

Vol. Two  
107 pages

**COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF FALMOUTH**

**ANNUAL TOWN MEETING**

**Lawrence School  
Lakeview Avenue  
Falmouth, Massachusetts**

**MODERATOR: David T. Vieira**

**TOWN CLERK: Michael C. Palmer**

**Tuesday, November 14, 2006**

**7:00 p.m.**

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**ANNUAL TOWN MEETING**

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

THE MODERATOR: Would all Town Meeting Members please come forward and take your seats. We'll reconvene the Annual Town Meeting. We completed the Capital Budget last night. We'll be starting this evening on Article 29.

I want to remind all Town Meeting Members you must be sitting in front of the Town Meeting Members Only sign for your vote to be counted. If you are not a Town Meeting Member, you must be sitting behind the Town Meeting Members Only sign.

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

Okay, folks, here we go. All Town Meeting Members please come forward so you can be counted in the quorum. Okay, would all Town Meeting Members please rise for the establishment of the quorum. The tellers will return a count.

[Pause.]

THE MODERATOR: Mr. Hampson. Folks, I can't hear Mr. Hampson.

MR. HAMPSON: 53.

THE MODERATOR: 53.

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

MRS. TASHIRO: 50.

THE MODERATOR: 50.

And in the second division, Mr. Dufresne.

MR. DUFRESNE: 96.

THE MODERATOR: 96. By a counted vote of 199, we have a quorum and I call the Town Meeting back to session.

Would all Town Meeting Members please rise for the presentation of the colors by Sea Scout Ship 40.

[Colors presented.]

[Pledge of Allegiance taken.]

THE MODERATOR: We'll now have an invocation by Mr. Dufresne.

MR. DUFRESNE: Lord, when it comes to meeting and communicating with each other, help us to be good

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

THE MODERATOR: Colors post. Let's have a round of applause for Sea Scout Ship 40.

[Applause.]

THE MODERATOR: We're going to start where we left off last night. We're at Article 29. I want to preface Articles 29 and 30 with a comment about scope before Town Meeting. The question before the Town Meeting this evening is how this project will be funded and how the distribution of betterments will be made. Therefore, the discussion at this Town Meeting will be relative to funding and betterment. This Town Meeting has already decided the general question of whether or not to do this project, and the meeting tonight is how do we fund the decision that we've already made.

Mr. Chairman for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I move that the town vote to appropriate the additional sum of \$7,733,000, to be added to previously appropriated money for the purposes of constructing a municipal wastewater system to serve the New Silver Beach Sewer Area, and that to meet this additional appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said

sums from the Commonwealth's State Revolving Fund Loan Program under the provisions of General Law Chapter 44, Section 7 (1), Section 8 (15), or any other enabling authority, and to issue bonds or notes of the town therefore. Said funds to be expended under the jurisdiction of the Board of Selectmen.

THE MODERATOR: Okay, you've all heard the main motion. This is \$7,733,000, the authorization of borrowing for the project.

Presentation? Mr. Waterbury.

CHAIRMAN WATERBURY: I'm John Waterbury, Chairman of the Board of Health. The New Silver Beach Sewer project has had a long history before Town Meeting. The Board of Health first brought this project to Town Meeting in November of 1995, when we asked for an appropriation to fund an engineering study to look at the options for sewerage approximately 200 homes in the New Silver Beach area of North Falmouth, many of which had failed septic systems that presented considerable health risks. In subsequent years, the Board of Health brought additional articles to Town Meeting that were associated in this project, and in each instance, the Town Meeting has supported the articles which we've presented.

The Board of Health and the residents at New Silver Beach hope that you'll continue that support tonight by voting the funding for this project.

Before turning over the floor to Amy Lowell, the head of the Sewer Division of the DPW to explain the details of this article, I would

like to show one slide which I think puts this project into perspective. This is a slide of an award given jointly by – to the Towns of Fairhaven and Falmouth by the Coalition for Buzzards Bay for creativity in the use of innovative decentralized wastewater systems, presented to the town in 2002. The West Island project, which is the Fairhaven project on the left, began at about the same time we started considering the New Silver Beach project here before Town Meeting. That project started construction in 1996, came on line in 1998 and has been serving the Town of Fairhaven ever since. By contrast, our project has been delayed for many years by a small group of individuals exercising their right to appeal through the judicial system. That series of appeals has essentially run its course, so that we are in a position tonight to fund this project and begin to build this after many years of delay. And I would hope that the Town Meeting would support this project and that we can begin construction in the near future.

Now, with the permission of town Moderator, I would like to turn the floor over to Amy Lowell.

THE MODERATOR: Ms. Lowell.

MS. LOWELL: Thank you, John. Amy Lowell, the Town of Falmouth's Wastewater Superintendent. I wanted to give a little bit of context for the two articles and explain what each of the articles does and why it should be supported this evening. If I could have the next slide, please.

At the last Town Meeting, we had two very similar articles on the warrant and we – those were indefinitely postponed due to the

appeal status at that time. And I made a presentation on Town Meeting floor at that time discussing the New Silver Beach Project status and the costs.

Since last Town Meeting, a couple of things have happened. One is that a decision was made in the Town's favor on one of the remaining appeals that we were waiting for. The other thing that's happened is that we, as we had said we were going to do, we went out and got a professional cost estimating firm to prepare a new cost estimate for the New Silver Beach Project. This is a firm that has not been involved with the project before and probably won't be involved again, but which, based on the design drawings and specifications, prepared a new construction cost estimate.

The resulting cost estimate was higher than had been predicted when I made that presentation at last year's – or at last April's Town Meeting. The total estimated project cost, based on this cost estimating firm's recent revised construction cost estimate, is \$12.5 million. The total of the two previous appropriations for this project is \$4.767 million. That results in the additional appropriation that's requested this evening of \$7.733 million.

We have recently contacted the state SRF program; that's the loan program that has previously committed to a loan for this project.

We've recently re-contacted them and they have restated their full commitment to a zero percent interest loan for this project. A zero percent interest loan is very unusual. The state has held onto this loan commitment for the years that this project's been held up by appeals, so

we're very fortunate to still have that loan commitment at zero percent interest from the SRF program.

We are awaiting a decision from the administrative magistrate on the last of the three administrative appeals.

Excuse me, I neglected to explain one thing. The SRF program has committed their zero percent interest loan once the administrative appeals have been resolved in the Town's favor. There were three administrative appeals. Two of those have been resolved in the Town's favor. The remaining one we had hoped very much would be finalized before today's meeting, but we have not received a final decision. We are awaiting that decision. We do expect the administrative magistrate to make a decision very soon in the Town's favor. As I said, we'd hoped to see it by tonight, but we don't have that.

Next slide, please. I don't need to go through the motion again, but I wanted to explain what this motion does. The motion – it's a long motion, but really what it does is appropriate that \$7.733 million for the project, bringing the total of the project appropriations to \$12.5 million.

Selectmen voted last week to support a positive motion on Article 29 despite the one remaining administrative appeal because this would allow the project to move forward pending that decision on that remaining appeal. Without this, we would not be able to go out to bid for the project, costs would escalate further due to the additional delay, and we would lose what is probably our last chance to move forward with the project as currently designed and permitted.

Article 30 is -- the Finance Committee will move next, but I wanted to take this opportunity to explain that one a little bit as well. I won't read through the motion; the Finance Committee will do that. But what Article 30 does is redistributes the cost of the project. If Article 30 does not pass, what will happen is the project will move forward under 100 percent betterment, which is the result of previous votes first by the general election to not approve a debt exclusion and then by Town Meeting to fund the project under 100 percent betterment. So, if Article 30 doesn't pass, this moves forward under 100 percent betterment, which means that the people who tie into the system will pay 100 percent of that \$12.5 million.

The motion for Article 30 redistributes the cost of the project. Seventy percent of the project, or \$8.75 million, would be paid through betterments assessed of abutting property owners, of which there are about 220 property owners. The remaining 30 percent of the project cost, which is \$3.75 million, would be paid for through a town debt exclusion. A supporting vote is required at the general election in May of 2007 because paying for 30 percent through a debt exclusion requires a Proposition 2 ½ exemption.

You'll see in the wording of Article 30, however, that if the measure does not pass at the general election, the project would continue to move forward, and it would be paid for through 100 percent betterment.

So, we are proposing tonight that Town Meeting redistribute the cost of the betterment for a number of reasons I'll go

through, but the project would move forward whether Town Meeting votes Article 30 or not and whether the general election supports that or not in May of 2007.

So, the Selectmen voted last week to support a positive motion on Article 30 for a number of reasons. A split between a betterment and a debt exclusion is more fair and is more consistent with how the Town has paid for other utility infrastructure projects and with how the Town will pay for future wastewater infrastructure projects. Considerable discussion of this cost distribution has already occurred at Selectmen's meetings, at a joint public meeting of the Selectmen and the Planning Board, and at public meetings at the North Falmouth Elementary School.

The Town is initiating a major evaluation of how future wastewater projects will be paid for; however, this discussion of how future wastewater projects will be paid for is a major discussion that will occur over a number of years. The New Silver Beach Project funding decision should not be held up for this larger discussion of how all future wastewater projects will be paid for.

The cost redistribution proposed in Article 30 would reduce the costs of the betterment from about \$57,000 per property to around \$40,000 per property. This is obviously still a very substantial betterment, but it's obviously also an improvement for the property owners in that neighborhood. And, as I've said before, it's more fair and more consistent with how we've done other utility betterments in the past and with how the Town will fund future wastewater projects.

Wastewater infrastructure benefits all residents in terms of water quality, public health, and/or property values. Wastewater infrastructure costs will be substantial not just here but in many other locations in town, and those costs are most fairly shared, at least in part, by everyone in town. However, New Silver Beach funding, the way we fund the New Silver Beach Project, is not necessarily the exact blueprint for how we're going to fund all future wastewater projects. A 70/30 split is an improvement over 100 percent betterment, but I don't want to lead you to believe that we are setting the exact blueprint for how we're going to fund all future wastewater projects right here, right now.

Bob Whritenour gave me this slide to put up to show the tax rate impact for the town's 30 percent share of the New Silver Beach Project cost if Article 30 moves forward. And you probably can't read the details of this, but what it is is three cents per thousand dollars valuation on a home which, if I believe the median home value here listed is \$400,000, so that would start if your home is worth \$400,000, it would start at your cost per year for the New Silver Beach Project, for that debt exclusion, would be about \$12 per year, and by the end of the project, by the end of a twenty year payoff cycle, it would be \$6.40 per year. So, that's the cost impact to homeowners town-wide of picking up the 30 percent cost of the project.

