODERATOR: Okay, any further discussion on authorizing the Board of Selectmen to sell Odd Fellows Hall? Hearing none, the question will come on the main motion as printed. All those in favor, signify by saying "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[No.]

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

Article 9. Madame Chairman for the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I move that the Town vote to authorize the Board of Selectmen to sell a parcel of Town land identified as parcel C2, containing 4.3 plus or minus acres and shown on a plan entitled, "Plan of land located in Falmouth, Mass., prepared for Falmouth Lumber, Scale one inch equals 80 feet, dated June 27th, 2005 by Ferreira Associates at 161A Worcester Court, Falmouth, Mass.", and being a portion of land conveyed to the town by deed dated August 15th, 2003, and recorded in the Barnstable Registry of Deeds in Book 17473, page 21, to 6A Realty Trust, 670 Teaticket Highway, Teaticket, Mass., 02536, for the sum of \$700,000, and to deposit the proceeds from the sale with the remaining funds received from the Air Force Center for Environmental Excellence, otherwise known as AFCEE, which were used to partially fund the purchase of the land in 2003.

THE MODERATOR: Okay, you've all heard the main motion. This adds that the funds will be deposited into the AFCEE account.

CHAIRMAN LEMOINE: Just by way of explanation, at the time the Finance Committee voted on this, we'd had no problem with selling the land for \$700,000; it was just a matter of putting the money somewhere within the Town coffers. And it took some time to identify where it needed to go and to write up the appropriate language.

THE MODERATOR: Okay, Mr. Marks and then Mr. Boyer.

MR. MARKS: I'm not opposed to the sale because I sat on the Board when the sale took place. The only thing I want on record is that we make sure we have no further curb cuts on Route 28. And I talked to the Augusta boys and they assured me of that. Thank you.

THE MODERATOR: Mr. Boyer.

MR. BOYER: Mr. Moderator, Peter Boyer, Precinct 5. Will placing the money in this account allow it to be withdrawn for the purposes of Article 10?

CHAIRMAN LEMOINE: Yes.

THE MODERATOR: That's why we're putting it there.

MR. BOYER: Thank you.

THE MODERATOR: Any further discussion on the main motion Article 9? Mr. MacLone?

MR. MACLONE: Mr. Moderator, Richard MacLone, Precinct 4. I'm not opposed to this, either, the sale, but I am opposed that we were never apprised of this on Town Meeting floor that there was an under the table deal when we purchased this --

THE MODERATOR: I think it was an in the lobby deal, which was mentioned by Mr. Boyer.

MR. MACLONE: I don't remember hearing this --

THE MODERATOR: I remember that night, because Mr. Duffy wasn't up here and I needed him.

MR. BOYER: Mr. Moderator, if I might at least try my response to that particular question. I might remind Town Meeting members who were here at that time the very divided debate about this on the first night of Town Meeting in which the motion to acquire was defeated. Overnight, the members of the family and other parties drew together to discuss what might result from an additional understanding of that particular transaction, and the understanding evolved into an agreement that four acres would be sold back for the purposes of the lumber yard once all the tax implications were concluded. It was not an explicit part of

the motion, but it certainly was part of the understanding.

THE MODERATOR: Mr. Maclone.

MR. MACLONE: Well, I think in future it should be a little more clearer that when there is something like this coming back, that we are fully apprised of the deal, and that we know about it. Because I do remember there was quite a bit of debate on it, but it's just that when we expend monies like this, we should know what's going to conspire afterwards. Thank you.

THE MODERATOR: Further discussion on Article 9. Hearing none, the question will come on the main motion. All those in favor, signify by saying, "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 10. Madame Chairman for the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I move that the Town vote to authorize the Board of Selectmen to purchase or take by eminent domain land in Falmouth, Barnstable County, Massachusetts, being land now or formerly owned by Joseph Haynes and Susan Haynes and located at 474 Carriage Shop Road in East Falmouth and consisting of six (6) acres, more or less, to be set off from the present ten (10) acre parcel shown on Falmouth Assessor's map #29, section one, parcel three, lot A, and described in a deed recorded in the Barnstable County Registry of Deeds in Book 17462, page 33, and to appropriate the sum of \$700,000 for this purpose, and to meet this appropriation the Board of Selectmen is authorized to expend \$700,000 from available funds received from the Air Force Center for Environmental Excellence, including the proceeds received from the sale of the property authorized by Article 9.

THE MODERATOR: Okay, you've all heard the main motion. This tells us where that money's going to come from. Any discussion on Article 10? Hearing none, all those in favor of Article 10, signify by saying, Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 11, the recommendation of the Finance Committee is indefinite postponement. This

was held by Mr. Boyer. Mr. Boyer.

MR. BOYER: Mr. Moderator, I do have a positive motion, please.

THE MODERATOR: Okay, and I do have it in writing. This would be the main motion on Article 11. Mr. Boyer.

MR. BOYER: You can trigger that. Well, I'll read it. We do have it in a Power Point we're trying to access now.

I move that the Town vote to authorize the Board of Selectmen to purchase or take by eminent domain land in Falmouth, Barnstable County, Massachusetts, being the land with the buildings located thereon at 480 Main Street in Falmouth Village, now or formerly owned by Eric W. Ruschky, described in deeds recorded in the Barnstable County Registry of Deed in Book 16954, page 349, and in Book 17423, page 137, and further to appropriate the sum of \$1,460,000 to pay for the foregoing land, including costs incidental and related thereto, and to meet this appropriation the Town Treasurer with the approval of the Board of Selectmen is authorized to borrow the sum of \$1,460,000 under and pursuant to G.L. c.44, Section 7, paragraph 3, or any other enabling authority, and to issue notes and bonds of the Town therefore, and that the Board of Selectmen is authorized to accept gifts of property, real, personal and otherwise, in connection with the acquisition of the aforementioned property, and to enter into any agreements and execute any documents incidental and related thereto, said sums to be expended under the jurisdiction of the Board of Selectmen.

Thank you.

THE MODERATOR: Okay, you've all heard the main motion, and the source of funding is the authorization of borrowing.

Mr. Boyer.

MR. BOYER: Mr. Moderator, let me describe a little bit -- next slide -- the property itself. This is located at 480 Main Street, just opposite the funeral home and the church. It's about 3.3 acres. The zoning in the front is Business and in the rear, the majority of the parcel is Residential. The -- one of the drawbacks of this parcel is that the front is so narrow. The result is that people really believe that it carries narrowly all the way back to the pond level. In fact, it does, as you can tell from the map, mushroom out and in fact there's probably room to put a ball -- football field in the back of that parcel. The 3.3 acres is about the same size, slightly larger than the parcel that has the 56 housing units down the street on it.

This particular parcel really represents the culmination of perhaps a year's worth of discussion

with the owner, and other discussions that the owner had with a potential developer for the purchase of the parcel. Next, please.

We know the rapidity of development on Main Street. The fast pace of that change really requires, I believe, and others believe, that there be some method of stabilizing some portion of east Main Street. There is a distant view of the parcel across the street, the yellow house. Adjacent to it is the Firestone auto repair. Go ahead. A closer view of the front of the house.

Now some interior shots. That's about like my basement. Keep going, please. Just some interior shots giving you some idea of the house itself. There are two occupied apartments on the first floor. Half of the second floor, in fact this half of the second floor, Eric Ruschky grew up; his parents lived there their lives.

That's from the back. Keep going. And, further from the back, this is probably at the end of the narrow strip looking back at the house. Another one looking back right from the start of what is now the pathway leading down to the pond, which is at the northerly end of the parcel. This is all overgrown, now, with invasives, with bittersweet, Japanese nutweed and bull briars and all kinds of things. And so that's the current condition of it, although Mr. Ruschky's father for many, many years cultivated a garden in that area.

And that's the view onto the pond from the northerly edge of the parcel.

What's to be done? Well, I'm sure there are any number of ideas. This happens to be one design concept that is proposed for your consideration if we buy it; it would be at a future time. But, there, in addition to the house, would be some for parking, a portion of that, three or four spaces for residents or occupants of the house, and another seven or eight spaces for visitors. The buffer plantings would be in place really to mask the Firestone auto repair on the easterly side and something of the development on the westerly side.

In the rear would be really grasses and open fields, with some trees, many of which are existing now. At the northernmost edge there is wetland and there would need to be a buffer. Anything within 100 feet of the pond would need a consultation with the Conservation Commission and any approval for altering that particular portion of the northerly edge.

That's really a design, or a possible use of the parcel. The house is I'm sure the most difficult aspect of the debate about what needs to happen and what could happen. I believe that what should happen if the Town votes yes to buy this parcel that some sort of feasibility study be undertaken about that house, whether for affordable housing, whether for offices of some kind, or to be moved or ultimately if nothing is

proved feasible then it would be then taken down. But that would be a last resort.

I'd like to ask Mike Duffany to come up and talk a little bit about the next slide, which is a larger concept of what this parcel might bring. Mike.

THE MODERATOR: Mr. Duffany.

MR. DUFFANY: Thank you, Peter. Michael Duffany, Precinct 6. I took an interest in the property from several perspectives. One is that there is very little land left on Main Street that we're going to have any opportunity to have any say in. The building, to me, the building is a big part of this. I think we should -- I have, anyways, accepted the fact that if this property goes to private development, then the house will come down.

I went through the house myself and Doug Brown went through the house and it actually is in remarkably good shape structurally. There are no signs of infestation in the house whatsoever. The front porch, a small porch, does need to be replaced and the little back stoop that you saw needs some work. But the house itself, other than a good paint job -- the homeowner used to paint it himself for years -- it needs to probably be re-sided. But, I think we should really think carefully about the disposition of the property in that if we like the house, that we have an opportunity to see that the house be saved, possibly be moved to another home, or perhaps some use there on the property, which a feasibility study would, you know, help us with.

And then there was something else that, when I look at land for the Town and I try to support the land for the Town, one of the things that I personally look at in the properties is how it connects to other properties. And I think it's extremely important when we have properties that are contiguous with other properties they have a different sort of a value. And, yes, you have to be somewhat creative in your thought process, but if you look at the piece there in the yellow, you see that there's a little orange line that follows across through other Town land and up Dillingham Ave., around the Morse Pond property, through the school and up Jones Road up to Goodwill Park. And, again, perhaps that's a farfetched vision on my part, but that is something that I look at for you and for us when we look at open space. And that, really, to me, that's really not farfetched when you look at where we're going now with the Shining Sea Bikeway and we're eventually going to end up when the day comes that we can go all the way up to the bridge.

So, anyway, I don't want to see this just disposed of without us giving some careful consideration to what we may be able to have there ourselves and to save the house. So. And I appreciate the opportunity to say so.

THE MODERATOR: Mr. Boyer.

MR. BOYER: Mr. Moderator, one of the key issues, I really am not happy about the idea of being in conflict with the Finance Committee and the recommendation that because their counsel is wise, conservative and I understand that finances are tight. Next slide, please.

But I believe there is a way to think about this that can work if we so choose. Let me reiterate a little lesson that I can -- this is not the first time I've proposed this idea. The total Town assessed values are eleven billion, four hundred million dollars. That's the aggregate property value in Falmouth. That means that -- and expenditures that equal a dollar on the tax rate is eleven million, four hundred thousand dollars. So, for every eleven million, four hundred thousand dollars that we spend, that's a dollar increase on the tax rate. The total purchase price for this parcel is one million, six hundred and fifty thousand dollars. The 300 Committee has offered a donation of \$200,000 toward this purchase, and so that brings the Town purchase down to a million four hundred -- really \$450,000, but \$10,000 is added to the motion for issuing costs of the bonds.

Independent appraisal that the Town engaged as of middle of July of this year was \$1,800,000 for the parcel. Now, I know I've been told that there is an alternative appraisal that has been circulated. I was hoping to see a copy of that but was not given one. That's okay. And I gather that was done in February of 2005, some five or six months earlier than the Town's appraisal. And that it ranged from 1.2 to 1.4 million dollars. I don't know this for a fact, but I was told this. And I know that at some precinct meetings there were some observations that suggested that the purchase price the Town is paying is too high, because of that appraisal in 2005. My response to that is several.

One, I have good reason to believe that that appraisal was conducted on behalf of a developer that subsequently offered \$1,650,000 to the owner, and that's the value that was matched in the proposed purchase and sale and a proposal offered by the Town subject to Town Meeting approval.

So, it seems to me that in fact the market value was established by virtue of the offer made, not necessarily by the proposed market value established by an appraiser.

I guess finally I'd offer that in fact if that appraisal were the basis for your judgment, then I'd point out that the cost to the Town is proposed at \$1,450,000. \$50,000 above the appraisal in February of 2005.

If the Town does decide to borrow the funds, that would mean an estimated annual average debt service payment of about \$110,000 over each year for the 20 years of a proposed bond issue.

Now, as you scale down, with an assessed value of \$11,400,000,000, one dollar is eleven million, four hundred thousand expense. Ten cents is one-tenth of that, or \$1,140,000. And one penny is one-tenth of that, or \$114,000. So that would be the impact of the tax rate of this particular purchase. So that an annual average cost to a residential taxpayer for this particular project would be \$3.50.

However, I know that there are painful pressures on the operating budget this year and certainly for next year if not years further on. What I looked at were the projected unexcluded debt service payments that are currently estimated within the Town's Capital Budget Program, and the decline in that Unexcluded Debt in Fiscal '08 from Fiscal '07 is \$100,000. So the Town will be paying \$100,000 less in '08 than in '07. And the same thing happens in Fiscal '09, another \$100,000 less than in Fiscal '08. So, a combined total of \$200,000 decline in debt service. Nothing unusual about that; that's how municipal debt really works. But in the case of the current projected debt service payments, that would be the decline.

So, with some trepidation, I offer the following, and that is that with the closing in January of 2006 -- the original P&S said December, but Mr. Ruschky has certainly said he is prepared to delay that until January or further, if possible, or if needed -- if there were an 18 month bond anticipation notes floated in order to pay at the closing, then the actual first principal payment would only be due in July of '08, which is the first month of Fiscal '09. So that would fall within the \$200,000 saving, and I, with all due respect, label that as I will "a modest window of opportunity".

[Laughter.]

MR. BOYER: One of the things that has been a clear recommendation from the Finance Committee is a six month deferral of this particular decision, and I understand that to explore the possibility of other sources of revenue. I need to tell you that as our understanding of the Community Preservation Act funding increases, that will not be available in April of 2006, but only conceivably available in November of 2006 Town Meeting. Part of the reason for that is the restriction on community preservation as it affects Falmouth. That restriction is that the Town of Falmouth may not borrow funds against the state matching money of the Community Preservation Fund. So the entire amount of money that we have available each year under the Community Preservation Fund, and it's projected in the coming year to be \$1.8 million, we can't borrow against that in future years' revenues. We can only do essentially pay as you go. At one point I believe that there was an opportunity to delay payments, and the purchase and sale agreement calls for that opportunity, but since then it just has seemed like a hopeless proposition to do that.

Finally, I have passed out a sheet, on one side of which is an email from Mr. Ruschky. And I

did that for one very particular reason, because -- and it's a little awkward and a little sensitive, but he proposed that I share that email with Town Meeting Members because I've been asked, "Why doesn't he agree to a delay? Why can't we just delay to Town Meeting in April?" Of course, keep in mind that that really means delay until January for the closing of the April Town Meeting warrant, and inclusion of articles therein. And the sensitivity comes in with Mr. Ruschky's disclosure of his own personal health circumstances. He is undergoing chemotherapy and, although we have never talked in these terms, I know that he wishes to conclude this transaction as soon as possible as he is able to do.

If Town Meeting were to turn this down, could it be available in April? Yes, it might. I know that he would market it and try and sell it to other parties, and we run the risk of losing the opportunity. But I won't tell you it's impossible to delay. But for those of you who believe that our delay will be served in order to tap into CPA money, please don't believe that because that isn't going to be the case.

So, I have proposed this particular financing schedule in order to avoid the short-term crunch -- and we all hope it is a short term crunch with the Town operating funds -- and allow us to proceed with what I think is and have been persuaded over this last year is a very key potential acquisition for the Town. It really gives us an entre on East Main Street that is an oasis from the high pace of high density development, and is the potential for the gateway, as Mike Duffany suggested, to a series of trails. Granted there would need to be significant wetlands permitting issues, but nevertheless it would provide for a gateway to really expand our pedestrian walkways from Main Street up to the Moraine Trail.

I would be happy to try and answer any questions. I'm sure there will be lively differences from this particular proposal, but I hope you will give this your very serious consideration. Thank you.

THE MODERATOR: Discussion on Article 11. Mr. Whritenour.

MR. WHRITENOUR: Yes, good evening. On this particular proposal, I had recommended to the Board of Selectmen against moving forward at this time and I just want to point that out and explain a little bit the reasoning behind it. The major problem with the financial facts --

THE MODERATOR: Could you speak just a little bit closer to the mic? For some reason, it doesn't seem to be up as high.

MR. WHRITENOUR: The major problem with the financial proposal right now is the same issue that confronts the Town's budget generally. If you recall back to the April Town Meeting that we just had and over the last number of years we've asked every single town department to tighten their belts. We've refused funding that has been requested from the educational system. In fact, you know, we've gone

back -- you're going to see the capital improvement program that we've proposed at an extremely limited level. It's in for approximately \$2 million that we had three and a half, four million dollars' worth of very valuable projects that we wanted to see done, but we had to cut those back because of the tremendous competition for resources underneath that Proposition 2 ½ cap that we face.

Right now there is no way to fund all of the projects that are proposed in the Capital Improvement Program. In fact, we're facing potentially several hundred thousand dollars' worth of shortfalls in meeting the operating budget needs over the next fiscal year. And this particular project, when taken in isolation it certainly is a very pretty parcel of land when you get away from the street, near the pond, but you cannot take a purchase like this in isolation from all of the remaining budgets in the town, especially if it's being asked to be funded over a long period of time underneath that proposition 2 ½ cap. And I had supported the concept of purchasing this property and searching for alternative funding, but the key thing right now is, you know, if you say that the debt service is going to decline over the next several years, we're certainly banking on those funds to be able to support some of the new projects that we have that have been proposed that have been delayed. We bank on that funding to be able to free up some funds underneath that Prop 2 ½ cap so that we can meet some of the operating budget needs, and it's only when you complicate this purchase by the fact that it is placed in direct competition with the other departments in the town that you see that it really is one of the critical dilemmas that we face as a community right now. And I think one of the very difficult choices that Finance Committee, that Town Meeting Members, that Board of Selectmen are going to be asked to make is that at what point do we need to say that the additional projects, the, you know, these types of land purchases that ordinarily would have come under the Land Bank that should be coming under the Community Preservation Act, at what point do we say that these need to be accompanied by either a debt exclusion or by funds from the Community Preservation Act.

The fact is that in my recommendation to the Board of Selectmen, it's been a very difficult, difficult thing to do and I know it's a very difficult choice for Town Meeting, but I've reached the point that I'm utterly convinced that we're not in a position now to be taking on projects such as this that aren't absolutely critical that will come underneath that Prop 2 ½ cap. And I think there were two proposals that were forwarded on on this. The first one was to simply take money out of whatever's left in the Town reserves and not worry about what happens with the '07 budget. I'm glad to see at least this one makes it so that the real hit doesn't come until one year later. But I think until we figure out what exactly we're going to do with that Prop 2 ½ cap, without having adequate resources to meet the capital needs that are in the CIP,

without having adequate resources that I can look the departments in the face, these managers, and say, you know, that,

“Look, we’re going to be able to meet your needs,” it’s difficult for me to recommend to this body that we can, simply because it’s a good idea to own this property, just place it in competition with all of the other financing needs, and that was the reason for my recommendation on it.

THE MODERATOR: Okay. In the front row. You had your hand up.

I’ll put you on my list, Mr. Corcoran.

MS. HAYWARD: Mr. Moderator, if this is an appropriate time, I would like to suggest an amendment to this article. I would like to -- and I don’t have the article before me, so I’m not quite sure how to grammatically add this. I would like to request that the article have an amendment which would provide that the house on the property be preserved.

THE MODERATOR: Preserving the house would be an issue of the Purchase and Sale Agreement that the Board of Selectmen would enter. I don’t --

MS. HAYWARD: Ah-ha, so you cannot amend the article on the purchase to provide that if it is purchased that the house be preserved?

[Pause.]

THE MODERATOR: Okay, so you want a motion to say to preserve -- what’s the wording that you want to use? Because the Clerk is going to have to get this down exactly correct. So --

MS. HAYWARD: Provided --

THE MODERATOR: -- can you put it in writing for us and we’ll come back to you? I’ve got a speaker list here, so Mr. Kirwin, you were next on my list. Mr. Kirwin, if you could stand for a microphone, please. Mr. Crocker, you’re on my list if you want to take a seat.

MR. KIRWIN: Peter Kirwin, Precinct 5. I want to address this to Mr. Boyer through you, Mr. Moderator. What would be the provision for the building if it were to be -- if the parcel was purchased with the building and the building was to be used and preserved for affordable housing and office space, would the Town become the owner and therefore the landlord for this occupation -- for the purposes of this occupied --

MR. BOYER: Mr. Moderator --

THE MODERATOR: Mr. Boyer.

MR. BOYER: -- Peter Boyer, Precinct 5. I don’t think that’s a decision that is concrete at all. But yes, it could be Town offices. Yes, it could be affordable housing, maybe under the jurisdiction of

the Housing Authority. I don't -- that is a problem as to what the future of the house might be. And I'm not trying to duck that question, but it needs a feasibility study about whether or not that can economically be, say, converted into affordable housing or some other purpose. Or moved, or sold for a dollar. I think all of those potentials would have to be sorted through.

It could be the Town Building Committee that would supervise that particular study. But that would need a good deal of review. And if the Town owns the structure and the property, then there's time to do that. Of course, I think Mike Duffany's right, if someone else purchases the property, that house won't stay.

I think that's the best I can do, Peter, because I think it could be Town offices or it could be rental space or it could be any number of things.

THE MODERATOR: Mr. Alves, I had you next on my list.

MR. ALVES: John Alves, Precinct 3. Since we're in the real estate business and this evening we've sold \$700,000 worth of land, plus the Odd Fellows Building for another \$700,000, which is up for sale, that money plus the \$200,000 that the Land Bank wants to give could buy the property. But otherwise there would have to be severe restrictions on this property before being bought by the Town.

THE MODERATOR: Mr. Crocker.

MR. CROCKER: Mr. Moderator, Harold W. Crocker, Precinct 3. Mr. Boyer, I appreciate what you've done to work hard on this home and so forth, and also Mike Duffany that went over and inspect the property. I've been receiving a lot of telephone calls during the last weekend on this property from taxpayers of the Town of Falmouth.

This is one time I really agree with the Finance Committee: we have to hold down and hold tight. It's nice to buy property. I know I was with the Odd Fellows Hall and I wanted to have the Odd Fellows Hall. There was a reason behind that, because I wanted to keep it in its natural state, which we did.

Everything comes up about parking. If you remember, when the Town Hall had the new curbing put in, it took a lot of parking out of there. Over the years, that area had a lot of parking. But what I would like to say, and the Town Administrator said it the way it should be: we have to hold tight. That means, if we're cutting back on our services on the Fire Department, the Police Department or the DPW, let's hold firm on this and come back at a later time that we can feel comfortable, thank you.

THE MODERATOR: Mr. Freeman. Microphone, Mr. Freeman.

MR. FREEMAN: Michael Freeman, Precinct 8. There's no one better than Peter Boyer to

pitch numbers, and he's done it very well. First my compliments to the Finance Committee, and particularly their chairman for giving us a wake-up call. Mr. Whritenour also made it very clear that we have financial problems of he indicated several hundred thousands of dollars. I think it's more than that. He indicated it was a seven figure the last time he spoke. Anyhow, the important thing is we don't have the money; we should not be in the real estate business.

When we had the Odd Fellow Hall come before this, it was very contentious discussion. I voted against it because there was no intended purpose for that building. It was just to preserve it. We're not in the real estate business for preserving real estate.

As far as this property is concerned, again, there's no intent purpose. Open space, it's a wonderful thing. I would love to see it happen. But there's no purpose, really, that is set up for this right now. Parking is one problem, but that could easily be handled. No, excuse me, that was Odd Fellow.

My point is we don't have the funds, we can't afford it, and I would like to be sure that we vote this down, thank you.

THE MODERATOR: Okay. I have the amendment in writing now, and then Mr. Murphy, I've got you recognized on the standard list here. But the amendment is at the end of the main motion, to add the words: "and that the house on the property be preserved."

At this point, we're going to have a debate only on the amendment whether or not you want to add the words, "that the house on the property be preserved." And then we'll dispense with the amendment and go back to the main motion, either as amended or without it. So, any discussion on the amendment? Ma'am, would you like to say words on behalf of your amendment?

MS. HAYWARD: Thank you, Mr. Moderator. I feel that the house on the property should be preserved. Currently it is living space for several people. It's my understanding that there has been a limited inspection of the house and the house is sound and it seems to me that certainly if it has three people living in it now that it could have three and possibly four apartments. I don't know how you arrange to have them to be affordable, but if we need housing, it certainly is wasteful to remove the house. The house has been there since approximately 1900. I cannot confirm that it's an 1870 house, as has been stated in the Town records.

It's a piece of housing that's been there and this is starting to be the housing for more working people; the house was that of a businessman who had an ice cream business. But I think it's a landmark on the street, and I think it's inappropriate to remove the house, therefore I've asked for this amendment to be added. Thank you.

THE MODERATOR: Okay, on the amendment, Mr. Dufresne and then Mr. Shearer on the amendment.

MR. DUFRESNE: Adrian Dufresne, member of the Finance Committee. I speak against the amendment only because we're discussing whether we want to purchase the property and we have no figures as to what it would cost for us to bring this particular structure up to a code acceptable under our Town, both health regulations and building codes. I truly believe -- or I hope that the Town Meeting will hear the voice of the Finance Committee and the Town Administrator and vote this article down.

THE MODERATOR: Okay, Mr. Shearer on the amendment to preserve the house.

MR. SHEARER: Dan Shearer, Precinct 6. I'd like you to vote this amendment down, because I think if we do buy the land, and I hope we do and I'll speak to that later, whatever the plan will be should then come before Town Meeting to see what they want to do with this house, what they are advised to do with this house and what the cost will be. I think deciding something now is way too premature, thank you.

THE MODERATOR: Okay, any further discussion on the amendment? Go ahead.

MR. BOWERS: My name is Jamie Bowers, I'm the chair of the Historical Commission. I just wanted to comment on this amendment and also the issue of the Odd Fellows Hall which has been brought up in connection with this. Neither of these purchases were initiated by the Historical Commission. The Odd Fellows was initiated by the Selectmen, this has been initiated by a private party. And with the Odd Fellows Hall, we've been pleased to see that it has now -- they're now trying to sell it with a preservation restriction, which I think is appropriate.

The Ruschky property, although it's not as prominent as the Odd Fellows Hall, is one of the handful of historic properties in the East Main Street area that are -- that area that's in the process of being redeveloped by private interests but also with the support of the Planning Board. So, the reason that I thought I'd ask Nancy, who's a Town Meeting Member, to offer this amendment is simply that I think that if the Town does purchase a property like this that it should be with preservation in mind and not with the idea that we're going to tear down or move this particular house.

So that was the reason for the amendment and I would not support this article without the amendment, I would only with some hesitation support it with the amendment. Thank you.

THE MODERATOR: Any further discussion on the amendment? Yes, Mr. Herbst.

MR. HERBST: Thank you, Mr. Moderator. Ralph Herbst, Precinct 8. I must disagree with

some of the comments that I've heard here about the article but also the amendment. This is a structure that can be preserved and the Town Meeting, this body, adopted the Community Preservation Act, so we are and have been in the business of real estate, we've been buying real estate for open space for many years, here, thanks to the 300 Committee.

We are now also, because of the Community Preservation Act, we are - continue to be in the affordable housing business. We have been in the past and we will continue to be in the past. What we have added, by adopting the Community Preservation Act, is preservation. So now we're in the preservation business. So this property not only has use as open space, but preserving the building is appropriate, thank you.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Thank you, Mr. Moderator, I'm Richard Latimer from Precinct 2. Like Dan Shearer, I support this purchase, and like Dan Shearer I'm against this amendment. I think the major value of this acquisition is, as so ably discussed by Mike Duffany, is its open space value. It borders a pond. It's a pond that I used to skate on when I was a kid living in that area. The house is a nice house and it would be worth preserving, but I think it's very shortsighted to make that a condition of this purchase.

Those who are interested in preserving Historical properties should understand that there is a million six hundred thousand dollar offer on this property from a developer who has no interest in preserving any historic property. He's a reputable businessman who builds condominiums; the first thing to go will be that house with valuable -- well, you want to take that risk? I don't want to take that risk. I think that the more important thing is to purchase the land and then let the Selectmen try to preserve the house if they can.

So I think this amendment should be voted no and I would hope that the article would be voted as printed. Thank you.

THE MODERATOR: Okay, the question will come on the amendment to add that the house on the property be preserved. All those in favor of the amendment, signify by saying, Aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

THE MODERATOR: The No's have it by a majority and the amendment fails.

Mr. Murphy was next on my list for the main motion.

SELECTMAN MURPHY: Mr. Moderator, the Board of Selectmen took up this particular

issue tonight and voted three to two not to recommend purchase of this property at this time. And if I can elaborate on some of the feelings I believe the Board had, and I will go on and stop when I have my own personal feelings.

One is they thought this I think consensus was that it was a valuable piece of property. But in fact the consensus was not to buy it out of the Town budget. And then I'll stop and go on a little bit more.

And when I say out of the Town budget, we all have budgets in our households. If we go to buy a new car, we budget for that, but we surely don't take our heat and our light money to buy the new vehicle and mortgage that in the future.

I appreciate Mr. Boyer and his windows of opportunity in the past that he did a fine job of leading this town and its financial stability. However, right now he's not the guy in the driver's seat who's making those budget projections and the future of this town. He speaks of windows of opportunity in the future, but he does not know how Mr. Whritenour and the current administration is budgeting for the use of those windows of opportunity. He in fact has had his own windows of opportunity. Then, this project could in fact be a good purchase, maybe even without the CPA. And the way that Mr. Boyer explained it tonight, I'm sure that the voters would pass a debt exclusion come this spring based on the fact that it would cost each taxpayer \$3.50 over the entire 20 year period of the bonding. However, I might add, his numbers of \$100,000 a year, Mr. Whritenour has a figure of about \$138,000. What does that come out of? That could come out of possibly adding three firefighters. I look at each one of you, and last year we said no to a school override. Full-time kindergarten was roughly \$150,000. When we're talking about under the cap of 2 ½, we mean out of the budget. That means that you could have possibly have and not get full-time kindergarten. I'm not trying to be a scare tactic, but that's just an illustration, folks.

This project might be the right project, but this is not the way to finance it. This is not the way to budget the purchase of this project. I hope that you defeat this item tonight, this article. Have it come back in the spring for a debt exclusion; I will support it at that time, but it's the proper way and the way to finance it at that time. Thank you.

THE MODERATOR: Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6. I really hope you believe Mr. Boyer. He has led us for many years very successfully without great debt exclusions, or through debt exclusions but without Proposition 2 ½ overrides. I believe what he says. I think we can afford this. And I think we need it.

East Main Street is a mess. We want tourists in this town, we want Falmouth to look beautiful

for the people that come here. The village green is nice, you go halfway down Main Street, businesses suffer, tourists don't go down there. We've got now housing down there, a lot of housing. Their kids have no place to go play, or won't have anyplace to go play. This is an area that we should preserve. We should buy this land. We're not going to get another chance. We probably won't at the next Town Meeting either, it'll probably be gone, and apartments in there are going to cost you more than \$3.50 on your tax rate to educate their kids, et cetera.

Thank you very much and please vote yes.

FROM THE FLOOR: Question.

THE MODERATOR: Can we have a microphone down here, please.