Last slide, please. I wanted to make clear that this project still, despite the cost increase that we've seen over time, this project still has the support of an association of New Silver Beach sewer service area property owners. You may have received cards in the mail from

New Silver Beach sewer service area property owners and New Silver Beach sewer property owners went to a number of the precinct meetings to speak in favor of this project despite the cost increase over time.

So, in summary, Article 29 is the appropriation. This project cannot move forward without the appropriation. Article 30 is a change in the distribution of project costs. I feel, the Selectmen feel, and I believe the Finance Committee, much of the Finance Committee feels that this redistribution of project costs is a more fair and more appropriate way to pay for the project. Thank you.

THE MODERATOR: Okay. At this time, I'm going to recognize the Chairman of the Finance Committee to make a couple of changes. Could we put the slide up with the motion, the main motion? Town Counsel would like us to clean up a couple words in this motion just to make sure it's appropriate.

Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I wish to amend the motion for Article 29 as follows: strike the words "this additional" and insert the words, "the entire"; and then strike the words "said sum" and insert the words "all funds". So that the new motion – and I will read the new motion – will read: "I move that the Town vote to appropriate the additional sum of \$7,733,000 to be added to previously appropriated money for the purposes of constructing a municipal wastewater system to serve the New Silver Beach area, and that to meet the entire appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow all funds from the

Commonwealth's State Revolving Fund Loan Program under the provisions of G.L. Chapter 44, Section 7 (1), Section 8 (15), or any other enabling authority, and to issue bonds or notes of the Town therefore, said funds to be expended under the jurisdiction of the Board of Selectmen."

THE MODERATOR: Okay, that's the amendment, Mr. Duffy. Do you want to just make a couple comments on that?

Town Meeting Members, please shut off your pagers and cellphones, or put them on vibrate mode.

MR. DUFFY: The reason for this last minute amendment is that we have previously appropriated some money for this project but never actually borrowed it. So, we're going out and we're borrowing not just the \$7.7 million in this article, but previously authorized money, and we want to make sure it all qualifies for the zero interest loan from the state revolving fund.

THE MODERATOR: Okay, any discussion on the amendment? Can I get the amendment vote real quick just to clean up the language? Any discussion on the amendment? All those in favor of the amendment, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, NO.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

The question will come on the main motion. Mr. Freeman, and then Dr. Antonucci.

MR. FREEMAN: Through you, Mr. Moderator, I'd like to address this to our Town Counsel Mr. Duffy. My question is to you, Mr. Duffy, since this project has been delayed by these many appeals and there's still an outstanding appeal that has not been resolved, should we be considering the \$7 million funds in this article? Do you feel comfortable?

THE MODERATOR: Mr. Duffy.

MR. DUFFY: Well, we have been told on numerous occasions by the state revolving fund people that we have gone far enough in the permitting process to qualify for the loan. Now, there are some outstanding appeals. As you know, we have won all of the cases so far. We feel confident about the ones that are outstanding. But we do qualify, though, for the loan, at this point.

MR. FREEMAN: We qualify for the loan. But what happens if that appeal isn't overturned? I mean, what is that appeal? The last one, do you know?

MR. DUFFY: There's an outstanding appeal on the collection system, that's the pipes that run under the street. We feel that that one – that matter is under advisement by an administrative law magistrate. It's been fully briefed. We feel very confident on that appeal.

The other one is an appeal of the Commissioner's final order on the treatment plant. That, too, is under advisement. Again, we feel confident on that one.

However, if we go forward with the project and the state

commits to the funding, we have it and we can go forward it.

MR. FREEMAN: But there's two outstanding appeals, not just the one that was mentioned. You mentioned two.

MR. DUFFY: Yes.

MR. FREEMAN: Thank you.

THE MODERATOR: Dr. Antonucci.

DR. ANTONUCCI: Yeah, Bob Antonucci, Precinct 6.

Last night we discussed a number of issues and there are a lot of questions about various amounts of money that we have to spend. You know, as a Town Meeting Member tonight I was sitting there, I have never been so impressed with a presentation as Amy did tonight. She was clear, she was concise, she was understandable, and she talked about the impact to the Town.

I also commend the Board of Health and the Selectmen for doing their homework. So, in the sense of equity, fairness, health and safety, and really cost efficiency, I think we should approve both articles.

It's time we moved this project on. It needs to be done and I think if we do it tonight we'll finally get this project moving in the right direction.

Thank you.

THE MODERATOR: Ms. Jewett. If you could stand so that we know where we're going with the mic.

MS. JEWETT: Catherine Jewett, Precinct 5. Through you, Mr. Moderator, it's my understanding that as of late last week the people in charge of the revolving funds did not know that this was even coming to this floor. Could I have an answer on that, please? When

did they get notified? When did Mr. DeLarosa get this information?

THE MODERATOR: Ms. Lowell, you want to take that?

MS. LOWELL: Dave DeLorenzo is the acting head of the state revolving fund program, and we as the staff of the Town have met a number of times and discussed the status of the project with the state revolving fund managers. We did contact them again most recently at the end of last week to confirm that they would provide a loan for the project at the total current project cost at zero percent interest. We had not felt the need to do that previously because – or, before the end of last week because we have previously met on numerous occasions and confirmed that same fact. So, he was aware of the new project costs as of the end of last week and had been previously informed of the project – he was aware of the Town Meeting status.

MS. JEWETT: Well, this is twice as much as we asked for before, so one would have thought that you would have let him know how much you were asking for way back when you submitted the article, instead of, you know, here we're here; there's only one outstanding litigation and then we're told there's two. I would just like the information up front instead of always having it hidden. Thank you.

THE MODERATOR: Any further discussion? Yes, in the center. Mr. DeWitt.

MR. DEWITT: Ed Dewitt, Precinct 1. I just wanted to clarify some of the issues on the appeals. There were three appeals that affected funding by the state revolving fund. One of those appeals was for the treatment plant on Williams Road. The second appeal was

for the actual discharge permit which allows the Town to operate the treatment plant and discharge the treated effluent from the treatment plant into the propose leaching field near the North Falmouth School. And the third appeal involved a collection system, which were both the pipes for the collection system and the pump station. There has to be a small pump station built in the New Silver Beach neighborhood to pump the wastewater from New Silver Beach to the treatment plant.

The treatment plant appeal was decided fully in favor of the Town. There were no changes made to the treatment plant as a result of that appeal. A final order was issued by the DEP Commissioner. Likewise, the Town received a favorable appeal in the discharge permit appeal, and we are able to discharge the effluent in the – as designed in the project. So, we are fully safe in both the treatment plant and the discharge permit to go forward. There are no hurdles to build those two elements to the project.

The third piece, the collection system, interestingly, the opponents to New Silver Beach have stated in testimony and the hearings that they're not opposed to the collection system, so to speak, they're opposed to the treatment options that the Town has chosen and the Williams Street treatment site. However, they did identify some issues in the collection system. Most of the issues they identified were actually taken care of in the technical specifications. They involve things like gaskets on manhole covers. And those were all summarily decided in the Town's favor. The only outstanding issue in the collection system appeal is the pump station and whether certain runoff

from the pump station will reach a nearby vegetated bordering wetland. And we're confident that the design not only meets the criteria under the state regulations, it exceeds it, and that there are no issues.

So, I just wanted to – those are the only appeals that affect the state revolving fund releasing the zero interest loan for the Town to use.

There is the second appeal that Mr. Duffy decided that is in Superior Court, but that has no impact on the state revolving fund and in fact the Town has filed a motion to dismiss that appeal because the opponents have already taken the exact same issue to the Appeals Court and lost there. They took it first to Barnstable Superior Court, then to the Appeals Court and lost there as well.

THE MODERATOR: Mr. Latimer. A microphone down here for Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct 2. I move to speak on this only because the presentation used the word fairness and equity, and I just want to say that that is a gross misrepresentation. There is nothing fair or equitable about this project at all. If we remember the history of this project, the plant, the treatment plant, was initially to be sited in New Silver Beach, where it belonged. The residents of New Silver Beach prevailed upon the owner of that property not to sell it to the Town as had been planned. The Town then, as a matter of expedience, decided to re-site this plant up in a village several miles away, the North Falmouth Village. And now tonight what they're asking is that the people of North Falmouth share the expense of having

a treatment plant sited in their village to serve another village several miles away. There's nothing fair or equitable about that at all. It's a matter of expedience, pure and simple. And I would tell anybody that lives in Waquoit Village, Teaticket Village, East Falmouth, if this is the way the Town is going to do business, they're going to take sewage from your – from the coastal areas near where you live and bring it up into your village, because that's exactly what this is doing. By all means, this has to go because this has to get behind us. This has been dragging on too long. But don't feel good about yourself that we're doing something fair here at all; we're not. You take sewage from one village to another village, it stinks. Thank you.

THE MODERATOR: Okay. Further discussion on the main motion. Any further discussion from members? Woman in the aisle. Yes, the woman in the aisle. Right there. The woman standing right beside you.

MS. FRONTIN: Good evening. My name is Lillia Frontin, Precinct 5. I want to deeply thank Mr. Latimer. And I want to thank the Town Members for all of their work. You've already made a lot of very good, important and difficult decisions and I'm asking you to make another one tonight and to vote No on both Articles 29 and 30. I have reasons to request your No vote.

Number one, the wisdom of the funding being shared through taxes. These two articles both ask for funding of a controversial project still mired in costly lawsuits, which can go on indefinitely in the courts. Prior Selectmen and Town Meeting Members have pointed out

that moving forward without having these legal and environmental issues settled is not only unwise but it will also not solve the New Silver Beach sewer problem. The original vote by FinCom echoes that concern.

We all know the town leaders continue to reject an alternative solution favored by neighbors that would not harm project neighbors nor the environment and would tie New Silver Beach directly to the main treatment plant. We do support helping New Silver Beach but not with the unnecessary harm to other neighbors and to the environment.

Now these two Articles, 29 and 30, will in fact go further to punish neighbors twice, as Mr. Latimer pointed out. First by lowering our property values and our rightfully expected quality of life, and then secondly by taxing us to help pay for that harm. Voting No will show your support for better planning, for wise finance, for conciliation and for fairness.