MR. YOUNG: Thank you, Mr. Moderator, Bob Young, Precinct 5. Like Mr. Crocker, I've been called by several people today regarding this article. When I get my tax bill each year there's a surcharge in there for the Land Bank tax; I'm sure you all get the same thing. That money is to buy land. I've always supported open space and I've always voted for the land, but this time I have to support Ms. LeMoine who made an eloquent speech at a Selectmen's Meeting a couple weeks ago, echoed by Mr. Whritenour tonight: we just don't have the money. So I'd recommend that we put this off until the Community Preservation Act is in place.

THE MODERATOR: Mr. Johnson. Right behind you, there.

MR. JOHNSON: Leonard Johnson, Precinct 5, and I should disclose that I'm also president of the 300 Committee. So you know where I'm going with this. I would just like to correct a previous statement that the money is coming -- the \$200,000 is coming out of the Land Bank, it is not. It is a contribution to this purchase price from the 300 Committee, indicating that we believe very strongly that this is a very important area to preserve in the Town.

And I think it's important on the issue of the timing. Peter has said it, but I think it's important to understand this is something that may or may not be postpone-able. One of the difficulties we have in the 300 Committee and that the Land Bank had is when a property becomes available, that's when you have a chance to buy it. So, we have to make a decision to buy this land or it may come back in the spring and it may not; we don't know. It's clear that the seller has other alternatives, and there is the potential here for 14 to 16 to 20 new housing units in this part of town that's already as we all know experienced a lot of development pressure. So this really is the last chance to preserve a meaningful piece of property for a park in this part of town. Thank you.

THE MODERATOR: Okay, are we ready to vote? Mr. Maclone.

MR. MACLONE: Thank you, Mr. Moderator. Richard Maclone, Precinct 4. I too, have gotten some phone calls on the same project. Can I have a change back up to the property, please?

Okay. And a lady who's been in the town over 50 years told me that she wanted me to speak for her, and if you look at the property, she said, "There's no way I'll ever go to that park if they ever build it because it's unsafe." And, if you look at the property, there's no visible access from the Main Street, and she said, "I'll tell you who's going to be in that park, and it isn't nice people. It's going to be drug dealers and it's going to be the scallywags of Falmouth." It's a beautiful location for them because they're not going to be seen. And as I looked at the property, I'm saying, "You know, she's got something there." I mean, it's a great location for hidden activity.

We are under some pressure with our police force not being all there for surveillance all the time, and if we do this property, we're going to be responsible for that property and we do want people to utilize what we're spending our money on. So, I would have to agree with the young lady who asked me to speak on her behalf, and thank you, Town Meeting Members.

THE MODERATOR: Okay. The question --

FROM THE FLOOR: Question, question.

THE MODERATOR: One last word and then we're ready to vote.

FROM THE FLOOR: My last word is a quotation from Kenneth Foreman who is a member of the Planning Board, which was in the Enterprise, you may or may not have read it. "And what happens if we don't buy it? Under current zoning, developers could build 16 to 20 units on the site. At \$500,000 apiece, these units would generate \$58,000 in tax revenue for the Town. But if the families moving into them had a total of just seven children in our schools, it would cost more than \$67,000 a year to educate them. And what about the police and other town services? How can we afford not to buy this parcel?" Thank you, Mr. Moderator.

THE MODERATOR: Okay, the question will come on the main motion, as printed up here on the overhead. This is \$1,460,000 for the purchase of the land and to authorize borrowing for said purpose. All those in favor, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[No.]

THE MODERATOR: It's the opinion of the Chair that there are a majority of "No's"; therefore there is no two-thirds majority and the article fails.

Okay, now we have a procedural choice that we have to make. The next article, Article 16, is going to go well into what would be our break. And if we don't take the break between 9:00 and 9:30, the folks downstairs that have to go to school tomorrow are going to be leaving and there will be no break for the rest of the night. So, the Chair will take a voice vote to put on the table, or to skip Article 16, go into the capital budget, so that we can then take a break at 9:00 and come back and have debate that's not under the time pressure of having our intermission or our break downstairs.

So, all those in favor of passing over Article 16 at this point, taking a break at 9:00 and then coming back for Article 16, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[No.]

THE MODERATOR: The Ayes have it by a large majority. Yes.

FROM THE FLOOR: Does it necessarily mean we have to come back to 16 or can we table that until we are near Article 41 later?

THE MODERATOR: I'm going to come back to 16 after the break. We're going to come back to Article 16 after the break.

Okay, Article 17 is the capital budget. We're not going to do a blanket on the capital, we're just going to actually go through the capital budget, which is the green pages in the center of your warrant booklet. And we'll go through it number by number, so if you want to ask a question or make an amendment, do it as we get to that number, because it's a one-time run-through.

You've got a question? Yes, Mr. Shearer, you've got a question? Yeah, if you could just step down a couple steps.

MR. SHEARER: You can only have two amendments, is that so?

THE MODERATOR: This is an omnibus budget, so there can be more than two, just like in the annual operating budget.

MR. SHEARER: Thank you very much.

THE MODERATOR: Yeah, the one exception to the two-amendment rule is on an omnibus budget.

Madame Chairman for the main motion on Article 17.

CHAIRMAN LEMOINE: Mr. Moderator, I move that the Town vote to transfer \$35,000 from the Reserve Waterways Fund, \$337,432 from the Overlay Surplus Fund, and \$1,649,000 from Certified Free Cash to be expended under the jurisdiction of the Board of Selectmen for the purposes of Article 17.

THE MODERATOR: Okay, the recommendation at the end of the green pages is the main motion.

Mr. Whritenour, do you want to say any words opening up, or we'll just go through it one by one?

MR. WHRITENOUR: Very briefly, Mr. Moderator, I do want to point out for the Town Meeting Members that the 2006 capital budget represents the first year of a six year capital improvement program that consists of the budget and then a five year ensuing capital plan. And I would point out that this year, overall, generally speaking, we fund the capital budget through the receipts that are available in the Town's Free Cash account, and over the last two years those amounts have declined approximately \$3 million per year, so the funds are quite limited and we've worked very closely with the departments and with the Finance Committee to try to limit the capital budget to those items that we need to do.

So it's already been trimmed down quite a bit and it represents a fairly lean capital budget in the amount roughly just over \$2 million, and there is available also at the Town Hall and the Finance Committee and the Selectmen have been working with the full six year program that every year we do an update to and that's kind of what helps us keep with the capital improvements rolling forward.

THE MODERATOR: Okay. Number 1, Road Maintenance. The number you should be looking at is the Finance Committee number in the far right column. Number 2, Sidewalks; number 3 Bikeway; number 4, Bridge Maintenance; number 5, Vehicles and Equipment. Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6. We've heard tonight how broke we are. We can't afford this land, we can't afford anything. And I usually agree that we spend too much, and I still think we do. But the Selectmen about a month and a half ago, if I'm not correct, and I couldn't find the date in my notes this afternoon when I was hunting for it, voted that they were going to be economically feasible in gas mileage, lighting, and work every way they could to preserve and save money. One thing is vehicles. I know they asked Mr. Whritenour for a list of the vehicles four, five months ago. I guess they got it this past week. And I looked at a list of 221 vehicles or – I don't know if they're all cars. Some of them are tractors, trucks, Fire Department. And I know we have a lot. We probably need 150 or so. But I don't see why, right

now, if we are in this dire straits, we need more vehicles, even if we're trading the old ones in. Let's try and make do, help each department by using other ones.

So, I would like to make an amendment to not replace the dump truck, line 1; not replace the jeep; not replace the one ton dump truck; and not replace the utility truck. And I am going to go through this and I am going to ask the Selectmen as I asked them the other night at a meeting, in the jeep that they are replacing for an SUV, could I have the mileage of what that would get per mile on the SUV? Through the Chair to Mr. Murphy.

THE MODERATOR: Mr. Murphy.

SELECTMAN MURPHY: Mr. Shearer, I was not able to obtain that information for you, how much mileage each of these new vehicles was able to get. Thank you.

MR. SHEARER: Well, can you tell me what kind of SUV it is? Are we going to get one of these monsters again like we got last time that gets 9 miles to the gallon?

MR. MURPHY: The Board of Selectmen sets policies and procedures, so I'll hand that over to the Town Administrator, if that's all right with you, Mr. Shearer.

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: I'd say not for 20,000 you're not going to get a monster SUV. That's just a standard Ford Explorer type vehicle. I believe they get between 20-25 miles to the gallon. And the one thing –

[Laughter and talking.]

MR. WHRITENOUR: Right? Ford Explorer?

THE MODERATOR: Let's go, hey. [Bangs gavel.]

MR. WHRITENOUR: The one item that I'd like to point out, too, and if Mr. Owen is here I'd like to invite him to discuss some of the need on his vehicles.

The key thing to keep in mind is that the DPW had requested vehicle replacements and these go on an ongoing annual basis to replace the ones that are most needed. And I would point out that that bottom line has been cut nearly in half of all of the vehicle replacements that have been requested. And the problem, when you have the capital improvement program moving forward, if you simply cancel the capital improvements or put them all off, all of the years tend to telescope into one another and then all of a sudden you have huge spikes. What we've tried to do is only highlight those items that are required for replacement. We're not adding any vehicles here to the fleet. And there are definitely costs that are associated with simply

putting them off and a lot of these have been put off for a number of years.

MR. SHEARER: Thank you. I would also like you to go along with my amendment to not buy these, let the Selectmen take the study of the 200 plus vehicles we now have; bring this back to us in the spring if they need to, but I think we have enough. Thank you.

THE MODERATOR: Can we have a microphone in the back for Ms. Newton. Behind you.

MS. NEWTON: [Inaudible] Newton, Precinct 6. In answer to Mr. Shearer's question about the jeep, that particular jeep belongs to the Facilities Maintenance Department and I'm the Facilities Manager for the Town of Falmouth. That Jeep currently has 143,000 miles on it. It was previously driven by the Town Engineer and is currently being shared by five employees. We move that Jeep from the Rec Center to the libraries to the Town Hall. So we are sharing vehicles amongst the employees and it is in desperate need of replacement. Thank you.

THE MODERATOR: Okay, Dr. Antonucci.

DR. ANTONUCCI: Robert Antonucci, Precinct 6. I hope that we go through this article and take the advice of the Finance Committee and the Town Administrator and the Board of Selectmen. We're starting to micro-manage the whole process. When we sit here and ask about the mileage of a Jeep, I really don't think that's our responsibility. If we don't have faith in the Selectmen, vote them out of office. If we don't support the Town Administrator, let the Selectmen deal with it. We're the legislative body, they're the executive body. Let's not use the land defeat as the reason not to do what we've done for the last ten years and replace our vehicles, maintain our facilities, fix our roads, build our sidewalks on a regular basis.

This town has done an exceptional job with their capital improvement plan over the last ten or 12 years. I can remember 15 or 20 years ago we were struggling; things were falling apart. We have probably one of the best infrastructures in terms of facilities, roads, sidewalks, waterways and land than any other town on this Cape. Let's continue it. Let's not get into the minutia, but look at the big picture. I think we should support the Finance Committee and the Selectmen and Town Administrator by voting every recommendation on this capital program. Thank you.

[Applause.]

THE MODERATOR: Okay, the question will come on the amendment. Let's go. Question will come on the amendment to remove the four vehicles for a sum of \$125,000. All those in favor of the amendment of removing the four vehicles, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed No.

[No.]

THE MODERATOR: The No's have it by a majority and the amendment is defeated.

Number six. Mr. Jones.

MR. JONES: Dewitt Jones, Precinct 1. Do we really spend \$20,000 just to remove seaweed? I'm not – I'm simply questioning that amount of money. For removing seaweed from where? It's not from the beaches because the beach improvements are coming later in this article. Is there no one that's going to answer that?

THE MODERATOR: Mr. Calize? Can we get a microphone for Mr. Calize up there in the back?

MR. CALIZE: George Calize, your town engineer. Seaweed is just a small portion of it. It's also for Trunk River, to replace the jetties and repair them and do some dredging. The dredging will be some seaweed but it's not all seaweed, it's replacing the jetties, also.

THE MODERATOR: The overall title there is "Maintenance of Rivers and Ponds", so part of it is the seaweed removal. Any further discussion on number 6? Mr. Hampson?

MR. HAMPSON: George Hampson, Precinct 5. Listening to what Bob Antonucci says, I will not micro- manage, but we'd better have some clarification here because when you read this, you know, we've all got problems with seaweed. And it's sort of --it's getting worse because of eutrophication. So, you just can't say this, you gotta explain yourself, and I think that's very important. Because it's only going to get worse, and it has, as you know. So, that's all I got to say, thank you.

THE MODERATOR: Okay, Facilities Maintenance. You'll notice that the Finance Committee has a sum total of all the independent executive recommendations of seven through eleven. Excuse me, seven through ten. Any discussion on the Facilities Maintenance listing?

Beach Improvements, number 12. Number 11, the Falmouth Heights Comfort Station design. Microphone to the right, please.

MR. FOX: Jim Fox, Precinct 2 and member of the Beach Committee. First I have a question: are we recommending this \$20,000 or not? Are we voting for both the Executive and the Finance Committee recommendation?

THE MODERATOR: You always vote for the Finance Committee recommendation and

they're telling you no 20,000.

MR. FOX: No comment, I'm all set.

THE MODERATOR: In the center.

MR. WILBUR: Oh, is this for – I'm sorry, Mr. Moderator, is this for number 11?

THE MODERATOR: Number 11, yes.

MR. WILBUR: Okay, I have something to say –

THE MODERATOR: You want to talk about the beaches, right? Anything else on number 11?

Okay, then, we're going to be on Beach Improvements, number 12. Mr. Wilbur. This is to remove lifeguard stands, the replacement of half existing lifeguard stands.

MR. WILBUR: Judge Wilbur, Precinct 1. I'd just like to know how many lifeguard stands do we get for \$8,000?

THE MODERATOR: Somebody from the Beach Committee? Okay, we're looking that one up in the binder.

[Pause.]

THE MODERATOR: That's eight lifeguard stands.

MR. WILBUR: That's \$1,000 per lifeguard stand. Is that correct? And who actually gets this contract work? Does this go to bid, or is this done in-house?

THE MODERATOR: Ms. Harper.

MS. HARPER: Actually that was wrong information. Under the Town's contract –

THE MODERATOR: Could you speak a little closer to the mic because we're having trouble hearing you.

MS. HARPER: Is it on? A new chair costs over \$1,000. But using the Upper Cape Tech students, the cost can be cut in half, so that would give us double the amount. So sixteen.

MR. WILBUR: Okay, thank you.

THE MODERATOR: Mr. Shearer.

MR. SHEARER: Through the chair, I'd like to ask what they are going to be made of. Are they going to be made of Trek or are they going to be made of wood?

[Laughter and talk in audience.]

MR. SHEARER: Well, it might be funny, but I sell furniture and we're selling things with 20

year warranties in salt water with Trek. So, it is more expensive, but you won't see this article again if you build them that way. And, \$1,000 is not a bad price if they're made correctly of a material that's going to last. Thank you.

THE MODERATOR: Ms. Harper.

MS. HARPER: The proposal would use Upper Cape Tech students to assist us using recycled plastic lumber.

THE MODERATOR: Recycled plastic lumber.

MR. SHEARER: Thank you.

THE MODERATOR: Okay. Number 13, Old Silver Beach Bath House. Mr. Wilbur.

MR. WILBUR: I just had a question here. This says a bath house that's located directly on the beach that requires bi-weekly pumping. And you're asking for \$15,000 to research a resolution to the septic issues. Does anybody know what the current septic issues are? Is this a failed system or is this an overloaded system or a combination of both? What's actually under the ground and where is it under the ground, and are those plans available for public examination?

[Pause.]

THE MODERATOR: Anybody going to answer that? Because I don't know.

[Laughter.]

THE MODERATOR: I live in East Falmouth.

[Laughter.]

[Pause.]

THE MODERATOR: Let's go on to Article 14 while we try to find an answer to Article 13. So, Article 14, Mr. Wilbur, Beach Nourishment.