Number two, the wisdom of the funding being increased. One of the best things happening recently has been the call for better long-range planning and more community involvement. We've come to see we no longer can afford the luxury of snap decisions or unilateral decision-making. Town sewerage, for example, is a way of thinking with a broad vision. We support this sort of thinking. Of course, more than anything, successful projects mean good, smart planning and a well-understood goal. As we know now, a decade after the original attempt to help New Silver Beach, we must do things properly from the very beginning. Town-wide sewerage is now being seriously looked at and, if

we do it right, we can make it work. Fortunately we still have a chance to help New Silver Beach by making it part of that broader plan.

The current New Silver Beach plan came about before any talk of town-wide sewerage. It was done as a stand alone project that, because of its location can never be expanded. At the time, expansion was little discussed. But is this still a wise investment of \$12 million with so much pressure to develop? If built as proposed, simply because of its location, this sewer plant will never serve more than the 210 homes. Yet, it is proposed in one of the most highly development-prone areas of town. It stands to reason that another treatment plant, possibly a duplicate, will need to be built nearby with an even higher start-up and annual running cost. We all know town-wide sewerage will be an expensive long range undertaking, it will require broad public support based on good planning, good process, equitable and fair sharing of benefits, equitable and fair sharing of costs. But, once done right, it will be a success. This could be your first step towards doing that.

If a \$12 million North Falmouth plant investment needs to be made, it should be part of a broader plan, and that requires it should be located on a large acreage, a non-residential, open, environmentally appropriate parcel of land, possibly near highway access for the sludge trucks that are involved with this project. It would first handle the New Silver Beach sewers, but it would be designed to be expanded, if and when expansion is needed.

The Town's current plan doesn't fit with new economic and fiscal

reality. It unfortunately lacks vision. Whatever its original intentions, with the passage of time, it has become shortsighted and outdated. Spreading the \$12 million problem around to tax all of us is not an answer. Your No vote would show your interest in a better, more farsighted solution and use of Town funds.

Number three, the result of supporting a No vote. The right solution would bring us together as a stronger and healthier community. As a Town, we are beginning to recognize there are bigger, connected problems than we did a decade ago, when New Silver Beach was first tackled by the Town. I think we've all learned a lot since then and now is the time and gives us a chance to move freely in a new, unified direction. Your No vote can send a message of your concern to Selectmen and help heal wounds, and will show a commitment to treating all parts of Town equally. Same approach to process, same funding, same goal.

The absolute need for scrutiny and prioritization of public projects does require prudent choices about spending and goals. But your votes last night and tonight show that it doesn't need – it needs to forego judgment and caring. It means if anything we need to work harder as a unified community for making Falmouth a better place to live.

THE MODERATOR: Okay –

MS. FRONTON: I hope you'll consider a No vote and thank you for listening.

THE MODERATOR: Okay, Mr. Hampson.

MR. HAMPSON: My name's George Hampson and I'm from Precinct 5. I lived through this ever since we first had our meeting in Silver Beach, and as the Moderator says, we are confined to limiting ourselves about the funding of this project, not like something we would like to see. Maybe I could come up with a better idea, but you can't do that here tonight.

One thing I'm sure of, what's happening in Silver Beach is not acceptable. Kevin Murphy said that the other night at his meeting. And we can't go on like this. Something has to be done. It's pathetic what's going on at Silver Beach and what steps people have to take in order to get through the summer.

The other thing is, as far as funding is concerned, this is an example of what's going to happen in the future. This is how we're going to help our ponds of your neighbors in East Falmouth. This is what we're going to do to help in West Falmouth and Waquoit, all these things. So we've got to work at this together. FACES had the right idea and most of us have that idea, we have to help each other. Let's not talk about North Falmouth going on its own or Silver Beach. We got to work it out together.

Financially, I know it's a hard thing to take. The price of steel took a tremendous hit, and that's one of the problems.

I'm speaking right now because a lot of people in North Falmouth are going to hate me for saying what I have, but I can't let it go on, I just can't. We gotta do something. Thank you very much.

[Applause.]

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

Okay, let's go. Mr. Anderson.

CHAIRMAN ANDERSON: Gary Anderson, Chairman of the Finance Committee. A point of clarification: the Finance Committee originally made a recommendation of indefinite postponement, but one should not construe that indefinite postponement indicates either support for or against the article as written. Subsequent to that, and the reason for the indefinite postponement was we were awaiting what we were told as an imminent decision from the Administrative Magistrate. So we were looking for more information when the warrant needed to go to print.

The Finance Committee met at six o'clock last night and a positive motion was made to bring this article back to the floor and reconsider, which we did. And a positive motion, the motion that you've read tonight on Article 29, was put forth. The vote from the Finance Committee on the positive motion last night was unanimous in favor of this motion.

THE MODERATOR: Mr. Murphy.

MR. MURPHY: My fellow Town Meeting Members, I'd like to first address a couple of comments that Mr. Latimer and Mrs. Frontin made, that we have no Deer Island in this town. And West Falmouth didn't ask originally for the treatment that they ended up receiving from downtown and Woods Hole. We're a community. We can't live in neighborhoods. We don't have any large parcels of land to go somewhere and pump our effluent and hope that it all goes away over

there. We have to work together ongoing.

One of the single biggest things that this town faces in the near future, and we've talked about zoning articles at this Town Meeting and about how this town looks, the major reason that we all came here and the reason we stay here is our shoreline, our coastal embayments, and Buzzards Bay and our beaches. These are the things that affect those beaches and this is where it has to begin.

Ten years ago this Town Meeting made a vote to support a 75-25 split. It lost at the ballot box by a mere 200 votes. I want to say to you that, back then, each and every one of you didn't think that your areas of town would in fact someday have to suffer and go through the same type of situation. The people in New Silver Beach for the last ten years have to make a decision on whether to flush their toilet or not after they go the bathroom. Is that the way you want to treat your taxpaying neighbors? I don't, and I don't want to live in a community that does. These folks are asking for some help. And what they've been asking for for ten years is for us to move forward.

The opponents to this have won in some form. They've extended the cost, and they've done their right by appealing the situation. But in fact the folks there in Silver Beach who could probably get a good Title V system for \$20,000 are still looking, with a 70-30 split, to spend \$40,000 to help clean up Buzzards Bay, clean up their area, and have their community as a good place to live. I question whether or not property values will go down, because our beaches will be better, our community will be better, and I think the property values will begin to

grow.

I will say this, that yes, we have to have a vision and I support the new vision that the wastewater has come out with. But this is the beginning of the vision. We can't talk about vision; we need to start making some actions on vision, and this is the first step on those actions. I ask Town Meeting to be fair to your neighbors because some day you're going to ask the same for your neighbor to be fair to you.

The funding in this article represents \$170 for a \$400,000 house over twenty years. I think, and I surely believe – I've always said that I'm a fiscal conservative – that's a good investment for the Town of Falmouth to start the process to make this community a good place to live now, tomorrow and in the future. I ask you to pass both of these articles and let's move on. Let's help your neighbors because some day each and every one of us is going to need help in another part of this town. Thank you.

[Applause.]

THE MODERATOR: Ms. McElroy. Let's go, folks. Ms. McElroy.

MS. MCELROY: Margo McElroy, precinct 1. This project has already been approved. That is not what we're supposed to be debating. We need to fund this project with these two articles. It's a sound project, as Mrs. Lowell has explained. It's well-planned environmentally. It is not going to do anything but improve the environment. Silver Beach is a mess, and we need this not just for the people in Silver Beach but for all of the town of Falmouth. We need to

move on with this project and we need for the people who have been opposing it and have cost us this additional amount of money by extending the litigation, both the litigation costs and the additional costs of construction that have been put upon all of us by the people who have exercised their constitutional right way beyond the need after the courts have decided repeatedly that the project should go on.

So please, fund it. Fund it tonight. It's a good project. It's well-planned and it's going to help our environment and it's going to relieve our tax burden of continuous litigation for another ten years. Thank you.

THE MODERATOR: Mr. Murphy.

CHAIRMAN MURPHY: Carey Murphy, Precinct 7. I think that every Town Meeting Member here is fully versed in this situation, to be quite honest with you, and I would ask that the question be called.

[Applause.]

THE MODERATOR: The question comes on whether or not to close discussion and vote on the main motion. All those in favor of closing discussion, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed No.

[No.]

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

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

[Aye.]

THE MODERATOR: All those opposed?

[No.]

THE MODERATOR: It is the opinion of the Chair that the Ayes have it by a two-thirds majority and I so declare. Is there a challenge to the Chair?

[No audible response.]

THE MODERATOR: Hearing none, the article passes. Article 30, Mr. Chairman for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I move that the Town vote to apportion 70 percent of the total cost of improvements to the New Silver Beach sewer area by charging betterments to the area receiving the benefit, and assessing upon each parcel therein a proportionate share of such cost as a betterment assessment under Chapter 83 of the Massachusetts General Laws. Provided, however, that the Town shall have voted at a town election to exempt 30 percent of the amount necessary to pay for the bonds and notes issued for the project from the provisions of Proposition 2 ½, so called; otherwise the project shall be paid for 100 percent through betterments.

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

MR. PUTNAM: Brent Putnam, Precinct 9. I actually had a question about the prior article, but I didn't get a chance to speak on that. But I do have a few about this one.

Mr. Murphy mentioned \$20,000 for a Title V, and I fully support the last article, but I have some questions as to if it's \$20,000, why are we spending \$57,000; it sort of fails the common sense test. And I also have concerns, too, based on the Citizen's Checklist that we have here, and this is specifically for this particular article, with the 70/30 split. And number 5 in the Checklist, it says, "Is it in the balanced interest of all? Does it benefit a small group while taking an unfair advantage of others?" And I guess I disagree with Mr. Murphy's suggestion that this particular issue is like the rest of East Falmouth. What we're dealing with here, as far as I know, is a – it clearly is an issue with sewage, and not necessarily nitrogen. It is a public health issue that addresses a few hundred citizens.

THE MODERATOR: Okay, let's focus on the funding. The betterment –

MR. PUTNAM: I will. But the question that I have is why are we as a town going to be spending – going to be asking, if you will, the citizens of this town to foot the bill for a few hundred citizens for something that is not town-wide, something that is not going to benefit us on a town-wide basis. I have a hard time bringing that to members of my precinct when there's no benefit to it. As I noted, "The balanced interest of all."

This is not an embayment issue. This is not a nitrogen loading issue where beaches are affected, where shellfish are affected.

This is a public health issue for a few hundred citizens and I'm trying to understand why it is that we're asking the whole town to fund this when

the whole town does not benefit from this. Thank you.

THE MODERATOR: Mr. Murphy. And then Mr. McGrath.

CHAIRMAN MURPHY: I would – with due respect to Mr. Putnam’s points, you know, to me, the town shares in a lot of things in this community. And to put one part of this neighborhood or one part of this town against another I think is irresponsible, to be quite honest with you, in all due respect, Brent.

[Applause.]

THE MODERATOR: Okay, folks.

CHAIRMAN MURPHY: All right. And I say that with respect, because, again, Town Meeting is well versed in this. We have taken this upon our shoulders. We’ve had a succession of successful votes on this issue; it culminates in these two votes this evening. And I again, Mr. Moderator, with all due respect, will call the question.

[Applause.]

MR. LATIMER: Point of order.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: [No audible response.]

THE MODERATOR: The question comes on whether or not to close discussion. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: It is the opinion of the Chair that the Ayes have it by a two-thirds majority and the question will come on the main motion, Article 30 as presented. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it by a majority.

Article 33. This was held by Ms. Zacks.

Is she here tonight, or? Mr. Duffy. Mr. Duffy, are you going to put a positive motion on the floor?

MR. DUFFY: I'm going to release the hold.

THE MODERATOR: Okay. Mr. Duffy for Article 33.

MR. DUFFY: This article was held at the request of the Library Trustees, and since I'm a Library Trustee, I'll just briefly explain. We would like to thank the Selectmen for putting this article on the warrant and bringing it before you, but we also understand the Finance Committee's recommendation of indefinite postponement and the reasons therefore. The Library Trustees will bring this back before a next Town Meeting for your further consideration probably in April because it's a worthy article.

I'd like to remind you that we have moved. The library is now located on Carlson Lane, providing all the services that you were familiar with down on Katherine Lee Bates Road. We've also beefed

up the services in East Falmouth and in North Falmouth and we urge you to continue to use the library and patronize the library like you have in the past, and certainly we thank you for all your support. And with that, I will release the hold on this article.

THE MODERATOR: Okay, the hold has been released on Article 33. Is there anyone in the auditorium that would like to put a positive motion on the floor? Hearing none, Mr. Chairman for the main motion.

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

THE MODERATOR: Article 33 as recommended, as indefinite postponement. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 38. This was held by Mr. Shearer. This is a Community Preservation Committee article. Mr. Chairman of the Community Preservation Committee for the main motion.

CHAIRMAN CLARK: Mr. Moderator, Peter Clark, Precinct 1. And Chairman of the Community Preservation Committee. I move that this article be passed as recommended.

THE MODERATOR: Okay, as recommended. This is \$40,000 from the "Community Preservation Fund for restoring the School Administration Building. Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6. Through the Chair, I'd like to ask Mr. Clark if he took this article to the Finance Committee. And why I'm asking this, before he answers the question, if when we make a study and we spend \$40,000, it's going to come up at next town meeting, of I'll make a guess of \$400,000. And trying to figure out where that \$400,000 is going to come from. And I think it's very unfair for this committee to propose something without having a funding idea as to where that \$400,000 might come from in a year or so. Thank you.

THE MODERATOR: Dr. Clark.

CHAIRMAN CLARK: Yes, Mr. Moderator, I'd like to answer the question – I'll answer the question directly and then I'd like to make another comment if I may.

The Community Preservation Committee's position is on articles of this sort that we don't in fact want to do a study unless we feel that we can take responsibility for the construction costs also. One of the reasons that you have an article that you put on a blanket for Historic Preservation Reserve Fund is to build up some additional funds because there are some significant projects coming that – coming to us, we see, that will require some significant funding. And we're prepared to consider taking on the funding of the project as a Community Preservation Project. So that's why we feel comfortable funding a design money.

In fact, we received a proposal for about a million dollars for a very complete renovation, restoration of that building, which is on

the National Register. And we were uncomfortable with the costs, which is why we in fact asked the School Committee to further study and come back to us with a much more refined number.

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

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it by a majority.

CHAIRMAN CLARK: Mr. Moderator.

THE MODERATOR: Mr. Chairman.

CHAIRMAN CLARK: May I have a couple of minutes just to make a general statement about the Community Preservation Committee?

THE MODERATOR: Keep it real tight.

CHAIRMAN CLARK: Real tight. The one thing I want to do before we move forward is to take this opportunity to introduce to you the Assistant Planner who is working for the Community Preservation Committee and the Planning Department, has been a great help through this first round and will be the person that you would be talking to about projects either if you wanted to propose one or as one goes further along. So, I'd like to introduce the Assistant Planner Jessica Erickson. Jessica, you want to stand?

[Applause.]

THE MODERATOR: Welcome, Jessica.

CHAIRMAN CLARK: I also wanted to thank Marlene McCollum, Assistant Planner, who has helped Jessica get quickly on her feet and moving forward as a member of the Planning Department. So, thank you very much Marlene.

[Applause.]

CHAIRMAN CLARK: If I could have just one of the slides that you had in your book, slide three. This delineates allowable expenditures and prohibited expenditures and it has those terms that I was using yesterday when I read the statement. And you'll see in the second line that we can "acquire, preserve, rehabilitate or restore historic resources", that's the term in the legislation. And, two lines below that, "acquire, create, preserve and support community housing", and we've been using historic preservation and affordable housing. Community housing includes low and moderate income housing. So, affordable housing is a subset, really, of that.

I want to point out to you also, under the prohibited expenses, that we cannot pay maintenance for any real or personal property. We have defined for our working purposes a ten year – anything we pay for has to have a ten year life. The CPA legislation left to local decisions many of these things. Did not settle out of discreet, hard guidelines. So, our maintenance definition is ten years. We could in fact change that as we move forward and look at other proposals, but we will apply it evenly.

I want you to notice in the fourth bullet that Town-owned

property is held to a higher standard, if you will. We're not only not allowed to maintain Town-owned property, we're not allowed to rehabilitate Town-owned assets that were not originally acquired with CPA funds. And rehabilitation involves a whole range of things more extensive than maintenance.

So, I just wanted to review those with you as we move ahead, here. Thank you very much.

THE MODERATOR: Okay, Article 41, Mr. Chairman for the main motion. This is \$40,000 for the renovation of the second floor of the Edward Marks Office Building Poor House.

CHAIRMAN CLARK: I would recommend approval as recommended.

THE MODERATOR: As recommended. Mr. Freeman held this article. Microphone down here for Mr. Freeman.

MR. FREEMAN: Thank you, Mr. Moderator. The concern I have for this issue is very simple. Our town is renting a lot of private property for administrative or municipal offices. We went through the Odd Fellow purchase for \$330,000 with no plan as to what we were going to do with it. We went into the real estate business on spec. We now have this building, and we have a second floor. Now we're talking about giving a \$40,000 for the Community Preservation Fund for undesignated balance for the purpose of this article to be expended to renovate the second floor of this building.

My question is very simple: I'd like to know if there is a definitive plan, same thing we ask all the other applicants that come

before us, as to what we're going to do with that. Why are we going to renovate the second floor if we don't know we have a tenant? Or, if we do have a tenant, who is it going to be? And shouldn't that tenant be involved with the renovation or the architectural plans for that structure?

Again, going back to Odd Fellows: \$300,000 without a plan. Now we have this, we're putting it in, what is the plan for use of that second floor, Mr. Chairman?

THE MODERATOR: Mr. Chairman.

CHAIRMAN CLARK: I will answer briefly and then ask Heather Harper who presented that proposal to CPC to answer further.

THE MODERATOR: Ms. Perry, you're on my list if you want to have a seat.

CHAIRMAN CLARK: The position of the Community Preservation Committee is that this is a very important historical building and, even without a specified use, would have seen completing the restoration of that building as a very important process in terms of preserving this historic resource. But, aside from the importance of the historic preservation, the Town did have an intended use.

THE MODERATOR: Ms. Harper.

MS. HARPER: I appreciate the opportunity to greet this Town Meeting. There you go, you can hear me. I do have a few brief slides that I'd like to share with Town Meeting on this article.

This project really began in earnest back in 1997 when the Town appropriated \$50,000 to design and work on the restoration of this Town-owned building. It is the oldest Town-owned building; it's the

Town Infirmary, and has been used in the Human Service area for many years. As many of you know, it was the Artist's Guild for 30 years from the '60's up until the early '90's.

I'm going to give you just a brief presentation on the work that we accomplished with \$250,000 of town funds and \$65,000 from the Massachusetts Historical Commission. That project ended with a Preservation Restriction and any project that we continue will require close coordination with the local Historical Commission and the Commonwealth of Massachusetts Historical Commission.

This is the building back in 1997 and you can see the demolition debris there. And these will just be a few slides of the project.

Moving along slowly.

The primary work on the building was structural repair. There were wood solutions along with concrete and steel solutions for the building. The building has a large occupancy program which would house as many as 50 people on the second floor. If you recall, that was an artist's guild and used for educational purpose, so there's a lot of work that's gone into planning on what the future uses of the building might be.

That's the building today, after some continued historic preservation on the exterior of the building. A new handicapped accessible entrance. And it's now home to our own Retirement Board, which provides rent in the amount of \$14,000 a year. The leading runners and candidates for the future use of the building are those two

offices, the Human Services and Town Counsel. Town Counsel is the forerunner in that, but we will explore options to relocate Town staff into the second floor. Town Counsel is currently in a leased space. We spend \$25,000 a year on rent for them. They are extremely happy where they are, but we think we can find a great space for them here, as well.

This is the second floor, as you can see. We're hoping to restore the second floor in the same degree that we did the first floor. There are important artifacts, as well, on the second floor: historic wallpaper samples, and this project would include a museum room, which is an eight by eight cubicle cell which has housed both families and individuals. And that room will be preserved to museum quality. So this is an historic preservation project first and a space needs project second.

THE MODERATOR: Ms. Perry.

MS. PERRY: Thank you, Mr. Moderator. Good evening, ladies and gentlemen, my name is Jane F. Perry, Precinct 8. I have a couple questions if I may through the Moderator to whomever could answer this question. I'd like to ask the same question as I did last night with the DPW project. This is a second floor to a building. The first floor is handicapped accessible. How is the second floor going to be handicapped accessible?

THE MODERATOR: Ms. Harper.

CHAIRMAN CLARK: I can answer that quickly –

THE MODERATOR: Or, Dr. Clark.

CHAIRMAN CLARK: – in the sense that the plans are designed to include an elevator for an access to that floor.

MS. PERRY: You said the plans, Dr. Clark. Does that include the funding for those plans to include the elevator for the handicapped access?

CHAIRMAN CLARK: The purpose for the design funds is to specify the exact specifications for that second floor, and they are to include an elevator, so it is to make that clear and precise.