MR. WILBUR: Mr. Moderator, I actually have an amendment for this article. I suggest as an amendment for this article for line item 14 that the following language be included: (A) that other coastal restoration possibilities besides traditional beach nourishment be considered in utilizing these funds; (B) that environmental monitoring be stipulated for each initiative, including traditional nourishment; and C) that alternative coastal restoration initiatives and monitoring programs be developed by the Beach Committee in consultation with resident coastal experts, including both public and private entities working at no cost to the Town.

THE MODERATOR: Okay –

MR. WILBUR: I would like to speak to that –

THE MODERATOR: Sure, can we get that in writing?

MR. WILBUR: I have it in writing.

THE MODERATOR: If the microphone carrier could run that up here, that would be great, thank you.

MR. WILBUR: I'm going to come down front to address this.

THE MODERATOR: Okay.

MS. MCELROY: Point of order.

THE MODERATOR: Ms. McElroy.

MS. MCELROY: Mr. Moderator, Could you perhaps check with Mr. Duffy as to whether this amendment is within the scope of a budget item, within the scope of the article?

THE MODERATOR: Scope issues are the sole decision of the Moderator. So, I can ask Mr. Duffy his opinion in that decision. And I'm going to say that we'll put this out there and if you want to put this provision on it, you just received an amendment to a provision on a land purchase, so if you want to put a provision on a sand purchase, you can do that as well. It's within the scope.

It would be fair to everybody if I set a precedent and we go with it.

Mr. Wilbur.

MR. WILBUR: Thank you, Mr. Moderator. Town Meeting Members, I'm speaking tonight as a professional who has personally studied all of Falmouth's public beaches for over ten years now. On this issue, I serve as an advisor to both the Falmouth Beach Committee and the Coastal Resources Working Group. But tonight I speak for neither of those groups. With approval of this article, the Town will have spent over a million dollars for quote coastal maintenance in the last fifteen years. Perhaps 25 percent of that cost has come in the form of standard beach nourishment. Interestingly, the Town has spent no money on coastal structures in the last seven years, while nourishment has not once been challenged. In item 14 we see a clear and predictable pattern emerging: an increasing amount of money required to simply hold some sort of aesthetic line along the much-advertised beaches of Falmouth. It should be noted that both the Chamber of Commerce map and brochure feature a beach photo on the cover, suggesting this as the number one attraction for summertime Falmouth. It is in the aesthetic appeal of the shore where we find the economics of the matter.

Most would agree that Falmouth beaches are in decline, some being essentially beaches of

memory rather than actual features of the present-day shoreline. And as word gets out that Falmouth's beaches are largely illusions of advertising, then those folks that want a real beach will go elsewhere. Most specifically to Martha's Vineyard, where excellent beaches ring the entire island. Falmouth goes forth as a parking lot.

There are two issues involved in pouring dollars disguised as sand grains into the water at public beaches. One of course is the short-term feedback to the summer economy: motels, summer rentals, et cetera, all rely to some extent on beach goers to fill the rooms, to turn the profits, and to pay the taxes. In this regard there is some rationale in fixing of the beaches each winter and spring to retain a robust bottom line for the following summer. The basic conflict here is that beach nourishment simply does not work for most of Falmouth public beaches and in some cases presents an aesthetic liability.

If Falmouth wishes to continue to use beaches as an economic attracter, it will need to consider something in the way of long-term sustainable whole coastal restoration. It is quite clear to all who study both the sedimentary processes and the economics of developed shorelines that every dollar spent on long-term coastal restoration pays back infinitely more than those dollars spent on band-aid fixes for short term gains. It's sort of like the difference in investing in junk bonds versus gold bouillon.

Nourishment is and always will be under the existing coastal conditions in Falmouth an increasingly expensive and diminishing return proposition. Before we vote on this amendment or this item, I believe the Town needs to consider some basic information which has never been presented before. I have priced screened outwash known as builder's sand from two local contractors, at a price of \$9 per ton. A truckload comes at 20 tons, which is 30 cubic yards. What does 30 cubic yards of beach fill look like? It's a patch of sand measuring five yards by six yards that is one yard thick. That's 15 feet by 18 feet, or 270 square feet. That is approximately the footprint of a one car garage. There are 150 truckloads of sand for every acre that is filled to three feet, a more or less standard fill height. Each truck then comes at a price of \$250, which includes delivery charges, but does not include whatever costs are involved in the further arrangement of sand on the beach, a DPW expense that will either come out of this item or will become a hidden cost for the work. If we assume this comes to an additional \$20 per truck load, which is a very low estimate, that gives a total cost of \$270 per truckload of sand to acquire and distribute the sand on site.

Well, 150 truckloads per acre at this cost of \$270 dollars per truckload, that's \$40,000. So this article is calling for three-quarters of an acre of sand.

Let's look at one area very badly in need of sand: Wood Neck Beach. I have personally been studying this beach for over two years and through historic photographs for the last 100 years. Wood Neck has at least 1,000 feet of beach that needs sand. The absolute minimum width of nourishment is 40 feet. That's 40,000 square feet, or an acre of sand. Which is to say that Wood Neck's needs alone exceed that of this item.

It is apparent from my data that using standard nourishing practices, that is, spreading sand down the beach face and into the inner tidal zone at Wood Neck, we could expect to lose perhaps half of that sand within four months, even without significant storms. Fair skies and steady southwest breezes alone will suffice to move it along. A strong norther or a sou'wester may take most of it in one bite.

In addition, there are link issues at Wood Neck and at each public beach which are hardly ever talked about. At Wood Neck, these are readily apparent to the marsh and dune watchers, such as Tony Steinecker [sp?] who has seen the beach and dunes disappear while vast amounts of sand have been transported well into the marsh, clogging the channels and threatening the longevity of the marsh itself. I refer to this as the arterial sclerosis of the marsh life-giving arteries. Dumping of sand on Wood Neck in a traditional fashion would inarguably add to this problem.

What am I suggesting here? First, I am suggesting in purely economic terms that this is not a wise use of public monies. In the extreme, I would suggest that it would be just as viable to nourish the beach with the greenbacks themselves. Second, I am suggesting that this item, should it be approved, be directed primarily for the implementation of long-term restoration efforts for Falmouth's degraded public shorelines.

Does this eliminate nourishment as such? No, but it places nourishment, along with other initiatives, in the category of restoration experiments. Experiments that must be monitored in order to see how effective they are, what you really get for your money. In such a scenario, traditional nourishment becomes one of a number of options that can be employed in balancing both short-term considerations like next season's economy and long term considerations such as what our beaches will look like in ten, 20, or 50 years. It is long-term considerations that have, up until the last five years, never even been on the table in coastal discussions.

I am proud to report that Falmouth has already gained national attention simply for the fact that this issue is now very much a part of the Town's political process. Indeed, it can be fairly said that Falmouth is already serving –

THE MODERATOR: Do you have a point of order, Mrs. Fidel? What's your point of order? Just yell it.

MRS. FIDEL: I think what he's saying is great, but –

THE MODERATOR: That's a comment, that's not a point of order. Have I done anything wrong with the procedure of this meeting?

MRS. FIDEL: We have precinct meetings to go to [inaudible] –

THE MODERATOR: That's not a point of order. I'll recognize you as our next speaker.

MRS. FIDEL: Can we move this along, please?

THE MODERATOR: Yes. Mr. Wilbur.

MR. WILBUR: Thank you, Mr. Moderator, I'm almost done.

Indeed, it can be fairly said that Falmouth is already serving as a national model for long-term restoration of its shoreline even as we watch our beaches disappear. And let me be clear: this is an issue that concerns well over half the coastlines of the United States and perhaps a quarter of our total population. You can believe it when I tell you that Falmouth is not the only coastal town that is looking at cobblestones where sand used to be and asking, "Well, what do we do now?"

It has taken 100 years to come to the desperate situation that we now see at Wood Neck. There is no quick fix. There is no magic bullet. That is why I propose the amendment to this article. Without such language appearing now in coastal spending articles, we can expect to see only higher costs and less sand. Thank you.

THE MODERATOR: Okay. The three parts to the amendment are that the coastal restoration possibility besides traditional beach nourishment be considered with the funds; that environmental monitoring be stipulated for each initiative, including the traditional nourishment initiative; and that alternative coastal restoration initiatives and monitoring programs be developed by the Beach Committee in consultation with resident coastal experts, both public and private entities, at no cost to the Town.

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

[Pause.]

THE MODERATOR: Division one, Mrs. Tashiro.

MRS. TASHIRO: 25.

THE MODERATOR: 25.

Division three, Mr. Hampson.

MR. HAMPSON: 49.

THE MODERATOR: 49.

Division two, Mr. Dufresne.

MR. DUFRESNE: 72.

THE MODERATOR: 72.

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

[Pause.]

THE MODERATOR: Division three.

MR. HAMPSON: 9.

THE MODERATOR: 9.

Division two?

MR. DUFRESNE: 22.

THE MODERATOR: 22.

Division one, Mrs. Tashiro.

MRS. TASHIRO: 33.

THE MODERATOR: 33.

By a counted vote of 146 in favor and 64 opposed, the amendment passes.

Utilities Division Water, number 15.

MR. NETTO: Mr. Moderator.

THE MODERATOR: Who's yelling that? Mr. Netto. Microphone, please.

MR. NETTO: I'd like to make a motion that we take a break on your advice, Mr. Moderator, looking at what time it is and the students that are waiting for us downstairs.

THE MODERATOR: Okay, the motion to adjourn for a 15 minute break and come back with a capital budget, all those in favor say Aye.

[Aye.]

THE MODERATOR: Opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it. We'll come back on number 15.

[Whereupon, the meeting recessed.]

[Whereupon, the meeting resumed.]

THE MODERATOR: Let's go. Would the Town Meeting Members present please stand and the tellers return a quorum count.

[Pause.]

THE MODERATOR: Division one.

MRS. TASHIRO: 59.

THE MODERATOR: 59.

Division three.

MR. HAMPSON: 60.

THE MODERATOR: 60.

Division two.

MR. DUFRESNE: 92.

THE MODERATOR: 92.

We have 211 members and we're back in session.

Since the Rules Committee has had us do a quorum vote after the break, we always have had more people than we had at the beginning of the night. So I guess that worked out well.

Let's go back into the Capital Budget. We have an answer on the Old Silver Beach bathhouse septic pumping issue. Mr. Whritenour.

MR. WRITENOUR: Yes, thank you, Mr. Moderator. Unfortunately our beach director wasn't able to make it with us this evening, but he did provide quite a detailed justification and explanation in the Capital Budget materials and I'll give you the information that I do have this evening.

The septic system at the Old Silver resident beach has been failing, which was noticed since 2003. And there is a detailed five year replacement program for a lot of the different older infrastructure items in the beach facilities and this is one that has come up for this year. It has had repeated performance problems and it's backing up into the concession stand and the Town has been required to pay the concessionaire for damages and down time when those failures occur, and in addition it's required pumpings

that are over and above what, you know, is normal so it's not functioning within the Title V standards. And the monies requested would allow the Title V inspection and the permitting and also provide for the installation of a new leaching system which is required, providing trouble-free operations in future years.

So the lion's share of that goes for the replacement of the leaching system, and I don't have the information on the specific gallonage. I know you had requested what specifically is underground in the gallons, and that I don't have the information on.

THE MODERATOR: Mr. Wilbur.

MR. WILBUR: Just, my understanding is that the money will actually then be used to actually do some work?

MR. WHRITENOUR: That's correct.

MR. WILBUR: Okay, thank you.

THE MODERATOR: Ms. McElroy, did you have something on this issue?

Microphone down here on the left. If you could stand so the carriers can see.

MS. MCELROY: Just a question. Is it feasible to look into whether the Sea Crest would be amenable to – and if they have the capacity – they've got a nice little package plant right there.

MR. WHRITENOUR: I don't know if that's been looked at.

THE MODERATOR: Okay. Some food for thought. Anything else on Old Silver Beach bathhouse?

Okay, we'll go back to number 15. This is Utilities Division Water.

Line item 16, Utilities Division Wastewater. And 17.

Assessors, line item 18. Police Department, 19 and 20. Fire Department, 21 through 24. Information technology, 25 through 30. Town Clerk, 31. Recreation Department, 32. Mr. Dufresne, and then Ms. Lemoine. Or Ms. Lemoine first, okay.

CHAIRMAN LEMOINE: Town Meeting Members, the Falmouth Finance Committee did vote not unanimously to support the Rink/Pool Feasibility Study for a total of \$35,000 from the Town. At the time we voted, our intention, based on what we were told, was that the only dollars the Town would have to commit to this project were 35,000 for the study and the possible donation of land, ultimately, to the Rink/Pool group. We --I'm sorry, I have to put my glasses on – it was not our intention to vote for this – our intention was never to own or manage the facility ourselves, as this year we really took the posture that absolutely nothing should be added to the Town's debt and maintenance issues at this time.

We really don't want to own any new buildings. We don't want to manage any new buildings. And we were told at our meetings that that was the case.

Apparently there's a little confusion since then, and I'm sure that the rink – the Falmouth Youth Hockey people will explain that to you tonight. But I want you to know that the Finance Committee's vote would have been very different if we thought for even one minute at our meeting five weeks ago that we'd have to put any money other than the possible donation of Town-owned land for the building toward this project in the future.

We really were trying to hold the expenses and not commit the Town to anything new. Thank you.

THE MODERATOR: Mr. Dufresne and then Ms. Szuplat.

MR. DUFRESNE: Adriane Dufresne, Precinct 2, speaking as a minority voice of the Finance Committee. I speak not against the project but against the appropriation.

As I know the Capital Budget, I do not believe that the Recreation Committee either owns a skating rink or owns a swimming pool because I remember that this Town Meeting turned down a swimming pool approximately eight years ago. So I questioned originally at the Finance Committee how in the Capital Budget could we have a \$35,000 study for something that is not a Town entity. And in the discussions what we have found out is that if we approve this 35,000, it's not really a \$35,000 study, it's a \$60,000 study by several entities, including the swimming pool, the hockey people, and if you vote for this 35,000 from the Town. When the facility, if it's cost-effective that it could be built and be cost effective, we still would not own it. The hockey rink is a corporation of its own over which we have no jurisdiction, and the swimming pool was originally turned down by Town Meeting and they would build a building over which we would have no say. They will come to us after this cost-effective study and ask us for this land, which I would support. And if this was a petition Article by the proponents, asking for a donation, I would be more than glad as a person to donate to this kind of a cause, but I do not believe that the taxpayer should be funding this out of the capital budget. I ask you not to support this particular appropriation out of the capital budget because it does not belong to the Town of Falmouth, either of the entities. Thank you.

THE MODERATOR: Okay, now, I've heard some negative comments on this line item. In order to get it out, I need an amendment to remove that line item and I haven't had such an amendment. Mr. Dufresne? You're saying "vote no" on it. They can't vote no unless I have an amendment –

MR. DUFRESNE: Would you need the amendment on the total budget?

THE MODERATOR: No, there is no –

MR DUFRESNE: My amendment would be that we delete 35,000 from the Recreation's capital budget because, again, the Recreation Committee does not –

THE MODERATOR: Okay. Well, that amendment wasn't on the floor, Mr. Dufresne, so now we have an amendment on the floor to strike line 32 from the Capital Budget. That's Mr. Dufresne's amendment.

MR. DUFRESNE: Thank you, Mr. Moderator.

THE MODERATOR: Okay, discussion on the amendment. Microphone down here -- Ms. Szuplat, yes. Ms. Szuplat was on my list first, sorry about that.

MS. SZUPLAT: Hi, Peggy Szuplat, Precinct 7. Mr. Moderator, maybe to Mr. Whritenour or Ms. Harper. Mr. Dufresne kind of touched on this, but I would like to know why is this in the capital budget and why is it not its own separate article?

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: Yes, I'd like to give you a little bit of a background on this discussion and why it appears in the Capital Budget. And the reason for its presence in the Capital Budget is because it deals with a facility for our community and there are study funds that would be committed by the Town and all of these such study funds we include under the Capital Budget.

Now, I'd just like to give, you know, folks a little bit of a background on why this article appears here and what exactly it seeks to do, is through this feasibility study, what the hope is in the town is to create a community-wide partnership to determine if there is some financial feasibility to put together a public-private partnership that would develop a recreational facility to meet the needs of the town. We've heard a lot of needs in terms of the skating facilities for the Town and a pool facility. But to do so with the goal of building and operating such a facility without the burden to the property taxpayers. And one of the things that's been ongoing now for the previous several months, the Board of Selectmen has put together an informal study group to determine if there is a basis for a partnership approach to the development of such a facility, and it appears that there is a tremendous amount of value in conducting this study given the fact that we have the Falmouth Youth Hockey Group which is actively seeking right now to develop within the community new skating rink facilities that would be expanded from what we currently have, and also there has been requests for some type of aquatic facility in the town if it could be done in an economic way and that there are ways that these two types of facilities can share some of the common mechanical systems to see if

they work together, and that has a degree of economy of scale in those two working together as well.

And what this study will specifically do, there are essentially four elements of it. And it is the total cost of the study is a \$60,000 study because it's essentially a number of pieces in one. There's the first part of when you develop a facility like this is to conduct a market analysis to determine what the market can support in terms of the operating revenues and the need for a facility of this nature. There is also a financial feasibility analysis that develops a detailed business plan that includes not only the construction costs but a detailed breakdown of what the operating costs of this facility would be and the costs of what the programming is going to be and the anticipated revenues, somewhat similar to what we had looked at when we considered the purchase of the Falmouth Country Club, and that was a purchase that we ultimately decided was a recreational need for the town and it did save a great deal of open space for the community, but it was only feasible if we could do it without having that competition with the other services and without depending on the property tax revenues. And that type of feasibility analysis is required to make that determination.

We also have in here a site analysis to evaluate some of the alternative sites that we've identified. There's a number of potential sites to pick the best site for it. And the fourth part is that if it is financially feasible to develop a preliminary design model for that, and by having the Town step up as one of the leaders to leverage that feasibility study, to get this hard data that we need, there is \$35,000 that is being asked from the Town. Falmouth Youth Hockey is putting up \$20,000 of its own money, and Falmouth Together We Can is putting up 5,000 to make the whole study there. But with the Town's leadership there is a potential that we could wind up with this multi-million dollar facility that is operated instead of by, you know, the Town employees, that it is operated by the private sector but in such a way that it has agreements with the Town to meet the recreational needs of our youth.

So, essentially what we're dealing with is a facility that under normal circumstances just would not meet what our prioritization in the Town is just because of the high cost of the construction and operation. But what we feel is that there is a value in conducting this feasibility study in partnership with these other local groups to determine if we can operate this without being a draw on the property taxes. And we agree with the Finance Committee that if it turns out to be a facility that could only be supported through property taxes, you know, we most likely wouldn't move forward with it. But if our market analysis and the feasibility shows that we can operate this on its own revenues and working with the private sector that it may be a way of having a first-class facility for the town but not having it be a draw on everything.

THE MODERATOR: Gentleman down here on the left and then Mr. Murphy.

MR. WOODS: Mark Woods, Precinct 4 and the majority vote of the Finance Committee. I just want to clarify something with regard to this. I did vote for this and I do feel strongly about it. I think that this will create a great – if this study does come back positively, I think that this will create a great recreational facility for our town. I think that the Falmouth Youth Hockey and the Town need to get together and make this an agreement where Falmouth Youth Hockey will build, own, operate and function on this on a piece of property that they negotiate will work.

One of the key caveats in this issue is Falmouth Youth Hockey is in a position in their existing building that will offer the Town in their deal they've negotiated to offer us a secondary access to the hospital, and I think that that's key for this community. Maybe not right now, but certainly in the future.

I do agree with the folks that it shouldn't really be in the capital fund, but it is there now and I think it's money well spent to see if this comes back strong and it will be a good thing for our community.

THE MODERATOR: Mr. Murphy and then Mr. Shearer.

MR. MURPHY: Carey Murphy, Precinct 7. I would urge Town Meeting Members to vote for this. Falmouth Youth Hockey has a great history in this community. We have a great history with other private non-profits, like Falmouth Little League. They have operated a recreational entity to this community that we've all benefitted from. Falmouth Youth Hockey will broaden their audience. They currently have a tremendous amount of activity going on there, from girl's hockey to figure skating to recreational skating. They have operated in this community for many, many years. The high school team operates out of that facility. Many of us have gone to games. I can see the benefits of two sheets of ice; I can see the benefit of adding an aquatic facility to this community. We are surrounded by water. We would love to have a swim team, or we would love to have a dive team. Not only a community benefit but I think a regional benefit, and an economic benefit. And I would think that any business that operates in this community that owns a hotel or owns a restaurant would love to have a swim sort of conference or a meet or have a hockey conference or a meet down here when people can come and benefit from the community and this region. And I would strongly urge that you support this and I would hope that we look at the private/public partnership that has really already been created by the good folks at Falmouth Youth Hockey and continue with that. So I would ask you to support this, thank you.

THE MODERATOR: MR. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6. I want to say thank you to Mr. Dufresne. He

said just about what I wanted to say. But \$60,000 to get a private company to tell them what to do, where to go, a business working plan. It's no business of the Town. Youth Hockey has been here a long time, has done a fantastic job. It does need a new rink; I'm all for it; I'll donate for it. But I sure don't want to spend \$60,000 when the only thing they really need is a study as to where to put it. And I think we can do that for a lot less money than that.

The pool, on the other hand, I'm all for, and they can raise the money. I think anybody who raises money in this town knows that for a good cause you can get almost anything you want. We have a lot of very, very generous people in Falmouth, and have for years.

But this article should not be in a budget, I feel it very sneaky doing it that way. If we do support this this way and in the budget, the College Light Opera Company will be here next year wanting to put up a theater on the village green. Please, vote this down, thank you.

THE MODERATOR: Mr. Murphy.

MR. MURPHY: Just to answer Mr. Shearer through you, Mr. Moderator, taxpayer dollars to taxpayer benefit has had a long history in this community, and it has a long history of benefit by this body. A feasibility study will do more than just tell us what site is the best site. It's a little premature to talk about management, it's premature to talk about sites. A feasibility will do everything that we want it to do if we structure it right. We can't control that process as a community unless we pass this article. And I would thank the generosity of Falmouth Youth Hockey and the Together We Can pool entity in putting their money up as a true public-private partnership to make this work. Thank you.

FROM THE FLOOR: Question.

THE MODERATOR: Further discussion on 32? Okay, this is the one time where yes doesn't mean yes and no doesn't mean no. The amendment is to remove line 32 from the Capital Budget. So, if you vote Yes, you want to remove line 32, make it zero. If you want to keep it in there, then you want to vote No on the amendment. Okay?

All those in favor of the amendment to remove line 32, 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 line 32 remains in the Capital Budget.

Line 33. Natural Resources, line 34. You've got a hand up, Mr. Wilbur? Microphone for Mr. Wilbur, please.

MR. WILBUR: I really don't mean to be picky about this, but I spent most of the weekend shopping for vans and trucks, Fords, as a matter of fact, since I've driven them my whole life, and, you know, it would be really tremendously helpful to say what this van is, for \$30,000, and what the E-150 comes with, for \$35,000, and how the F-350 is equipped, for \$35,000.

And I would also suggest that a total of well over \$100,000 for these three vehicles is absurd. The market is soft. Stocks are up, sales are down, 2005's are still hanging around on most Ford dealership lots. Used 2004's and 2005's are a pretty good deal. I just wanted to say that in the future when you're asking us to spend \$100,000 on three rather anonymous vehicles, can we have some details, here? And can we be assured of some sort of a bargaining process?

I got calls all the way from within a 200 mile range of dealers trying to sell me something, okay, this weekend, and I actually priced out a brand new 2006 E-350 van with a four by four conversion kit in it for the price that this E-150 is listed at. So, I can't imagine what this E-150 is coming equipped with at \$35,000.

Also recognize, as everybody does, that you lose ten percent or more in equity as soon as you drive it off the lot, okay –

THE MODERATOR: Okay –

MR. WILBUR: – and I think the Town if they want to tighten the budget has to look at these expenditures for vehicles with an eye towards bargains. And at least specify the equipment.

THE MODERATOR: Mr. Netto, did you have an answer, or did you want to speak in general?

MR. NETTO: I've got an answer.

THE MODERATOR: Okay, Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9. The way the discussion has gone tonight as we labor through the green pages of our book here, I would – something's been in my mind that I've been going to do as an article, but I'd like to offer a suggestion as something that in my previous employment I purchased a lot of vehicles for the Town of Wareham. And it's very simply -- and I think if the people on the stage are listening to the constituents, to those of us that are responsible for spending the taxpayer's money, what you're hearing here tonight, folks, is we basically want to know what we're buying. The days of you telling us,

"We're buying this or that or that for X amount of dollars," as you can see I think are over.

And the answer to this is so simple. It's what I always did when I was responsible for putting an article in front of the taxpayers for the Town of Wareham. I went out and I did my bid first. It's so simple. Seeing as how Mr. Wilbur got a procedural change through the budget, maybe I'd like to offer an amendment to the financial aspects of purchasing vehicles. Because, see, what the Town of Falmouth does, folks, is they purchase off the AMI State Bid List, which almost always costs you more money than if you put a bid out.

So I'd like to offer an amendment that the Town of Falmouth complies with Mass. General Law 30B, which is a state procurement act which says that any one single item over \$10,000 must go out for a competitive bid, and that – the bid –

THE MODERATOR: I'm sure the Town is complying with 30B; the question would be you want it to happen before it comes to Town Meeting.

MR. NETTO: Well, no, no, the Town doesn't comply with 30B in that essence, Mr. Moderator. Because we buy --the reason why we see so many of these one particular make in town is because there's a company up there in Norwood that's called AMI Leasing that's put out what's called a State Bid List. And they put out a nice, fancy brochure, and you buy vehicles from them and some people, you know, and it makes it easy as a department head. And I'm sure that the police chief or the fire chief will get up and they'll know what I'm talking about.

The one department that does this the most is the DPW, excuse me, the DPW goes out to bid competitively for almost all of its equipment. And I think Mr. Owen should be commended for that.

And I also would like to add to that that these bids be put out before Town Meeting. Because they can be put and the caveat is "with the approval of the Annual Special Town Meeting". That's the way I wrote the bids when I did it. And therefore the questions that Mr. Wilbur had someone on the stage could answer.

No, I won't make that amendment tonight. We have other things to do. But I would ask the people on the stage to listen to what the people who sit in these chairs that have to answer to the people who are watching this on T.V. We want to know what we're buying. Put out your bid prior to Town Meeting and you can have all the particulars. Because a lot of these vehicles, when you look at this, what happens to the extra \$5,000 here and the \$7,000 there? You know where it goes. Thank you.

THE MODERATOR: Okay, Mr. Patten [sp?] –

MR. NETTO: It's a suggestion.

THE MODERATOR: Mr. Patten I believe has an answer to the question. Mr. Patten.

MR. PATTEN: Hi, Mark Patten, Director of Natural Resources. In the case of the E-150, it's just not a standard van. It has specialized cages for animal control which are welded in. It has a police radio system that's put in. It also has strobe lights. So, it's just not something stock that rolls off the lot.

THE MODERATOR: Okay, further discussion on Natural Resources?

School Department Facilities Maintenance, 35. And the Harbormaster, 36.

Okay, any further discussion on the Capital Budget? Hearing none, the question will come on the main motion as amended. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Now, Article 16. Okay, Article 16. I want to talk a little bit about how we're going to have one debate on this issue tonight. The proponents of Articles 16 and 41 are familiar with this. We've been working it out to try to make this as clear a debate process as possible. In a few moments, the main motion of Article 16 will be put on the floor. We will have a presentation by the Working Group, by the proponents of Article 16. It will be followed by a presentation of the plan referred to in Article 41.

We will then proceed to have a debate about these two options, these two plans. At the end of that debate, we will vote on the main motion, which is Article 16, yes or no.

By a call of the chair, I will use the power vested in me under the state statute to move Article 41 directly up and to place the main motion on the floor after we've voted on Article 16. And at that point we will vote yes or no on Article 16.

FROM THE FLOOR: 41.

THE MODERATOR: 41, sorry. 41. Thank you.

So there will be no second debate. After Article 16 has been voted, Article 41's main motion will come up and we'll vote. So everyone who is prepared to speak on Article 41 on that issue, it is going to be one debate of the comparative plan, so stand up, get in my speaker's list for the evening, and then at the end we'll take the vote on 16 and call 41 directly behind it for a main motion.

Mr. Wilbur.

MR. WILBUR: Point of order?

THE MODERATOR: Sure.

MR. WILBUR: Point of order, or at least a question on a point of order. How can you combine two separate articles?

THE MODERATOR: We're not combining two separate articles. We are going to allow the plan from Article 41 to be part of the debate –

MR. WILBUR: But this shouldn't be part –

THE MODERATOR: – of Article 16 –

MR. WILBUR: It should not be part of –

THE MODERATOR: This is how it will be done. There will be one motion on the floor. How can we do it? It's because there is one motion on the floor. Then the second article will be taken out order so that the vote can come directly after the debate of the first motion that was on the floor.

MR. WILBUR: But the article on the floor should be voted. If it passes, then there is no further discussion needed. You are speaking for –

THE MODERATOR: That's why I am saying –

MR. WILBUR: – or against Article 16, not for or against two choices.

THE MODERATOR: But you are going to be presented with a plan. And then you will have two chances to vote: yes or no on 16 or yes or no on 41. And it is the power of Town Meeting to vote yes on both or no on both or yes on one and no on the other.

MR. WILBUR: And one should follow the other. There should be a yes and no vote –

THE MODERATOR: There will be a yes or no vote –

MR. WILBUR: – on Article 16 –

THE MODERATOR: – on both main motions after one debate.

MR. WILBUR: I strongly object to this.

THE MODERATOR: Okay, I'm sorry that you feel that way.

MR. WILBUR: I will question his procedure.

THE MODERATOR: That's fine. Massachusetts General Law Chapter 40 –

MR. WILBUR: Because simply, Mr. Moderator, if 16 passes, that's the end.

THE MODERATOR: No, it's not.

MR. WILBUR: Yes, it is.

THE MODERATOR: No, it's not.

MR. WILBUR: Yes, it is, that's the end of the discussion.

THE MODERATOR: No, it is not. It is not. We will not – we are not allowed to adjourn a Town Meeting until every article – you know this, former Chairman of the Planning Board. We cannot take this meeting into adjournment until every article has been dispensed with. So Article 41 will still need to have a vote. And instead of taking two separate hour-long –

FROM THE FLOOR: Point of order.

THE MODERATOR: – debates, we will do it one after the other. Are there any further questions about the procedure? Yes, sir. Microphone on the left.

FROM THE FLOOR: After we vote on Article 16 and Article 41 is on the floor, will there be debate allowed at that point or will we go directly to a vote?

THE MODERATOR: We'll go directly to a vote on the second motion.

FROM THE FLOOR: So whatever you want to say, you'd better say it before we vote on Article 16.

THE MODERATOR: During the – yes, that's why I wanted to make sure up front that everyone's familiar that we want to get all of your issues out on the floor for one comprehensive debate of what we want to do with this piece of Town-owned property, and then we will take the votes back to back.

And, again, Town Meeting has the right to vote yes or no on either or both of these articles.

Mr. Latimer.

MR. LATIMER: Thank you, Mr. Moderator. Just a minor point of order. I have no argument with the procedure that you've described, although I do think somewhere in between these two articles it will require a motion to table the intermediate articles and to bring that one forward.

THE MODERATOR: Unless I do it from a call of the Chair, which I'm going to use the power to regulate –

MR. LATIMER: You can do that?

THE MODERATOR: I can do that. I have never done it before, but I'm going to do it tonight.

MR. LATIMER: All right, well -- okay.

[Laughter.]

THE MODERATOR: I've always kept that one in the back pocket for a night like tonight.

Any further questions about the procedure? At this point the Chair will recognize the Finance Committee for the main motion on Article 16.