MS. PERRY: I'm glad to hear that because the Americans Disability Act is a federal mandate and that was going to be my second question through Mr. Duffy to either you through the Chair, that: could we appropriate this money to fund the second floor without accessible access? Because those of us – and there are several people in this audience, myself included – who are not only disabled, but are older, and we have the right to enter into and within a building –

THE MODERATOR: Jane, this money is for the architectural services, which will include the elevator that Mr. – that Dr. Clark just mentioned.

MS. PERRY: Thank you very much, that was my question.

THE MODERATOR: Okay, any further discussion? Mr. Freeman, then Mr. Maclone.

MR. FREEMAN: My question through you, Mr. Moderator, is for Mr. Duffy. As a main contender for the use of this second floor, Mr. Duffy, have you been consulted as to the space that would be

available to you and will it be sufficient if you were?

THE MODERATOR: Mr. Duffy.

MR. DUFFY: I have been consulted several times. I am aware that I am a contender for this space. No decision has been made. However, I've made it very clear that before I would want to go any further, I would want to sit down with the architect and tell the architect what my department's requirements are and see if this building can be designed to accommodate it. Right now, I can't answer any more specific than that. But, if my department is going to move in there, I'm going to want to make sure that it can accommodate me appropriately.

MR. FREEMAN: Understood. Mr. Moderator, through you to the Chairman. Mr. Chairman, when is that schedule to get together, if this is approved, with the architect so that Mr. Duffy could be involved because he's a candidate?

CHAIRMAN CLARK: Well, the CPC will expect that the result of the architectural design will incorporate this kind of collaboration. We don't have a deadline for when that plan is due back to us; that's going to play out as the Town office moves it. But when it comes back, it will have to be an historically appropriate treatment; it will have to be functional; it will have to be accessible.

MR. FREEMAN: Thank you.

THE MODERATOR: Okay, Mr. Garcia.

MR. GARCIA: Thank you, Mr. Moderator. Ron Garcia, Precinct 7. Just a quick question. Can someone tell us how much has

been spent on this building to date?

THE MODERATOR: Ms. Harper.

MS. HARPER: There was an appropriation in 1997 for \$50,000 for design. There was an additional \$200,000 appropriated for the construction; \$65,000 was awarded by the Massachusetts Historical Commission and we funded painting the exterior at a very recent Town Meeting which has obviously occurred. In my view, a bargain for the space that we have.

THE MODERATOR: Mr. Maclone.

MR. MACLONE: Thank you, Mr. Moderator. Richard Maclone, Precinct 4. Can you give us an idea how much the upper floor renovation is going to cost and what the total expenditure on the building will be when we finish?

CHAIRMAN CLARK: Mr. Moderator –

THE MODERATOR: Mr. Clark.

CHAIRMAN CLARK: – the Community Preservation Committee received an estimate of that, but it's a very rough estimate.

THE MODERATOR: Ms. Harper.

MS. HARPER: It is a very rough estimate. We estimate the elevator alone to be \$100,000, and, depending on the level of restoration and the level of effort required by the Historical Commission and the Massachusetts Historical Commission, the square footage cost is really going to vary. We presume it's going to be in the arena of two to three hundred thousand dollars. So, a total of three to four hundred thousand dollars, including the elevator.

THE MODERATOR: Okay, Mr. Latimer. Microphone down here to the right.

MR. LATIMER: Richard Latimer, Precinct 2. I would point out for Mr. Freeman –

THE MODERATOR: Folks, let's quell the undercurrent, please. Mr. Latimer.

MR. LATIMER: I point out for Mr. Freeman that Mr. Duffy can't get together with the architect until we vote this money. Let's do it, thank you.

THE MODERATOR: Okay, here we go. The question will come on the main motion of Article 41 as recommended. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it by a majority. Article 43, Mr. Chairman.

CHAIRMAN CLARK: Mr. Moderator, I move that this be voted as recommended.

THE MODERATOR: As recommended. This was held by Mr. Netto. This is \$11,234 from the Community Preservation Fund for the purpose of roof shingling and renovation of decorative windows on the West Falmouth United Methodist Church. Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9. It's with a political philosophy that I stand here tonight. And it's very difficult when you have

to speak out against a community group and a religious group. But I would ask you not to support this spending of public money on a religious building. It's the core and basis of what the United States of America, this democratic institution that we're members of, I'm sorry, is founded on. And that's the separation of church and state.

Very quickly, I also by the way held Article 61, which had to do with giving of land, a public way, to St. Elizabeth Seton Church. A church that I'm not a member of. I am a member of St. Anthony's in East Falmouth, but St. Elizabeth's and St. Anthony's are both Roman Catholic churches in town.

It is this separation of church and state that I do not feel that the criteria that Dr. Clark just put up meets the spending of public money. I've been as a guest to the West Falmouth Methodist Church, spoke to Mrs. Hocker [sp?] about it last night; I don't think she's here tonight, someone else is. But I do think that the discussion of this article goes beyond the local politics of the Town of Falmouth and, as I said earlier, to what our country has been based on.

If you looked at Dr. Clark's – and I have a difference of opinion with this committee – when you look at the second item – if you could put it up – what they cannot spend funds for. This is not an historic building. This church is a hundred years old in an historic district designated by Town Meeting. I did not hold the cemetery because the criteria were different: it's on the National Register. I've had some people ask me that question.

I would like to keep this short. I would like you to go back

to your Government 101 class or 11<sup>th</sup> grade U.S. History class that many of us took in this building, and I do feel, you know, that this is a principle that we must maintain.

If there is a religious group that is having financial difficulty, it is within the religious community of the Town of Falmouth and the members of the Town of Falmouth to help this congregation, if that is their need, to come forth for this \$11,000. I met with my parish priest today, and we would be willing at St. Anthony's to donate money towards this cause. This is a private issue, not a public issue. Thank you.

THE MODERATOR: Dr. Clark.

CHAIRMAN CLARK: Yes, Mr. Moderator. The reasons that the Community Preservation Committee entertained this proposal is that the building is eligible for historic preservation money under our guidelines. Our guidelines indicate that there are five ways that a building can be considered eligible. That includes the National Register, which is essentially the gold standard, if you will. Eligibility for the National Register, State Register, being part of an historic district designated by Town Meeting, or being on the list of the Historical Commission on their cultural inventory list.

We have in fact turned down a project which was the Mitchell Beach House because as we explored it we did not see it as an historic building under those five criteria. So, although the building itself is not on the National Register or on the Cultural Inventory, it is a significant building in the West Falmouth Historic District, and therefore it was seen as being eligible for our attention.

We have an opinion from Attorney Duffy, Town Counsel Duffy, that in fact this use of money does qualify, does not violate the Massachusetts Anti-Aid Amendment, and he can speak to the specifics of that amendment and why this passes the tests posed by that amendment. So legally it is appropriate.

The building meets the CPC eligibility for historic preservation. The work being done on it exceeds a life of ten years, which is the limit that we have set for defining maintenance versus preservation in this case.

It also came to our attention that certainly the church itself has done the major amount of work on this. It isn't that they're asking us for any total amount of money to help them with their church. It came to our attention that the church offers meeting space for non-profits and other organizations, provides a public benefit in that regard, and that preserving the historic resource itself in the historic district benefits not only the Village of West Falmouth but all the Town, in terms of maintaining those districts.

So, for those reasons, we did move ahead to approve this.

We denied a portion of the proposal because it did not fit the appropriate historical treatment and therefore we did not approve that portion of the proposal.

Mr. Moderator, I notice that one of our members, Mr. Bowers, had a statement, if he can make that, please.

THE MODERATOR: Yes, Mr. Bowers.

MR. BOWERS: Just wanted to add a couple of things to

that. The – in addition to being in the local Historic District – my name's Jamie Bowers, I'm in Precinct 3; I'm the Historical Commission representative on the CPC. In addition to being within a local historic district which was created by the Historical Commission here as a recommendation to Town Meeting, this building is listed as a contributing structure in the West Falmouth National Register District, so it's on the National Register as contributing to a larger district.

The other point I think it's important to remember is that whatever work is done here will be protected by the fact of this building being located in a local Historic District so any future changes will be subject to approval by the Historic District Commission.

THE MODERATOR: Dr. Antonucci – oh, you're all set. Anybody else on Article 43? Ms. McElroy.

MS. MCELROY: Margo McElroy, Precinct 1. While I'm sympathetic, I just don't understand why we're paying for maintenance on private property. We own some property in an historic district and we could use some new gutters; maybe we should apply. I'm not seeing how it fits the criteria that you gave us earlier, Peter, because it looks like a maintenance project on private property that happens to be in an historic district and it sets a precedent of everyone who needs their house painted around the Village Green could apply for a grant, and I don't think that's what you intend. So, maybe you could make it clearer to me, thank you.

THE MODERATOR: Dr. Clark.

CHAIRMAN CLARK: We believe, and what we've set as

our eligibility guideline, Mrs. McElroy, is that maintenance projects are work that does not have a life span of greater than ten years and that, in this case, these repairs to the church are going to have a life considerably longer than the ten year limit. And I agree with you that, I mean, if you look back, if you remember back to that list of allowed expenditures, it doesn't say that we preserve just Town buildings if they're historically appropriate or important. Non-profits, private citizens have the right to come to us. We haven't crossed that bridge because no one has done that, and we understand that that can open a door that would be a very serious issue.

So, it is an issue that we're going to have to define as we move ahead. But we feel that, given the definitions that I've already listed in terms of maintenance versus preservation, and in terms of historical importance, this project qualified.

THE MODERATOR: Okay. Anybody else? Mr. Maclone.

MR. MACLONE: Mr. Moderator, I think from past town meetings where we had a very small window to take opportunities, we now have a door, and I think the door is going to be open because if we help this church, we also have many, many churches in this town that are all in historical districts. And to be fair to one, you have to be fair to all. And, with any town like ours where we have our own little areas, from Waquoit Congregational Church to downtown, they're all in those districts, and I think this door that opens is going to have to be a fair door, so if we give to one, if they come to us and say, "Well, you did it for

them,” they all provide basically the same benefits to the town, they let non-profit groups meet there and whatnot.

So, I think that this could be kind of a dangerous proposal to start doing this, and I’m not against the churches, by any means. But I don’t know whether this is – what this is meant to do. Thank you, Mr. Moderator.

THE MODERATOR: Ms. Asendorf.