CHAIRMAN LEMOINE: Mr. Moderator, I move that the Town vote Article 16 as printed.

THE MODERATOR: Okay, Article 16 as printed. This is the appropriation of \$49,000 for the purposes of the Working Group plan. At this point we'll have a presentation by the Working Group on the plan.

MS. VALIELA: Good evening, Mr. Moderator, ladies and gentlemen, I'm Virginia Valiela, Chairman of the Coonamessett River Restoration Working Group, Precinct 5. And I'm here tonight to present the plan that has been developed by the Working Group over the last two years. The Members of the Working Group are: Mary Kay Fox, Joe Netto, Katie Lund, Dave Smith, Greg Pinto, and Courtney Bird representing the Conservation Commission. And they're going to join me down here in the front.

Make sure I've got this pointer working.

We're presenting tonight the results of two years of public meetings, extensive research, input from experts, site visits, and many, many, many conversations. Our goals were to develop a plan that would restore the river ecosystem to a healthier state, restore the river to a more natural flow, and at the same time continue commercial cranberry farming where it could be feasibly be separated from the river. Next slide.

This presentation is in three parts. I'm going to describe the river's problems, describe the two demonstration projects that will help both farming and fisheries, and then address issues that were raised at the precinct meetings and concerns, key concerns that we have heard about Article 16.

The Working Group's task has been a very difficult one. It has been a heartfelt matter and contentious at times, and we recognize the strong feelings that members of the community have.

I want to give you the bottom line first. From the river's point of view, Article 16 accomplishes the goals that I just outlined. Article 41 preserves the status quo with minor adjustments, and it directly contradicts key portions of Article 16.

First, we're going to look at the river's problems. Next slide.

The river is the water table, and the water in the perimeter ditch and in the river is a visible expression of the water table. It's one to two feet below the cranberry bog. This is Lower Bog looking north, and as you can see, the farming comes right down to the river and there is no habitat at all on the river. Next slide.

Over time, sand from the operations have washed into the river and it has lost its natural V

shape and it has lost the habitat that used to exist on either side. Both the depth and the habitat are important to survival of the fishery. The river is a U shape, it is very shallow. We have done 800 measurements along Lower Bog; the average depth is 11 inches. Next slide.

The river is too warm. North of Sandwich Road, the river is below the 70 degree limit. Trout do not go into habitats above 70 degrees and river herring stop migrating upstream when it's above 70 degrees. When you – so, the river coming into Sandwich Road from the north is reasonably cool. When you get into the system of bogs south of Sandwich Road, wide open, long stretches, no shade, you get these higher and higher temperatures. And so we have Middle Bog and the lower end of Lower Bog with practically the same temperatures. Next slide.

The river also has no shade, it has no habitat, rocks and branches, and it particularly has no overhanging banks so there's no area for the fish to hide as they move about. Next slide.

Over the past two years, the Working Group has considered these options: leaving the river as it is. It was very clear from our very earliest meetings this river needs help. We looked at restoring the entire bog, as the Coalition's proposal; berming both sides, that was Mr. Handy's proposal; and also we have information from the Department of Agriculture. Moving the river was also suggested and there were a variety of ways of doing that. Berming the west side of the river and restoring the east side, that is Article 41. And then a combination of these options, and that is what the Working Group is presenting to you tonight. Next slide.

I'm going to talk first about the restoration projects and then about the berming project. We have nearby a river that has been restored, so we have a reference point. We're able to compare where the Coonamessett River is now and what it could be. We have enough baseline data so that we can measure success. We can be looking at channel depth, water temperature, number of fish, variety of fish, number of plants and animals and insects, variety, water quality, and so on. So that enough work has been done to allow us to say, "Yes, we are improving this river."

The restoration itself. We are proposing a large bog and a small bog. Lower bog is the large bog. It is the first bog that the fish enter as they come from when they migrate upstream. It is also the last bog in the chain of bogs along the river and therefore to the degree that there are chemicals and nutrients in the river, we have an opportunity to improve that. On the west side, we have sixteen lateral ditches that currently drain into the river. The water in those ditches is warm and that warms the river. The intent is to fill those lateral ditches. It reduces the issue of water standing for mosquitoes and also puts the water back

underground where it will stay cooler as it seeps towards the river.

Secondly, Town owns all of this mature forest along the side of the bog. This plan reconnects the river back to its upland. You will have natural wet meadow, such as this, and then animals, plants, birds, insects that move back and forth between upland and the river and the upland are able to do so.

The Lower bog has currently cranberries, which is a wet meadow plant. It has about 50 species of other plants that are already growing in this bog. It should have 150 or more. And so if this bog is restored, you will see a much wider variety of plants, animals, than exist there now. This restoration meets all of the objections – objectives, excuse me, of the Massachusetts Rivers Protection Act. Next slide.

The small bog that is to be restored is Flax Pond II. Flax Pond is here in the background. This is already a wet meadow. It hasn't been harvested for four years and is basically in a natural state that we would expect. It has been surveyed for invasive plants, as has Lower Bog. There are no invasive plants in either of these bogs at this time. And so we are basically starting with a clean slate. It needs to be monitored on a yearly basis to maintain that. It was secondly surveyed for tree seedlings because that was also a concern in terms of maintaining vistas, not having trees grow up in the bog. There are some trees in both of these bogs, but the numbers are small and they are easily removed and that will be part of the next effort for restoration. They would again be monitored on a yearly basis. Next slide.

This is a summary of what the restoration project will accomplish. You will have 3,000 feet of free-flowing river. And that's from this middle dike on down to Great Pond. It will not be dammed in the winter and that obviously would not be dammed for a harvest. In addition, there is another 1500 feet of free-flowing stream from Flax Pond. That is accomplished by putting a berm here in Flax I and also a berm here. So that this stream can operate year-round, the fishery that now spawn in Flax Pond will be able to come and go depending on their biology without obstructions from the farming activities. It will preserve vistas, it will get habitat and shading along the river and along the stream and as a bottom line I have put out the percentage of the Town bogs on the Coonamessett River that will be restored, and the percentage is 23 percent. Next slide.

This is a description of the demonstration project for the berms. We were provided with this slide by the Department of Agriculture and Handy Cranberry Trust. Their original proposal was to put berms right next to the river all the way down on both sides of all three bogs. They also proposed, within another slide, to put a tailwater recovery pond in the corner of each of these bogs, and that was to hold chemigated water which for up to five days. Next slide.

This is what a berm looks like that already exists in the Town. This is East Thompson Bog and Thomas Landers Road is sort of in front of us, that's where we were standing to take this picture. This berm was built by AFCEE when we had the EDB problems. You have bog, perimeter ditch, berm and then the river. And, as you can see, again, no habitat, no shade, no cover. This berm is larger and wider than the berms we are anticipating. This berm is fully visible from the Road. I've never heard anyone say that this doesn't look good. Next slide.

The berm itself, the design of it was given to us by Department of Agriculture. It's 30 inches high, two and a half feet, about that high. And it's eighteen feet wide at its base. That includes a perimeter ditch. It has a core trench which keys it into the bog platform for greater stability, and it also helps to impede the seepage of water containing chemicals or nutrients towards the river. There is a one to two foot sand layer on the bogs before you get down to the peat.

The issue of the buffer, the distance between this berm and the river, has been in the newspapers a great deal. The Working Group reviewed a lot of technical information. We went out and looked at actual sites and concluded that on the west side of Middle Bog it would be best to have a 50 foot buffer on the east side of Middle Bog because that's a much narrower bog. We wanted to leave at least 100 feet, still, of farming. And so we settled on a 25 foot buffer. This area – I didn't paint it in – will have vegetation and it will act as both a nutrient uptake, you will have bushes along the river that will help shade the river; that will be on both sides so that you achieve the protection that the river needs. Next.

This is Article 41. The article is very specific that there is a 25 foot space that they call a buffer which is 15 feet of vegetation and then ten feet of a much lower mound, 12 inches high. It has no key, no pour trench. Talking to Department of Agriculture, it would need that. But we're very concerned that it is too close to the river, it's too low, it has no ability to hold back flood, either during harvest or during the winter. And when it is flooded, there is potential for fish to get caught behind and also as the water goes up and down, the water will be washing across this berm; I think you have a potential for suspending sediment as well and creating erosion. Next slide.

This is a summary of the berm project. You have, as I said, a berm here in Flax I. You will have berms along the river on both sides in Middle Bog. We also identified additional area of potential cranberry bog: 1.2 acres to help compensate for the loss of acreage for the berming which obviously covers acreage. And I want to point out these two "P's", those are ponds. That's the tailwater recover ponds. As I said, they were originally proposed by Mr. Handy Cranberry Trust to be in the corner of each of these bogs.

Talking to a farmer, a large commercial farmer in Carver and also to an engineer that Mr. Handy brought to some of our meetings, we realized a much better design is to build the ponds outside of the bogs and then pump to them. It was easier construction, did not lose acreage. The ponds themselves could be significantly smaller. Instead of having to hold water for five days because it was in the bogs, the cranberry farmer in Carver pointed out you only needed to pump for a day or two to get the water with the chemicals out of the bog. Then it sits in the pond for the remaining three days and then can be discharged.

These two areas are, if you looked on a topo map, are surrounded on three sides by trees, so these ponds can be shaded and that helps to address the issue of the water itself warming up.

We end up with 11.8 acres of farmed bog. We've proposed an additional 1.2. The buffer widths as I said are 50 feet on the west side and 25 on the east side and a total of 22 percent Town-owned bogs to be bermed, and if you remember 23 percent for restoration. Next slide.

Funding sources. Article 16 uses existing appropriated funds, 49K, which was to be split 50-50. The berm projects, the funding partner is the Department of Agriculture and it has two programs, but the same department, and it requires a match of 25 percent from the town for the berm construction and 50 percent for pumps, the holding ponds, hardware of that sort.

The restoration projects have many multiple funding partners. NOAH is a primary one, U.S. Fish and Wildlife Coastal Zone Management has already provided technical assistance, Mass. Riverways is another one. Those projects will be covered 100 percent funding.

I just want to say one more thing on the funding. Mr. Handy has in a letter to the Working Group offered to absorb costs provided he received a ten year lease --or longer lease is actually what he said. That is something that would need to be negotiated with the Selectmen through an RFP process, but that is one other funding possibility for the berms. Next slide.

Okay. This is the end result of Article 16, listed at "By Bogs", and then I've also listed it classified according to acreage. So, we've restored 12 1/2, we've farmed 11.8 and the buffers and berms which are part of the proposal for farming is 5.5 acres. I then added two more columns here because of the issues related to Article 41 which focus just on Middle and Lower Bogs. There basically is agreement, community-wide, neighborhood, that the Flax Pond proposals are workable and acceptable. So the real issue is between Middle and Lower Bog.

So I compared the amount of acreage for each of those proposals as they stand at the moment. I've circled "Restored" because Mr. Putnam said at the Precinct meetings that a minimum of five acres would

trigger Executive Order 193, which I'm about to talk about, and I just wanted to point out that in either case, we have more than five acres being restored. Next slide.

All right. At the Precinct meetings, there were three issues that kept coming up: our proposal is subject to Executive Order 193, that we're giving up productive land, and that we're giving up revenues. Since the time I did this slide, I've learned two additional things about Executive Order 193. You will notice that it applies only to state-owned land, and the reason that this was raised at all is because the Town received 50 percent self-help funds back in 1971 as part of the purchase.

In a letter to Ron Smolowitz from the Executive Office of Environmental Affairs, Division of Conservation Services, Jennifer Soper says, "Self-help funded properties are still owned by the Town, not the state." So we would question this state-owned land. And the last line of her letter is "Falmouth purchased the land to protect natural resources, and under the self-help program letting bogs revert to a natural state does not constitute a conversion or require [inaudible.] I'd be glad to be able to read that letter to you tonight.

The second piece of new information is the matter about irreversible. The Working Group understands how much people care about these cranberry bogs and for some people that is an overriding concern. We have learned that in Tisbury, on Martha's Vineyard, a commercial cranberry bog went out of production in 1971, it was purchased by a land trust in 1983. They, in 2003, twenty years later, went back and said, "We would like to convert some of this bog back to production. We want to do organic farming." And the reasons they were able to do it was that two things happened: they allowed an annual cranberry pick your own event and they kept records. Now, if Tisbury can do that, Falmouth can do that. So that, the concern that these bogs are gone forever, I think can be laid to rest.

THE MODERATOR: Ms. Valiela, I just want to mention that we're just about the 20 –

MS. VALIELA: And I'm on my next to last slide.

THE MODERATOR: Okay.

MS. VALIELA: So, that is my comment on Executive Order.

Next is loss of valuable cranberry bogs. This is the state average: over 100 barrels per acre for the last ten years. The red is what the Town has in terms of productivity per acre. We're dealing about bogs that are in serious need of being revitalized and we are dealing with bogs that show a steady decline in productivity. Next slide.

This is the income for specifically Lower and Middle and Reservoir bogs. This is Handy

Cranberry Trust's information on file in the Selectmen's Office. You can see the price we received per barrel. This is the income for all of these bogs, 32 acres, for the last five years. A recent public statement that the Town lost out on ten to twenty thousand dollars of revenue in Lower Bog just doesn't match this information. Next slide.

Okay. So this is where we are tonight. The Town is making choices, they're weighing in the balance how much farming, how much restoration, how much improvement to the river. The Working Group sincerely feels that we've provided you with a plan and a way forward that will accomplish improvements to the river, will help the farming, will do it in a balanced way, a fair way, an even-handed way for something that has been extremely contentious in the town for the last decade, at least. And we really feel that by taking that step we will be able to work out the remaining issues and hopefully have the whole community see that this is in their best interests. Next slide.

I hope that you will vote for Article 16. We believe it's balanced. We are proposing to update the bog design. It will certainly improve fish habitat. It's been brought to you by seven people who have worked for two years and done a great deal of research. And we look for your support. Thank you very much.

THE MODERATOR: Okay. The presentation on the other plan. Mr. Putnam and Mr. Dick.

MR. SMITH: I guess I'm first because I brought it up. Mr. Moderator, my name is David Smith and I'm a member of the Coonamessett River Restoration Group and a member of the Old Barnstable Neighborhood Association. I'm also a Town Meeting Member, Precinct 9. I'm not sure how I got myself involved in this thing, but here goes.

For me and I think the neighborhood that live directly around the Lower bogs and the Middle bogs, it's really about the cranberries. This is not a political or philosophical point of view, it's just really about we like the cranberries. We like them in the winter time, we like 'em in the summertime; we particularly like them I think in August, or at least I do because we have a nice little festival. And winter time is nice, too, because they have ice skating and hockey playing on the frozen bogs.

I introduced this article first last year because my neighbors were upset over the loss of the cranberries. And I want to point out that these cranberries for the Lower Bogs have been referred to as only a 17 percent loss of cranberries, of Town-owned cranberries. But, to the people that live there, from the S-curve on John Parker, there and down to Clark Street, there are only two bogs. There's the Middle bogs and the Lower bogs. And so when you lose the Lower bogs, it's actually 50 percent of the bogs. And so, for

those of us that live there and enjoy the cranberries in the bogs, it's a significant loss.

This was first brought to my attention by Brian Handy and I hope he gets a chance to talk on this, because I know he's got some insight that I hope you listen to and hear. And then Brent Putnam and Henry Dicks will also speak on this subject, hopefully a little better than I do.

I have been exposed to the same information as everyone else on the Working Group, but I've come to a different conclusion –

THE MODERATOR: Mr. Smith, can I put you on hold for one second?

MR. SMITH: Sure.

THE MODERATOR: I just got a message, I guess something was called into the Police Department: there's a white Chrysler Voyage mini-van, plate number 8322SR in the parking lot. Your alarm has been going off since 8:45 and the neighbors are upset. So, if you're here, if you could go out and shut the alarm off, that would be great.

Mr. Smith, you have the floor.

MR. SMITH: Oh, fortunately I'm almost finished.

So, I've come to a different conclusion and I believe Mr. Putnam will point it out. So, both the river and the bogs are important to our community and to the Neighborhood, and I think that everybody wants to restore the bogs – I'm sorry, that's not true. Everybody wants to restore the river, and I think that that's prime in just about all the different interviews, here.