MS. ASENDORF: Lisa Asendorf, Precinct 8, and I don’t want to repeat what the gentleman just said because I’m in agreement with that. But when we’re talking about state and church, it was interesting when Jamie Bowers said now we could then have control if we are providing monies to do these repairs. So we’re even getting deeper in the state and church. I have a real problem with that. And most churches do provide for non-profits in the community, and it is just opening the door, so I really urge people to vote against, thank you.

THE MODERATOR: Ms. Whitehead. Ms. Hayward, you’re on my list if you want to have a seat. Ms. Whitehead.

MS. WHITEHEAD: Hi, Lynn Whitehead, Precinct 1. I agree with Mr. Netto, I agree with everything that’s been said. But I think, Peter, that they are right. I can’t wait to go to the Congregational Church. We’ve put a steeple on, we’ve put shingles on. You’re shingling a roof, it’s only 11,000 for this, but I think you’re opening up a whole big kettle of fish, and I think the CPC funds should be used for many other things besides this. But I think this is a precedent that’s definitely going to be set.

I also agree with Mr. Netto. It's still church and state are separated, and I think the waters are getting very muddied here and we're opening ourselves up into a real problem and an issue that's going to come back to haunt us. Thanks.

THE MODERATOR: Ms. Whitehead, can you pass that microphone to Ms. Hayward? And then we've got Mr. Ayres.

MS. HAYWARD: Nancy Hayward, West Falmouth, and I am a member of the Falmouth Historical Commission and I'm expressing my opinion. I think it's appropriate for the Community Preservation Commission to be offering an opportunity to a church to restore in an historically appropriate fashion – that means appropriate materials, which may be more expensive materials than they would have wanted or been able to use. If there are other churches which have historical designations or are in historic districts, I would suggest if they have projects which meet a level of historic appropriateness that they apply to the Community Preservation Commission and let their projects be considered.

I do not consider this an infringement upon church and state, I consider it an improvement to the West Falmouth Historic District and National Register District which will be enabled to occur by the use of these funds. Thank you.

THE MODERATOR: Mr. Ayres.

MR. AYRES: Dean Ayres, Precinct 7. With all due respect, Peter, I think you've done a fantastic job as chairman of this committee, but I do have to agree with a number of people that have got

up and spoke against this. It's a privately owned building. I don't see this as being any different than my owning a house in an historical district, privately owned and asking for funds.

I know the members of the Waquoit Congregational Church are probably going to want to send me to the depths for saying this, but I know for a fact that they need a new steeple out there, and I know for a fact – I just heard this a couple days ago that they want to strip the vinyl siding off and bring that back to real clapboard. They're going to be in line next and, yes, it's an historical church and it's in an historical district, but it's a privately owned building just like my house is a privately owned building and I don't think we should be spending public money for privately-owned properties. It's going to open a can of worms; they're going to be crawling over the top.

THE MODERATOR: Mr. Nidositko.

MR. NIDOSITKO: Yes, Jim Nidositko, Precinct 6. I think we have to have confidence in the CPC. I agree with the speaker prior to Mr. Ayres regarding the choice of candidates for these funds. The Community Preservation Committee always has the option to say No to a group.

I'm a member of a church right in the center of town, and we didn't approach the CPC. We're involved in a capital campaign project to renovate – to redo the roof and do some painting and pay down you mortgage. I think we have to have confidence in this committee to sift through the different candidates and to have the courage to say Yes or No to them.

So, I would appreciate a vote for this particular article,  
thank you.

THE MODERATOR: Mr. Dick, something new? Then Mr.  
Murphy.

MR. DICK: Henry Dick, Precinct 8. With all respect, Mr.  
Moderator, to Mr. Ayres, replacing vinyl siding on an historic structure is  
key to the tourism of this town and is exactly what the Historic  
Preservation Funds were meant for. Thank you.

THE MODERATOR: Mr. Murphy. If you could pass that  
mic down the aisle.

MR. MURPHY: Thank you, Matthew Murphy, Precinct 7.  
I'm not sure if anyone can answer the question. I doubt very much the  
church owns this building. I would assume it's a private non-profit?  
Does anyone know how it's legally structured? Because, if that's the  
case, then we're really supporting a private non-profit as opposed to a  
church. I believe Highfield Hall is a private non-profit. I don't think it's  
Town property and we've sunk a fair amount of money into Highfield  
Hall. So, legally, I don't think there's really a difference between  
supporting a private non-profit which is represented by this church, or  
giving money to Highfield Hall.

THE MODERATOR: Dr. Clark.

CHAIRMAN CLARK: Mr. Moderator. I appreciate it that  
you are worried about the task that we have ahead of us. It is in fact  
under the legislation appropriate for non-profits and for private citizens to  
bring projects to the Community Preservation Committee. When they

do, our recommendations come to you for a vote. That's an important part of the process. And we need to listen to the Town Meeting in these regards. But I think it's very important for Town Meeting to understand that Community Preservation Act funds are to preserve the historic resources of a community to help the community maintain its historic – the historic integrity in various neighborhoods and areas.

And so we are confronted with having to receive proposals.

And, as I said, we've not received them from any individual citizen on his or her private property, but that is in fact a legal proposal to come to us, that we would have to struggle with. I think people who have come to our committee understand that they are put through a fairly rigorous process of explaining why it's necessary, what the public benefit is, what other sources of funding there may be, a whole range of criteria that we bring to bear in looking at that project.

THE MODERATOR: Okay, the woman to my right and then Mr. Latimer. Can I have a mic down here, please?

MS. GLADFELTER: Hi, my name's Betsy Gladfelter, Precinct 6 and I also live in West Falmouth. I'd like to point out I was just visiting a friend up in Stow, Massachusetts, and she gave me directions to her house to turn by the church that had the orange doors, the white church with the orange doors. When I got there, I asked about the orange doors and it was a church that had become a Hindu temple and now was a private house. And so I'd like to point out that here in Massachusetts -- and, you know, not that I want any of these congregations to fail, but these buildings aren't necessarily going to stay

with the congregations. But they are historic buildings in historic districts and they do qualify for Community Preservation Act funds.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct 2. The first amendment to the Constitution says that Congress shall make no law respecting an establishment of religion. And that comes down to the states through the Fourteenth Amendment. There's been a lot of, a lot of case law on what is establishment of religion. Certainly if these people were coming to replace hymnals or something like that that occurs inside the church building, we would be getting well into establishment of religion.

We're talking about a facade of a historic building which qualifies as a historic building. We're talking about renovation and rehabilitation of that facade. We're not talking about promoting any religion. We're just talking about a building that exists in a public area that has a public impact that is beneficial to the town, as do many others, including the Waquoit Congregational Church which lost its original steeple back in a hurricane sometime long ago and, because there weren't funds like this, they had to go out and put up an a-historical steeple that exists now, that spire. Most of our congregational churches used to have these bell-shaped domes and we don't have them because they lost those steeples and, well, I would say, if Waquoit needs to rehabilitate its church it should come to the CPC and tell that they want to rehabilitate it and restore it to its historical significance, to its historical style. I'd support that.

So I think keep in mind we're not talking about establish of religion here. This doesn't really involve the First Amendment. We're talking about rehabilitating a building that has public importance. Thank you.

THE MODERATOR: Okay, the question will come on the main motion of Article 43 as recommended. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

[Pause.]

THE MODERATOR: Okay, Division three, Mr. Hampson.

MR. HAMPSON: 34.

THE MODERATOR: 34.

Division one, Mrs. Tashiro.

MRS. TASHIRO: 29.

THE MODERATOR: 29.

Division two, Mr. Dufresne.

MR. DUFRESNE: 61.

THE MODERATOR: 61.

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

[Pause.]

THE MODERATOR: Division three.

MR. HAMPSON: 24.

THE MODERATOR: 24.

Division one.

MRS. TASHIRO: 21.

THE MODERATOR: 21.

Division two.

MR. DUFRESNE: 35.

THE MODERATOR: 35.

By a counted voted of 124 in favor and 80 opposed, Article 43 passes.

Article 48. Mr. Chairman for the main motion.

CHAIRMAN CLARK: Mr. Moderator, I move that Article 48 be approved as recommended.

THE MODERATOR: Article 48 as recommended. Mr. Maclone held this article. This is \$45,000 from the Community Preservation Fund to be made available for professional contract and building material costs associated with an affordable housing ownership project at 88 Sippewissett Road to be managed by Habitat for Humanity. Mr. Maclone.

MR. MACLONE: I release the hold.

THE MODERATOR: Release the hold. Is there any further discussion on Article 48?

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 50, Mr. Chairman.

CHAIRMAN CLARK: Mr. Moderator, I move that Article 50 be approved as recommended.

THE MODERATOR: Okay, Article 50 as recommended. This is the sum of \$50,000 for the purchasing of playground equipment for the construction of the Village Science Playground. Who held this article? Can I have the microphone down here on the left?

MR. RODRIGUEZ: My name is Ramon Rodriguez, Precinct 7. I have a couple questions. The Community Preservation contributed \$50,000. At the bottom there it says that this \$50,000 is only 25 percent towards the cost of developing this recreational project. My question is: what are some of the additional costs, where will the funding come from, additional funding, what other sources of funding do they have to develop this project?

THE MODERATOR: Dr. Clark.

CHAIRMAN CLARK: It is actually a little less than 25 percent. I believe the total cost of this project is about 180,000, I believe. There has been a committee of volunteers, Adam Thomas who has been a leader of that is here. But I can tell you that they've raised that money themselves, that it requires no additional town funds

as I understand it. And one of the criteria that is important to the Community Preservation Committee is that a group coming to us for help do as much as they possibly can on their own, and this committee to build this playground has worked very hard through a whole range of fundraisers. If you want the whole list, I'm sure Adam can give it to you, but I assure you they've worked very hard to raise that money themselves.

THE MODERATOR: They had some great auctions over at the Flying Bridge last year.

Mr. Rodriguez.

MR. RODRIGUEZ: Then I withdraw my hold.

THE MODERATOR: Okay. Mr. Thomas, would you like to say something about the project, or? Any further discussion on Article 50?

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 53. Article 53 is the demolition delay bylaw. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MURPHY: I move that Article 53 be voted as printed in the warrant with the following amendments as indicated in Section 5 and Section 9. In the second sentence of Section 5, replace

the word "Commission" with the words "Board of Selectmen"; delete the third section of Section 5; delete the entirety of Section 9 and renumber sections accordingly.

THE MODERATOR: Okay. Is there a slide for this or? Is there a slide for this motion? There's no slide for the motion. Okay.