And so, with that, I'll end up here because I'm obviously stuttering, here. I just want to say I hope you listen to Mr. Putnam and Mr. Dicks because I think they have some new information and some information that's pertinent to that, and I also hope that, as I mentioned before, that Mr. Handy gets a chance to speak, too, because I think he's got something interesting to point out, too. Thank you.

MR. PUTNAM: Can I have the next slide, please.

Good evening, Mr. Moderator, Selectmen, Town Meeting Members, my name is Brent Putnam. This is Article 41. Next slide, please.

I am a member of the Falmouth Conservation Commission, president of my neighborhood association. Next slide, please.

We'll start first of all by saying that Article 41 does not contradict Article 16. In fact, the two articles do much of the same things and we'll make this quick and easy for you by simply saying that everything you saw in Article 16 applies to Article 41. You've seen these diagrams before in Coalition

presentations, and I give them credit here for that. Alterations to the river channel to make it flow better. The existing structure, we just saw this diagram, and the way the river should look with the natural wetland edges.

There are differences, obviously, between the two plans, and that's why we're standing here tonight. Two differences, really, and that's what happens beyond 25 feet. Everything within the river and everything out to 25 feet on each side of the river is identical on both plans. As well, there is a difference between where we think the cranberry farming should be retained, whether it's the east side of Middle bog or the west side of Lower bog. Next slide, please.

So, it's worth stating that Article 41 is flexible, and that is something that we cannot say about Article 16. Article 41 keeps our options open. With Article 16, we have the closure of Lower Bog. And although bogs may have been reopened elsewhere, we have to remember that these are flow-through bogs and they have certain conditions, there are state regulations that prevent the re-opening of flow through bogs after five years. So that is something that will not happen. Once Lower Bog is closed, it is closed forever.

In addition, once these dikes are placed, or these berms are placed on both sides of Middle Bog, once we channelize the river, it is done and it is done forever. The likelihood that we are going to remove those is pretty slim. Which is why we like to present – which is why we wanted to present Article 41.

This idea, sometimes called the east-west concept, gives up the east sides of these bog for restoration, and retains the west side for cranberry farming behind a 25 foot buffer. We could still in the future make additional changes. If we needed to, we could close all of Lower Bog in the future. There is nothing in Article 41 that prevents that. We could in the future add a large berm down the west side of the river to separate the bog from the river there. There is nothing in Article 41 that prevents that. It allows us to make changes to improve the health of the river without making permanent changes that may not be necessary. Next slide, please.

So, why do we want to farm the west side as opposed to the east side? Well, there's been a lot of discussion about this. Essentially we're talking about a few more acres of farm land. It's very important to us, it's very important to the neighborhood and to the community in general. Most importantly, though, there's a ground water issue that there's significantly more groundwater on the east side of Middle Bog than there is the west side of Lower Bog. The east side of these bogs, together, has six times as much groundwater as there is on the west side. The river, we've been told over and over again, is spring fed. And

it makes far more sense for us to protect those springs, to shade them and shelter them, than to try to have agricultural activities next to them. So, where all the groundwater is, we stop the farming. Where there's a lesser amount of groundwater, we can retain the farming.

Additionally, abandoning all of Lower Bog will in fact invoke certain regulations, state regulations. The MEPA process, we've also talked about Executive Order 193. That falls under the MEPA process, so when we talk about what triggers what, the closing of ten acres of agricultural land will in fact trigger the MEPA process, which in turn triggers Executive Order 193. By retaining the west side of Lower Bog, we avoid that. We avoid the red tape, we avoid the paperwork, and most importantly we avoid the cost to the Town. Next slide, please.

You know, we've heard a lot about the Quashnet River and how beautiful it is and how the improvements there have made that such a wonderful river. And you can see here we have trees and shrubs right up to the river bank. This section of river, I've walked through it personally, it comes up to your waist in some spots – I had to use waders. It's a very deep, very sheltered river. Except this is not the Quashnet, this is the Coonamessett. This is the Coonamessett up near Augusta Bog. And not ten feet from this river bank is the berm for the Augusta Bog. And the point to this is that it does not take an exorbitant amount of space in order to create a shaded, habitat-filled area, a wild area which will help shade the river, which will help cool the river, which will provide habitat for animals. This can be done without having wide spaces. We can have the rivers and the bogs together. Next slide, please.

You probably saw this. It was in the newspaper Friday. There are all of the things that the Coalition believes that a restored river has. And all of these things apply, like I said earlier, to Article 41. We can have a restored river. We can have all of these things. But there's one thing that's missing. Next slide please. And that's cranberry bogs.

Two years ago, I asked you all to accept a vision of what the Coonamessett could be. Not the Quashnet River but the Coonamessett River. Falmouth's river with Falmouth's cranberry bogs. This is what it could look like, where we have a restored east side – this would be looking north along Lower Bog, where we have the cranberry bog over here on the west side and we have this buffer between the river and the bogs themselves. This is the vision that I'm hoping you will continue to accept because this is possible; we only have to try. Next slide, please.

So why Article 41? Well, again, it restores the river and it will do so as well as Article 16 will, but it will do so with a more natural landscape. We're talking about low berms, not high ones. We're

talking about a more flexible plan. If we need to take additional steps in the future, we can. There's nothing preventing us from doing that. Whereas Article 16 makes changes that are permanent and irreversible.

It is easier to permit. This could be permitted with only a notification of the Conservation Commission, no state paperwork, no long hassles, no money involved. And, again, therein is one of the other issues: low cost, no cost. We've been told there's 100 percent funding, so why do we need to have any money at all for any grants? It would take one volunteer to write a grant just to get the ball rolling, wouldn't it?

And then finally this article, Article 41, fills in the missing pieces. The Working Group was asked to present a range of developed options. This is another developed option for you to consider. In addition, it keeps cranberry farming where it's feasible, on the west side of the river, where there's more space, where there's less groundwater, where there's less red tape.

I'm going to hand this over, now, to Dr. Henry Dick and he'll finish our presentation.

MR. DICK: Next slide, please. Good evening, I'm Henry Dick. I'm the Town Meeting Member from Precinct 8. I'm also a geologist. And I am the president of the Coonamessett Pond Association, the conservation group which has been concerned about the Coonamessett River and the Coonamessett Pond for over 20 years. I'm also past president of Citizens [inaudible] Waquoit Bay and I've fought hard to remove that island from development. And I was past president of that and was able to hand that organization off to Matt Patrick to save the Quashnet River Valley. So I've been very deeply involved in conservation for a long time in this town.

I would not bring this forward if I did not believe this restored the river as well or better than the plan under Article 16. But the fact is proponents and opponents argue, but there is little difference – could I have the next slide, please – there is little difference for the river. The real issue here is agriculture. One group wants to abandon more bog than the other. One group wants to create an artificial wet meadow in Lower Bog, the other group would like to keep commercial cranberry growing. The difference is five acres of land.

The river valley will look a lot more natural under Article 41. One thing, as has been said, the river won't be connected. Well, in fact, cranberries are a native species, and there's a great many waterfowl that feed of them. [inaudible] does not remove the berries. So this is – you should see this in the winter when it's flooded; it's filled with waterfowl. Can I have the next slide, please.

There are other advantages here that haven't been mentioned before. Because to keep the

vistas open for the neighborhood only requires view corridors shown in dark green, there, the remaining land can be completely forested. We can return that back to what this land was originally, which was red maple swamp. This was never a wet meadow, this was red maple swamp. And this is a more natural habitat here. Next slide – oh, I'm sorry, can I go back. Pardon me.

The other thing is that with these trees, the reforestation is going to provide more shade and a cooler river than Article 16. You're going to have better brook trout habitat and herring habitat with this plan than you will with Article 16 as presently written. Next slide, please.

Flooding is natural for wetlands, and not an issue for herring or for scouring sand from river, though it may be to some of the opponents of cranberry growing. Flooding the east side and west sides of the river creates the natural fauna and flora of a red maple swamp. This is the natural state of bogs; an artificial wet meadow is not. Flood releases should help scour sand from the river by creating sharply higher currents, and that's an important issue. Can I have the next slide, please?

As you can see here, sediment transport happens when current velocities are high. The graph on the right shows what happens when you double the current velocity. Bed loads go up by a factor of a thousand. That's why it is important to have a free-flowing river when current velocities are high and the river is full of water.

Herring, over the millennia, have adapted to go up down the river when water currents are high. When the rivers are in flood stage. They do that because these shallow coastal streams don't have a whole lot of water at other times and it's necessary for their survival. In the winter when the flooding occurs, there are no herring in the stream at all, and usually little sediment transport occurs.

MR. HAMPSON: Mr. Moderator.

THE MODERATOR: Mr. Hampson.

MR. HAMPSON: I'd like to make a motion that we go beyond eleven o'clock.

THE MODERATOR: Okay, the motion to continue after eleven o'clock. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed No.

[No.]

THE MODERATOR: The Ayes have it by two-thirds.

Mr. Dick.

MR. DICK: Okay. The other issue which has been raised about flooding is the downstream migration. Can I have the next slide, please?

An alewife produces 60 to 200,000 eggs. Several hundred thousand juveniles migrate annually downstream for a period of over two to three months. Flooding for harvest takes only two days with little documented mortality. This is because the grower practices best management practices. He drains the bog slowly. So, flooding is not really an issue for herring. It may be for those who are opposed to bogs, but it is not an issue for herring or for scouring sand in the river. Next slide, please.

There are lot of hidden maintenance costs here. It is proposed that we fill these lateral drainage ditches, but they are drainage ditches. You fill them, and as a geologist I'll tell you this will return back to what it was. The perimeter ditches won't handle it. That's why the bog owner put these in. It will return back to swampy ground. Fish in the river do not control mosquitos. Mosquitos live in stagnant water. The Town will need to maintain these ditches in order to keep this well-drained. Mowing and ditch repair for Lower Bog is going to run something in the nature of \$2500 a year. Next slide, please.

Another problem that's been glossed over is invasives. These will be a problem. It's a mistake to ignore this. You've been told that there are no invasives in the bog right now; that's true. But there are Japanese Knot Weed and Black Swallow Wort in the area around the bogs. And Japanese Knot Weed is currently choking out every native plant in a quarter acre area of open ground at Coonamessett Bog in the north end of Coonamessett Pond. Phragmites is also another problem in town; it's all over town. Phragmites colonizes open areas. Invasives grow fast, overtop native plants and choke them out.

This is a picture of the Sandwich Conservation Trust Bog. You can see there not a field of wheat, but a field of Phragmites that has choked out every native plant in that bog. A wet meadow mowed twice a year will be wide open to invasion. If they're not there now, they will be. What's the cost to control these? Well, there is a test plot – can I have the next slide, please.

In Killingsworth, Connecticut, they have created a wet meadow exactly as is proposed by the Working Group. That wet meadow is infested with invasives. They initially tried to solve this by cutting the invasive stems off, the Phragmites stems off and taking an eyedropper and dropping Round Up into each stem. But with hundreds of thousands of stems of the Phragmites, this gets a little tiresome. So they have gone to the extreme measure of burning the wet meadow in order to try and control the invasives. May I have the next slide, please.

It has been said that the cranberry productions are dead in this town – in this state. This is just

not true. We are the second largest producer of cranberries in the nation. There was a collapse in 1998 when a huge amount of new bogs came on line in Canada and elsewhere, but since 1998, cranberry prices per barrel have steadily grown and they are now reaching, in 2005, their average price going back for many decades. Prior to 1998's price collapse, Falmouth made over a million dollars from its bogs. Its 62 acres produced a million dollars. At their peak, the Lower Bogs were producing 180 barrels an acre. And renovated, so that we had good production with new plants, they would do so again, and at today's price Falmouth would earn approximately \$9,000 for every five acres at the 2005 price. Can we have the next slide, please.

That cost has to be added into the cost that it's going to cost the town if they abandon this bog. One of the elements that's been in this is there's been an undercurrent of attacking farming. That's very 20th Century environmentalism. A 21st century environmentalist does not, does not export farming from a first world – well regulated first world environment to a third world environment. As a matter of principal, every community should try to produce some of its own food. The total acreage of food producing farms in Falmouth in 1950 was 5,000 acres. We were a farming community. Today, food producing farms in this town are less than 300 acres. And that which is not part of the 198 acres of bog is slated, most of it, to be houses. We should preserve what we can. It's vital to our heritage. It attracts tourists; it's been shown by the attendance of over 3,000 at the Cranberry Festival this year. Next slide please. Oh, I'm here.

You have an historic choice for Falmouth, right now. Farming is clearly in danger. Which is more valuable for this town, five acres of productive cranberry bogs in a natural looking stream valley with a fully restored river, or five acres of artificial wet meadow, mowed twice a year, drained and not producing, not repeating what was originally there? That's not restoration, that's creation of something different. Please vote for Article 41, thank you.

THE MODERATOR: Okay. We've heard both plans presented. We'll now open debate on the issue. And Mr. Neal. Can I have a microphone for Chris Neal.

MR. NEAL: Thank you, Mr. Moderator. My name is Chris Neal, Precinct 1. I'm representing the Coonamessett River Coalition. In April of 2003, the Coonamessett River Coalition presented a vision for changes in the way we would manage Town lands along the river in Falmouth. And we made two main points: one is that the river needs help, it needs modification in the way we arrange the cranberry system there. The second point was that we could do it in a way that would improve habitat, improve the river, and get rid of what we have now, and that is this not satisfactory flow-through bog system.

The Coalition requested restoration of 45 acres of flow-through bogs to natural wetlands. You know, that obviously hasn't happened. But what it did set in motion was a process in which the Town developed a plan for restoring the river. The process has been beneficial, it's been at times difficult, but the Coalition has been there every step of the way, we support the process, and we think that's been a very good thing for the Town.

The Coalition supports Article 16 and we oppose Article 41. These are mutually exclusive. They are not doing the same thing and I want to talk about a couple of the things they do differently. Article 41 was designed to maximize cranberry cultivation on those bogs, Lower Bog and Middle Bog. In fact, the word "restoration" doesn't even appear in their article. The plans differ in fundamental ways. Article 16 was developed in a very public process, following the directive of a Select Board, was developed after testimony from citizens, experts, Mass. Wildlife, Cranberry Experiment Station, Mass. Division of Marine Fisheries, private consultants, farmers, people from many different funding agencies. They've done a thorough job; we should support them. Article 41 was not developed in the same open way, and in fact many of the features of 41 were considered by the Working Group and rejected by the Working Group for a number of reasons. They don't meet key criteria for restoring aspects of river function; flow is a critical one. Article 41 would maintain boards in that river for the harvest, it would maintain boards in the river for the winter. Restoration of natural river hydrology is sort of rule one of river restoration. It doesn't maintain adequate vegetative buffers. It doesn't generate the same opportunities for state and federal funding.

Article 16 does a better job of restoring river flows, minimizing conflicts. There have been conflicts on that river between cranberry growing they way it's done and fish passage and fish habitat. It's been clear, it's been a part of this whole debate for more than a decade. The Working Group plan and Article 16 eliminates damming the river at Lower Bog during harvest and during the winter, improves passage and is designed to improve passage all the way into Flax Pond; that's a key part of their whole proposal.

So Article 16 provides wider buffers. Article 16 does a better job of separating the river from farming activities.

The berms in Article 41 are inadequate. They are too small even to flood the whole bog, they do not allow the Town and the grower to take advantage of the most modern, low impact methods of management. If you could use boom sprayers to target pesticide applications, you could reduce Environmental impact. If you could manage water so you could do flash floods during certain portions of the growing season, you can use less pesticides. That system with the water management and the berm

construction, 12 inch berms that you can't put a boom sprayer on, they just don't allow us to take advantage of the very best, most modern, low environmental impact management practices, and that's one of the reasons the Working Group didn't go for it.

Article 16 keeps cranberries, but it keeps most of the cranberries on Town land along with Coonamessett, so it still keeps most of the cranberries. Article 16 has wide community support, supported by FACES, it helps with nutrient removal, wide buffers are essential to this function, 16 works better.