So, the motion is as printed and what's in the warrant booklet, if you go to the second sentence of Section 5, you're going to replace the word "Commission" with the words "Board of Selectmen". In that same section you're going to delete the third sentence of Section 5 completely. And then you're going to delete the entirety of Section 9, and we would just re-number everything else in its order there. So that is the main motion that is before the Town.

Presentation on the main motion? Discussion on the main motion? Ms. Cousins-Long.

MS. COUSINS-LONG: Good evening, Cheryl Cousins-Long, Chairman of the Falmouth Historical Commission. The bylaw that's in front of you this evening is a bylaw that the Commission is presenting through a year of working with the public. This bylaw that's in front of you isn't perfect to anybody. It isn't going to satisfy the 100 percent needs of the Commission, the 100 percent needs of the Town, or some of the property owners. However, this was an honest, hard-working effort from the Commission to bring to you a bylaw that is comprehensive in the preservation of historic buildings and the preservation of our town in keeping our character.

What we've done is proposed to you to go from a three

month demolition delay bylaw to a six month demolition delay bylaw.

This bylaw also includes a waiver or appeals process, a hearing process that our old bylaw did not accommodate for. There are some of the process has been cleaned up where the Commission will be able to work with property owners more -- have an opportunity to work together where before it was not required for an applicant to work with the Commission on a significant building.

One of the other things that we've incorporated in the change of one bylaw to the other that I think is very important to a large group of people in the Falmouth Heights is our Cultural Resources Inventory List. We will have a public hearing. We will go through the process of putting forward in the town your chance to appeal; if your home is on the cultural resources inventory you will have your day in front of the commission, which I think will make this a real community effort for both education, for both the Commission's benefit, which benefits the Town, and the property owner.

And I think that's basically it. And we ask Town Meeting to support this as a more comprehensive plan to preserving Falmouth's significant buildings.

THE MODERATOR: Okay, any further discussion on Article 53? Hearing none, the question will come on the main motion of Article 53. 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.

Okay, why don't we --- well, let's do this

one. Article 54. Mr. Chairman.

CHAIRMAN MURPHY: I move that the Town vote Article 54 as printed, with the exception of deleting the title "Proclamation" and inserting in its place the title "Resolution", and to change the last line where it says, "We do hereby" and change the word to "resolve" from "proclaim".

THE MODERATOR: Okay. So the main motion is what's printed. We're just going to take out "proclamation" and make this a resolution. And instead of proclaiming, we're resolving. Town Meeting as a legislative body has the right to make resolutions. The Executive body, being the Board of Selectmen, has the right to make proclamations.

This article was brought forward by the Falmouth Historical Society and it was held by Mr. Calfee. Mr. Calfee.

MR. CALFEE: Well, we would like to make this resolution at this video that you see available here, we'd like to have you see the video. It -- do we have the video available? Is this the beginning of it?

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: Is there sound on this?

FROM THE FLOOR: Yes.

THE MODERATOR: Okay. Yes, put it back, pause it, let Mr. Calfee talk, and then play the video.

MR. CALFEE: Other than that, I think it would be a good

article for this Town Meeting to pass. I know the video will take about 15 minutes, and wondering if we have time –

THE MODERATOR: And then we're going to go right into break, that's why I wanted to get this on in now.

MR. CALFEE: All right, so we'll have the video and then the break after that.

THE MODERATOR: Yes.

MR. CALFEE: Very good. Well, I would recommend that we vote the article and you'll have a chance to see the video.

THE MODERATOR: Okay.

DR. ANTONUCCI: Point of order.

THE MODERATOR: Yes, Dr. Antonucci.

DR. ANTONUCCI: Should we waive the video? I mean, [inaudible.]

THE MODERATOR: Let me tell you a little history because a lot of questions have come up about this. The Historical Society asked how do you play something at Town Meeting, and I said, "Well, you could do it before or after." And they said, "No, how do you actually show it to the Town Meeting Members?" I said, "Well, it's got to be a warrant article." And this was the result of this warrant article.

So, let me take a vote of the sense of the body if you want to watch the video before we take a break. All those in favor of watching the video signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, NO.

[No.]

[Laughter.]

CHAIRMAN MURPHY: Point of order.

THE MODERATOR: Who had a point of order?

CHAIRMAN MURPHY: David, point of order down here.

THE MODERATOR: Yes.

CHAIRMAN MURPHY: Maybe a better idea is just to show it during the break and if people want to stay and watch it --

[Applause.]

THE MODERATOR: Okay. We'll do that. And FCTV-13 will give us live coverage and then we'll come back from the break and we'll vote to resolve on the video.

So let's take a 20 minute break and we'll show the video. We have refreshments downstairs. Give you time to come back, go downstairs, if you want to watch the video first.

The meeting will stand adjourned for 20, 25 minutes.

[Whereupon, meeting recessed.]

[Whereupon, meeting resumed.]

THE MODERATOR: The video that was shown at Town Meeting will be aired in the future on FCTV. We were unable to air it live tonight on television because of the corporate sponsors' commercials during the break. But we'll make sure that the community has an opportunity to see this video on FCTV-13.

Okay, folks. Okay, folks, here we go. All Town Meeting Members present please rise for the re-establishment of the quorum.

[Pause.]

THE MODERATOR: Division 3.

MR. HAMPSON: 52.

THE MODERATOR: 52.

Division 1.

MRS. TASHIRO: 50.

THE MODERATOR: 50.

Division two.

MR. DUFRESNE: 101.

THE MODERATOR: 101. By a counted voted of 203, we have a quorum and the Town Meeting is back in session.

Ms. Valiela.

MS. VALIELA: Mr. Moderator –

THE MODERATOR: Okay, folks, here we go, we're back on Article 54, the resolution.

MS. VALIELA: Mr. Moderator, Virginia Valiela, Precinct 5.

Due to the technical circumstances with FCTV, they were not able to show this video at home because they had already scheduled something else for the break. I'm going to propose that the Selectmen put this on as one of our agenda items so that it can be broadcast throughout the town, and that we will do it at an upcoming meeting shortly. I do - - from everyone that I've heard who has seen it, this is a very good representation of the history of the town, well put together, and I think we should support the effort.

THE MODERATOR: Okay. Any further discussion on the

resolution?

Mr. Swain. With a microphone, please, Mr.

Swain. Mr. Swain, with a microphone, please.

MR. SWAIN: Thank you, Mr. Moderator. How do we get these videos now that we switched channels? If I want to buy a video, where do we go to?

THE MODERATOR: Ms. Powers and then Ms. Abbott.

MS. POWERS: Yes, good evening, Carolyn Powers, Precinct 1 and Executive Director of the Falmouth Historical Society. You are welcome to come to Museums on the Green and purchase them right from our office. We will also have an open house during the beginning of -- the first week in December, and you can come to our museum store and purchase them there. The museum store will be at Wood House, Julia Wood House right on the Village Green. The price is ten dollars a copy, and for our members there is a ten percent discount.

THE MODERATOR: Ms. Abbott. Ms. Abbott did you --

MS. ABBOTT: [Inaudible.]

THE MODERATOR: Oh, okay. Further discussion on Article 54? Hearing none, the question will come on the main motion of the resolution. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, NO.

[No.]

THE MODERATOR: The Ayes have it by a majority.

Article 56. Article 56, the recommendation by the Board of Selectmen is indefinite postponement. Who held this article? Do you want to put a positive motion on the floor?

FROM THE FLOOR: Yes, I do. No, I want to release it.

THE MODERATOR: You want to release your hold?

FROM THE FLOOR: Yes.

THE MODERATOR: Okay, is there anyone in the auditorium that would like to put a positive motion on the floor for Article 56? Hearing none, I'll recognize the Board of Selectmen for the main motion.

CHAIRMAN MURPHY: Move indefinite postponement.

THE MODERATOR: The main motion is indefinite postponement. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, NO.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 61. The recommendation by the Planning Board is indefinite postponement. This was held by Mr. Waterbury, I think. Mr. Waterbury.

MR. WATERBURY: John Waterbury, Precinct 1. I was asked by Michael McGrath to hold this article and I would like to move it positively.

THE MODERATOR: Okay, Article 61 as printed. Mr. McGrath.

MR. MCGRATH: My name is Michael McGrath. I live in West Falmouth, Precinct 6. I sent a letter to every Town Meeting Member, but basically I'm a parishioner at the Elizabeth Seton Church. I've donated the land surveying services to St. Elizabeth's, St. Patrick, St. Anthony's and Corpus Christi Catholic Church.

If you look at the graphic in between the red and Quaker Road, Quaker Road is the grey line, and the Catholic Church is across the street. There is an ancient way called Shore Road on the assessor's maps and the first thing I did is in between that ancient way and Quaker Road there used to be eight building lots, and last year I merged them and filed a plan in the Land Court, it's all been in one. When I did that, I said to the church that I would file a petition to abandon what's shown on that plan.

Could we go to the next graphic, please? That's the plan that merges it.

Can we Go to the next one? And this is basically the plan that I filed with the article, and what it shows is that there's going to be a small parcel over by Marsh Shore Drive where there's an existing house over to the left and the road, if you so abandon it in front of his house, goes to him. Then there's a black portion that goes to the church that is where it says "abandonment". And then, by the other house, he gets half the road that's adjoining him.

The reason I did this is this road is not in use, except apparently by people that walk and occasionally bicycle on it.

If you go down Quaker Road from Curley Boulevard, it's obvious where this is because next to that driveway there's a pretty wide -- the northerly driveway, with north being in that direction, there's a sign that says "No Dumping". There is portions of pavement all the way through, but the reason there's a sign of "No Dumping" is there's a substantial amount of dumping.

The church doesn't know exactly what they're going to do but I did include with my letter a letter from the monsignor that said they have no immediate plans. But whatever they do, it'll be used for religious purposes.

So, I would ask the Town Meeting to approve this. I think it's a proper public purpose to basically abandon roads that aren't used as roads. So, I would ask you to approve it. Thank you.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct 2. I do think I speak for the Planning Board as well as a Town Meeting Member here. We recommend indefinite postponement here because it serves no public purpose. We look at the parcel of land; the obvious import of removing that existing way is to create a more easily sub-dividable parcel of real estate for the church. I don't see where it is in the interest of the Town to do that. If the church were to say to us that they needed that for some specific project, a large building that needed to be sited on that, I might look at it differently. But what it looks like they're doing is

they're creating a parcel of real estate to sell for further development, and to us on the Planning Board that does not seem like a legitimate reason for us to abandon this way.