Why act now? Working Group has a sound plan, it's been well vetted in the community, developed in consultation with regulators, wide public input; 41 doesn't have that. There's a demonstrated base of volunteers who can continue to work who've provided some information, key information on temperatures, vegetation, other things along the river. Herring populations have crashed the last five years; they're at a all-time low. The time to act is now.

The Working Group plan is very much a compromise, it's a balance between cranberry growing and river restoration. It was carefully deliberated and put together and it deserves support. Thank you.

THE MODERATOR: Mr. Smolowitz. Mr. Lowell, I'll put you on the list.

MR. SMOLOWITZ: Thank you, Mr. Moderator. My name is Ron Smolowitz, former Town Bog Manager and I have a few overheads; just five, I believe. So I won't – while we're trying to get them up, I understand this is a controversial issue. I'm not going to speak towards what's the best approach here; I'm going to talk more a little bit about process, which has concerned me greatly.

On my way here, I was trying to get a feel for what direction the Town is going, and I saw these lawn signs, I started counting lawn signs, and I counted six in favor of savings the bogs and I counted six in favor of restoring the river. I counted 14 selling real estate.

[Laughter.]

MR. SMOLOWITZ: So. What really perplexed me is the one lawn that had all three, but I think that's why we're in a controversial thing. So, I just had these slides to sort of remind me of things.

The first one sort of reminds me that I'm insane. This one is that we're in the beginning of a process, here. A lot of people think that we're towards the end of a process; we haven't even begun it. And one of the things that bothers me is the idea that we have to move forward, move forward, and I keep on thinking of Alfred Lord Tennyson who had The Charge of the Light Brigade. You know, "Forward went the light brigade." We don't want to move forward unless we analyze where we're going, what we're doing. And

this vote on 16 sets direction, it starts us moving in a one giant leap. And I believe that it's only a partial alternative. We've only looked at one portion of this whole ecosystem and we're going to be creating some major problems downstream from us.

I don't believe we need a demonstration project. We know we can convert farmland and bogs into swamp or housing developments. We know we can put up berms of all types. I mean, hundreds and hundreds of acres have been converted from bog into various types of wetland, and many different types of engineering projects have been done on agricultural property to improve the separation of the farmland from the water bodies.

My farm, itself, has a number of funded projects, berms, if you will, waterway to protect Coonamessett Pond. And they're done very naturally, you don't even know they're there unless I point them out to you. So, I believe Article 16 has to be voted down or amended. And I'm not a Town Meeting Member, I can't propose a particular wording, but my last slide had some suggestions.

Article 41, I don't support it. I think it's better because the changes in it aren't permanent. Next slide, please.

Why I don't support 41 and suggest that 16 is voted down is that there is no analyses. We have a lot of people coming up, telling us this, that, the other thing. I don't see the analyses. We need a process where the problems are identified and not just, "Oh, we don't have river otters" or "The herring are dying" or something like that. We need very specific problems to be stated. We need to define potential threats.

We hear about pesticides, it's talked like the water that we're holding back is contaminated with pesticides. No, it is not. We are holding back water because of the potential that it may be contaminated. And that's very important because that means if we've had no detected pesticide, that means that pesticide is not the problem for the herring. Okay, it could be a problem, but it is not the reason we don't have herring now.

So we need to look at what the real problems are. We have to analyze those problems, we have to look at what potential threats are, we have to analyze the solutions. What bothers me is that we have five alternatives in front of us that have been discussed, but most of them have been dismissed without any technical analysis.

There's the no action alternative, which is what we've been doing for the last ten years. We haven't been taking care of the bogs, we haven't really been taking care of the river, we've been operating

under one year licenses, which does not encourage any long-term thought.

We have status quo, which I think has a lot of potential to work, because between the exemptions we have for agriculture and the rights that we have for maintaining the herring, we could do a lot of things to improve the river under status quo. There's a lot of things that could be done and we shouldn't just run off, willy-nilly, without analyzing what we could do.

There's two partial alternatives that we're talking about today, Article 16 and Article 41. They're only looking at the issues on the lower end of the river; I see most of the problems north of those two bog areas. We talk about water temperature; can anybody here tell me how the water temperature is going to be lowered between Article 16 option and Article 41 option, when most of the problems with water temperature are north of that? I mean, it's Pond 14 that's heating up the water body there and we haven't even begun to talk about how to deal with that issue.

I like moving the river as an option, and I don't want to discuss that option here but it's an option that should be analyzed and just be aware they're talking about the Quashnet River, moving it. So, it's not an alternative that should not be examined. They all need to be examined for the biological, ecological, social and economic factors. Next slide, please.

Just one issue. We talked about nitrogen. I'm sure you're all familiar with this because it was in the report that you accepted at the last Town Meeting. But the nitrogen loading from agricultural operations on the Coonamessett River according to the report is one half of one percent of the nitrogen loading. So 130 times that comes from septic, okay? Forty-five times that comes from lawns. So, if you're concerned about nitrogen, if there's a nitrogen problem in the river and the data shows that there probably is not a nitrogen problem in the river, it's below state thresholds, then you're looking in the wrong place as agriculture being the source. And if it is in fact lawns and septic, berming the river might increase the nitrogen loading of the river. So this is where we need more analysis in defining the problems and threats. Next slide.

I'm a farming advocate. I think people are underestimating the importance of local farming. And it's an issue that the state is aware of and that's why we have farming designated – farmland is designated a critical natural resource, equivalent to that of wetlands and flood plains. And I don't want to go into all the issues relative to farmland, but the American way of agriculture is becoming more and more understood to be non-sustainable.

One very interesting piece of information is that for example if the world produced food, if

everybody produced food like we produce it in the United States, we'd use up all the world's petroleum reserves in seven years. Our system is tremendously energy-dependent and most people are coming to the understanding that it's going to be local agriculture is going to be the solution, producing food close to the market and not heavily processing it. That's why the state understands the importance, and it is a MEPA trigger.

And Virginia did not read that entire letter, okay, from that agency. The fact is that you do trigger MEPA when you convert agricultural land, okay, where state funds were involved either in the original purchase, the self-help funds, or grant funds. So we're talking about getting all this grant funding from the state. Well, in that letter, it very clearly states that they want an analysis of all the alternatives. Before you lose farmland, they want to make sure that that's the course of last resort. So we're going to have to do those analyses if we want to get any grant funds, here. And state funds should not be used to encourage the conversion of agricultural land to other uses when feasible alternatives are available. So we must do an analysis or we're throwing a lot of money down the rat hole. Next slide, please.

This is my suggestion. Okay. What I'm thinking is that – well, you can read. Meeting for the purposes of funding technical services for the analysis of a reasonable range of alternatives to protect and improve the Coonamessett River ecosystem. That means from top to bottom, we need to identify all the problems, all the threats. And then to recommend to the Selectmen to alter and expand the Working Group so that in fact we have agricultural and business expertise on that expanded Working Group.

Thank you for your time.

THE MODERATOR: Mr. Lowell, to my right.

MR. LOWELL: Nick Lowell, Precinct 5. Mr. Moderator, we've seen two extensive presentations tonight. We've now heard two speakers, one for, one against. There's also been considerable meetings prior to Town Meeting tonight, both for and against. There have been bog tours. There has been extensive coverage in the newspaper, letters to the editor, and my feeling is that at this point, if people really haven't made up their mind, I think it's going to be unlikely that they're going to change it, you know, right now. And I'd like to make a motion to end debate and vote both questions.

THE MODERATOR: Well, this is going –

[Applause.]

THE MODERATOR: It's going to require a two-thirds vote to move the previous question on Article 16. All those in favor, say Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It is the opinion of the Chair that there is a two-thirds majority and I so declare.

The question will come on Article 16. Article 16, this is to transfer the sum of \$49,000 from Article 6 of the April, 1998 Special Town Meeting for the purposes listed in the bog presentation. All those in favor of Article 16, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

[Pause.]

THE MODERATOR: Division one.

MS. TASHIRO: Eight.

THE MODERATOR: Eight.

Division three.

MR. HAMPSON: 36.

THE MODERATOR: 36.

Division two.

MR. DUFRESNE: 65.

THE MODERATOR: 65.

All those opposed to Article 16, stand.

[Pause.]

THE MODERATOR: Division three, Mr. Hampson.

MR. HAMPSON: 25.

THE MODERATOR: 25.

Division two?

MR. DUFRESNE: 29.

THE MODERATOR: 29.

Division one, Mrs. Tashiro.

MRS. TASHIRO: 44.

THE MODERATOR: 44.

By a counted vote of 109 in favor and 98 opposed, Article 16 passes.

At this time, the Chair will have a main motion placed on the floor – Mrs. Botelho?

MRS. BOTELHO: Mr. Moderator, because at the last Town Meeting –

THE MODERATOR: Could you speak into the mic, please? She's right there with the mic.

MRS. BOTELHO: Because of the last Town Meeting some of us didn't get a chance to speak, and then this one, again, it was maneuvered and we were cut off, and I respect that because I understand that that's how we operate on Town Meeting floor, but I would like to bring the article back up because I had a proposal here that I wanted to present to you and I haven't had a chance to do it. And I think it's very important.

I had a speech. I have never prepared a written speech for Town Meeting, but I had it, and I didn't get a chance to present it. And I have an article that I would – a way that I would like to change it.

I would like both these articles to be voted down. I haven't had a chance for my presentation, and I would – so, I would ask Town Meeting to reconsider this vote and give – it's so close, and that's basically what I'm going to be speaking on, how close these two things are. That I would like the chance to do it and I'm asking my fellow Town Meeting Members to allow that. Please reconsider.

THE MODERATOR: All right, I'm just going to take a vote on reconsideration. All those in favor of reconsidering Article 16, 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.

MRS. BOTELHO: Thank you very much, that was a great maneuver.

THE MODERATOR: Article 41. The main motion on the floor for Article 41, the recommendation is indefinite postponement. Mr. Putnam, to put a main motion on the floor.

MR. PUTNAM: Mr. Moderator, I move that we accept Article 41 as printed.

THE MODERATOR: Okay, as printed. Article 41. All those in favor, signify by saying

Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

[Pause.]

THE MODERATOR: Mr. Hampson?

MR. HAMPSON: 22.

THE MODERATOR: 22. Mr. Dufresne?

MR. DUFRESNE: 32.

THE MODERATOR: 32.

Mrs. Tashiro.

MRS. TASHIRO: 37.

THE MODERATOR: 37.

All those opposed to Article 41, signify by standing and the tellers will return a count.

[Pause.]

THE MODERATOR: Mrs. Tashiro.

MRS. TASHIRO: 13.

THE MODERATOR: 13.

Division three, Mr. Hampson?

MR. HAMPSON: 39.

THE MODERATOR: 39.

Mr. Dufresne?

MR. DUFRESNE: 60.

THE MODERATOR: 60.

By a counted vote of 91 in favor and 125 opposed, the main motion on Article 41 does not pass. Wait a second. Excuse me, 112. How did I get that? Must have punched the wrong one in. By 91 in favor and 112 opposed, the main motion on Article 41 does not pass.

Article 18 was held by Mr. Johnson. Madame Chairman of the Finance Committee for the main motion.

CHAIRMAN LEMOINE: Mister –

FROM THE FLOOR: Motion to adjourn.

FROM THE FLOOR: Oh, no.

THE MODERATOR: Do we have a motion?

CHAIRMAN LEMOINE: Mr. Moderator, I move Article 18 as recommended.

THE MODERATOR: Article 18 as recommended. This was \$67,000 from Certified Free Cash for the AFSCME contract. Mr. Johnson.

MR. JOHNSON: Mr. Moderator, Leonard Johnson, Precinct 5. I held this article because I would like to have more information about the actual impact of this article on our – on this – on the expenses of the Town. I've made this request repeatedly at Town Meeting.

We're being asked to approve a salary, and the only thing we have here is what the increase is. That doesn't seem to me to make sense. If anybody asks you to approve a salary, you'd like to know what the base salary is, or if there are any other factors that relate to it, such as step increases. So the two percent is just a portion of the discussion.

So I'm hoping the Town Administrator will have a presentation so that we learn more and I don't have to get up every year and make the same point.

THE MODERATOR: Okay. Okay, Ms. Lemoine. Oh, Mr. Whritenour. Ms. Harper.

MS. HARPER: The AFSCME collective bargaining unit is approximately 90 employees ranging from a broad scope of interests, including the civilian dispatchers, the Facilities Maintenance Department and up to the Director of Assessing. So it's a fairly broad range of employees and the wage and classification plan is available at Town Hall for viewing, and that would give you all of the individual positions and the value increment.

In terms of the additional areas of change – I'm just going to take this off. [Removes microphone from stand.] For the contract, there are a few minor changes to that contract, which include – I'm just going to run through then real quick: the bus driver at the Counsel of Aging will be included in the bargaining unit. There are some updated language changes and housekeeping items that do not have any economic impact.

We've codified the reclassification process, changed the eligibility date for vacation time for new employees – which doesn't have any impact on the actual vacation time earned. We've granted one additional vacation day for those employees working 19 years or more. Increased sick leave buyback from

\$1500 to \$2000 for employees that have used less than 50 percent of their sick time. There's a change in the bereavement clause, some changes in personal leave, a minor increase in shift differential and some substantial changes to the accrual of compensation time. All of these factors are included in the monetary proposal that you have before you.

THE MODERATOR: Mr. Boyer.

MR. BOYER: Mr. Moderator, Peter Boyer, Precinct 5. I need some help in recollecting – I'm looking at the budget that was passed in April. It includes an entry in the Town Accountant for 2006 COLA of \$627,500 and the note says that was because there are five unions that have not yet been settled and therefore that money was reserved for those unions. I think we are seeing appropriations for three of those five that are in addition to that set aside. I must be confused about something and not understanding what we did either in April or what this represents.

MR. WHRITENOUR: Yes, thank you, that's an excellent question. What I wanted to point out for each of the units, and that is sort of a general question that applies to all of the agreements.

First of all, I want to offer a salute to the Town employees here. It has been some time that they've been without a contract, approximately two years for all of the Town's units. And you know, they've worked in good faith throughout that time we've worked with them to try and negotiate these settlements. Of course, given the difficult financial times, the types of settlements, the monetary amounts, are not what we're used to seeing in the Town. The amounts for the cost of living increases are much lower.

What you do see here with the compensation packages for all of the Town's units that you'll see tonight, each and every one has agreed independently to accept the same amounts which provide for the key financial item that are funded in the contract proposals is a three year agreement that provides in the first year, which is fiscal year 2005, a two percent cost of living increase. And there's in year two, which is the current year, fiscal year 2006, there's also a two percent increase. And for the third year, in 2007, it is a two percent split, offering two percent July 1 and two percent January 1. And the way the funding worked in that is, again, it was a very ticklish situation given the limited funds that we had available. With the contracts not settled, the Town, you know, had it again with only two percent for the 2006 amount. Not a large sum of money, you know, in comparison with what previous settlements had been in the Town just owing to the nature of our economy that what we felt at that time, that if the funds were not reserved for the 2006 budget alone, that two percent, in the April Town Meeting budget, that we would not have those funds available after the tax rate was set. And that would have borne out to be true had we not set aside in April the 2006 funding

in the budget, you would not have had adequate funds to settle those contracts.

So, what we've done is we have the 2006 amounts already in the budget, and what we're funding now, now that we have the three year deal through these articles tonight, it funds the retroactive piece for Fiscal Year 2005 to allow the contract to go for a three year period. So, 2006 is in the budget already for all of the units. Tonight we're funding the 2005 amount, and in '07 that amount will be in the budget in April.

THE MODERATOR: Further discussion on Article 18? 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.

Do we want to do one more?

FROM THE FLOOR: No. No.

FROM THE FLOOR: I make a motion that we adjourn.

THE MODERATOR: Okay, we have a motion to adjourn and come back tomorrow night at seven o'clock. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it; we'll see you at seven o'clock tomorrow.

[Whereupon, the meeting adjourned.]

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 the November 2005 Falmouth Town Meeting to the best of my knowledge, skill and ability.

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

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