I personally am familiar with this way, having lived in that neighborhood for many years, and having actually used this way for my off-road bicycle, my mountain bike, and with my son we used to ride from our neighborhood near Silver Beach down to the village and avoid Curley Boulevard by using that way. It's also available for people who want to walk their dogs. It's passable.

I went with my car up there a few weeks ago just to see if it was still passable; it is. It's passable. It's a public way and it's our property. It's the town property and I see no reason why we should abandon it. Thank you.

THE MODERATOR: The gentleman in the aisle.

MR. HURLEY: Dennis Hurley, Precinct 8. I am a member of the Finance Counsel of St. Elizabeth Seton Church, and one of the things I just wanted to mention is that the parish has no intent whatsoever to do anything but to use the property for religious purposes.

We have no intent to sell the property. Our only opportunity in the future is to use it for religious purposes, such as a parish hall or something like that. Thank you.

THE MODERATOR: Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9. If I spoke against Article 43, I obviously have to speak against Article 61. And I think the last speaker brought something that I wasn't even

planning on mentioning for any reason. This is definitely giving away public land to someone, and it's giving it away to the Catholic Church, which I feel I can speak a little bit more adeptly on.

No local church has control of its land. All we have to do is look what happened in the Roman Catholic Church in the Boston archdiocese, where whole churches were abandoned, so, taking the words of the last speaker, I totally disagree with that.

If this religious group wants this abandoned -- us to abandon this property, then we should be offered a price if we feel we want to sell it to them. If not, then we have that choice. But I would whole-heartedly ask you to defeat the abandonment of public property. Thank you.

THE MODERATOR: Mr. Boyer. And then Mr. McGrath.

MR. BOYER: Mr. Moderator, Peter Boyer, Precinct 5. I've been chewing on something just as this presentation has started, and I think there may be an opportunity here. What I've been chewing on is the idea of exchanging the abandonment for a right of first refusal. But I also have different ideas in mind, and what I think is that this opportunity should be the subject of some negotiation and some exchanges between the parties. I wouldn't necessarily out of hand say, "No, we should not abandon the way." It clearly has a value and it clearly creates a greater value for the owner of the parcel. But I think there may be an opportunity that could be developed out of this and that the Town should continue to discuss with the representatives of the

Archdiocese in order to try and develop common ground.

THE MODERATOR: Mr. McGrath.

MR. MCGRATH: I believe that the only way we could do that would be indefinite postponement, but I want to make sure you know what you own. You own a broker boat. You own two mattresses. You own two box springs. You own five pieces of metal of large sizes. You own two bicycles and two piles of household trash, that are all dumped along here. So, I would say that you ought to consider what you own and what use it's being put to.

If we wanted to sell it to a developer, it's a public road. Under the Subdivision Control Law, we could file an approval not required plan and get eight building lots conforming to today's zoning. So, it would actually be contrary to the church's interest if they were going to sell it to a developer to do away with the road. If you were a subdivider, it provides perfect private access.

So, I would say if the Town wants to negotiate with us, we would be happy to negotiate with us. We at the church -- I'm sorry. I shouldn't say that I represent the church. I represent myself but I believe the church would be happy to negotiate more with the Town if the Town so chose to do so. But I would hope that you would support this because I don't think it's -- there is a process to abandon roads; we have followed the proper procedure and I hope you vote Yes.

THE MODERATOR: Any further discussion on Article 61?

Mr. Murphy.

MR. MURPHY: Matthew Murphy, Precinct 7. Do we

actually own the property or an easement? Is there a right or is it an actual possession of the land? Through you, Mr. Moderator.

THE MODERATOR: Who's going to answer that? Mr. Curry.

MR. CURRY: We don't know. That was some of the additional information we were hoping to get.

THE MODERATOR: Hmmm. Okay.

MR. MURPHY: Just, in closing, I would like to say during the course of these last two nights we've given away probably millions of dollars in Community Preservation Funds. I just find there's an antipathy towards religion. I'm sorry, but I do.

We have given to tons of secular agencies and here the church is asking us to relinquish something we don't even know what it is and there's this hesitancy to do it. Thank you very much.

THE MODERATOR: Any further discussion on Article 61? Mr. Dufresne.

MR. DUFRESNE: Adriene Dufresne, Precinct 2. I think Mr. Boyer' suggestion that some negotiations with the St. Elizabeth Seton Church was a good one, and I think if we don't pass this here tonight that they could come back with whatever planning that the church has for this particular property so that Town Meeting would fully understand if there is a significant plan in place for the use of this property by St. Elizabeth Seton Church.

Right now, they're just asking us to abandon. There are several members in Town Meeting that feels as though it has a value to

the Town. The abandonment of the road and the combination of the parcels I think give it a much more significant value than the eight house lots that we've just been threatened with.

I do believe Mr. Boyer's suggestion was a good one and I wish we'd vote indefinite postponement.

THE MODERATOR: Okay, Mr. Latimer and then Mr. Herbst.

MR. LATIMER: Yes, I agree with Peter Boyer that this is open to negotiation, and I would welcome that, where we would have some kind of control or input on what happened to that parcel of land in return for giving up our rights there.

But, by way of history, I want to point out that this is a bypass of what it known as Curley Boulevard, and I'm sure many of us are aware of why it's called Curley Boulevard, which is an interesting bit of Falmouth history. The developer of the --

THE MODERATOR: Mr. Latimer, let's talk about abandonment of the way.

MR. LATIMER: Well, I will very quick. The developer of the Sea Crest was a friend of the then Governor Curley, and he wanted better access to his private beach development, and this was the road, this little old ancient road. And so, he went to the town and this body, and this body refused to improve the road for this developer. So what happened was he went to the state and the state put in that big, wide highway. If anyone ever wondered why there's such a highway on Curley Boulevard there out in the middle of nowhere, well, it's because

he got the state to build it. But the town got to name it. And so this body named it Curley Boulevard in honor of that little bit of political monkey business.

But I do believe we do own that road. That was the road before Governor Curley got involved in our local politics. Thank you.

THE MODERATOR: Mr. Herbst.

MR. HERBST: Ralph Herbst, Precinct 8. Planning Board and the Planning Board representative to the Community Preservation Committee. I think there's a distinction here that we need to remember. This might be giving away land and/or rights, but Community Preservation Funds are not a give-away. They are an investment in this town. The Community Preservation Committee recommends to this body to invest in the preservation of this town and the Community Preservation Funds are an investment, not a give-away.

THE MODERATOR: Okay. Any further discussion on the abandonment of the road? Ms. Houle.

MS. HOULE: Louse Houle, Precinct 8. I'm on the Coonamessett Reservation and we had one of these little numbers, too. We -- back when we were allowed to use AmeriCorps to help clear trails, we continued ours into our trail system and it's worked out beautifully and allowed us to connect toward the Dupuis parcel. Many kids use these old trails or roads and it's been of great benefit to our neighborhood after we widened it a bit and cleared it up.

We can do one better than that road, though. We have two harvest gold refrigerators and two ironing boards. Thank you.

THE MODERATOR: Okay, any further discussion of abandonment of the way? Hearing none, the question will come on the main motion of abandonment. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

Article 64. The recommendation of the Board of Selectmen is indefinite postponement. This was held by Mr. Kirwin. Microphone for Mr. Kirwin, please. This is the resolution on Cape Care.

MR. KIRWIN: Mr. Moderator, Town Meeting Members, Peter Kirwin, Precinct 5, and I'd like to move the Article 64 as printed.

THE MODERATOR: Okay, the main motion on the floor for Article 64 is as printed. Mr. Kirwin.

MR. KIRWIN: I'd like to point out to the Town Meeting Members that this is merely a petition for the county government to begin a public hearing process to support the development of a regional universal health care program. Hopefully, the end product would be superior to the Commonwealth's recently passed Commonwealth Universal Care product and less expensive.

It has the endorsement of a significant number of major organizations, both in the town and throughout the county. Nine town meetings and the Barnstable Town Counsel have already passed this resolution, and I would like to introduce Peter Wasdorf, who is the local

coordinator in Falmouth and a Falmouth resident to further address this.

Thank you.

THE MODERATOR: Mr. Wasdorf.

MR. WASDORF: Thank you, Mr. Moderator, Peter Wasdorf, Precinct 1. I will be very brief, just add to Peter's comments. There are no specifics in this resolution and no details. Everything will be decided in the future by a transparent public process and it certainly includes no financing details like taxes. I also want to point out with regard to the state plan that all the Falmouth endorsements have come in since the details of the state plan have been announced and that no founding members of Cape Care have left because of the state plan.

If you had time after last night's meeting to look at yesterday's Cape Cod Times, you saw no less than four articles on the medical insurance crisis, including a front page lead article on the budget crisis Cape towns were facing with increasing health care premiums. Then there was a New England article on the crisis in primary care providers and two editorial page articles on the Medicare Part B drug problem and on universal health care.

The health care crisis is real and Town Meeting can do something about it by joining the ten other towns across the Cape and voting to approve the Cape Care resolution.

With your permission, Mr. Moderator, I would like to ask our county representative, Julie Taylor, to briefly comment on how the County views this proposal. Thanks.

THE MODERATOR: Ms. Taylor.

MS. TAYLOR: Thank you. Julie Taylor, Precinct 6 and your Falmouth delegate to the County Assembly. We heard a presentation from the Cape Cares group as did the Commissioners earlier. This was about a month ago. And there was definite interest in having the County serve as the organizing group that would in some ways put a stamp of approval from a government agency on the ongoing search for funding for further study. I think that the County would be a proper vehicle; this is certainly a regional issue. We know there are problems for those of us have health insurance, the cost is so high. For those who don't have it the other costs are very serious. For business and Government the price is not right.

So, if Town Meeting does support this, I think you will see the County responding since other towns are interested. And I think it's -- I think it's worth a shot, I really do. So I would support the article.

THE MODERATOR: Okay. Further discussion on Article 64? Hearing none, the question will come on the main motion, Article 64 as printed. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

Article 64, Mr. Chairman. Article 65, Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move that all articles considered in this Town Meeting be funded as voted, for a total

of \$13,198,910.77.

THE MODERATOR: Okay, you've all heard the main motion, to fund \$13,198,910.77; all those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator –

THE MODERATOR: Mr. Chairman of the Board of Selectmen for notification of our next Annual Town Meeting.

CHAIRMAN MURPHY: April 9th, sir.

THE MODERATOR: April 9th. Did you hear that? April 9th will be our next Town Meeting, seven o'clock here.

Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, Ladies and Gentlemen, I move the November, 2006 Town Meeting be closed.

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Good job, folks.

[Whereupon, Town Meeting adjourned at 9:40 p.m.]