

# The Falmouth Enterprise

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Falmouth, Massachusetts

Five Sections - Fifty Pages

Seventy-Five Cents

## New Specialist Helps Respond To Domestic Violence Cases

By LAURA M. RECKFORD

Domestic violence affects all segments of society, as the new domestic violence specialist at the Falmouth Police Department has found out.

Since she started working for the town in July, Carmen Espinoza has even been contacted by several homeless people who have walked into the department headquarters on East Main Street and told her of physical abuse they have suffered.

Freda (Freddie) Diamond, the acting director of Falmouth Human Services who works closely with Ms. Espinoza, said there is also a growing awareness in town of domestic violence issues that affect teenagers, such as sexual abuse or rape of adolescents that occur on dates.

"There is a need for community education and the involvement of schools in the effort," Ms. Diamond said of domestic violence issues.

Having taken a couple of months to get acclimated to her new job, Ms. Espinoza wanted to introduce herself to the community in October, since this is Domestic Violence Awareness Month.

Ms. Espinoza, who lives in Mashpee, brings to the job a background in therapy and mental health. She moved to Cape Cod from El Paso, Texas, five years ago with her husband, David, who is a captain on active duty in the Army. They have a 2 1/2-year-old daughter.

While in El Paso, Ms. Espinoza worked for the El Paso Center on Family Violence and as a therapist with women and children. She also worked as a hospital outreach volunteer for the Rape Crisis Center of El Paso.

She grew up in Texas and has a bachelor's degree in psychology and a master's degree in psychotherapy.

She learned about the Falmouth position while working as a volunteer at Independence House in Hyannis, which runs domestic violence shelters and offers hotline services, advocacy, counseling, and support groups.

Ms. Espinoza said her experience living for years on a military base has exposed her to many domestic violence victims.

"The incidence of domestic violence in the military is very high," she said, though, she added, much of it goes unreported by military spouses because there is a lack of confidentiality on military bases

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## Meetings

**Substance Abuse Commission**—Monday, 5 PM, Gus Cauty Community Center.

**Selectmen**—Monday, 6:30 PM, town hall.

**Energy Committee**—Tuesday, 7 PM, town hall.

**School Committee**—Tuesday, 7 PM, School Administration Building.

**Planning Board**—Tuesday, 7 PM, town hall.

**Human Services Committee**—Wednesday, 3 PM, School Administration Building.

**Conservation Commission**—Wednesday, 7 PM, town hall.

**Chapaquoit Bridge Construction**—Wednesday, 7 PM, town hall. Public hearing.

**Housing Trust**—Thursday, 6:30 PM, town hall.

## Weather Forecast

This afternoon will be mostly sunny and milder, with highs near 59. Tonight will be partly cloudy, with lows around 38. Tomorrow, it will be partly sunny and warmer. Highs will be in the mid-60s, with lows around 58. Extended forecast for Sunday is rain early, then cooler, partly cloudy, and breezy. Highs will be near 61 and lows around 45.

## Air 59; Sea Water 55

The water level at Long Pond is 0.16 inches above sea level.



GENE M. MARCHAND/ENTERPRISE

James Bowen of West Falmouth uses tiles of glass to construct a brightly-colored mosaic in his home workshop.

## Long An Artist, Well-Known Stylist Immerses Himself In New Medium

By LAURA M. RECKFORD

Many people in town know James C. Bowen from his years as a hairstylist now at Artisans Salon and formerly owner of Headlines Salon on Main Street. But over the past 10 years, Mr. Bowen has turned his dexterity, artistic flair, and knack for creativity into a new passion, using the ancient art of crafting mosaics to create contemporary works.

Mr. Bowen of Ucatena North in West Falmouth has been an artist for years, painting and sketching as a hobby. But, he said, until he began making mosaics, he "never had a sense the medium I was working in felt right."

He had always liked the tactile

part of creating art, like in pottery where "you get a little dirty." About 10 years ago, his wife, Deborah G. Bowen, who owns the Main Street gift and clothing shop Bojangles Int'l, suggested he try his hand at crafting tables with broken pieces of glass on the top, which were popular gifts at the time.

His first major piece was a 28 by 54-inch table top that is now at the Beachmoor Restaurant in Buzzards Bay. Mr. Bowen took to the labor-intensive work immediately.

"While working on that, it felt like I found a medium I had been searching for," he said.

He later found out doing mosa-

ics ran in the family. It turns out his grandfather, Salvadore Piazza, who was born in Sicily and later immigrated to Framingham, was a top tile artist.

He also believes a family fondness for puzzles plays a role in his enjoyment with making mosaics. "My mother always had a jigsaw puzzle going when I was a kid," he said.

While the jigsaw puzzle aspect of creating a mosaic makes it an art form that almost anyone can do, it is the knowledge of how to use color to create movement that separates an ordinary mosaic from a true work of art.

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## CPC Sets Guideline For Spending Land Bank Funds

By CHRISTOPHER KAZARIAN

What should the town do with \$3 million?

That was a question the community preservation committee discussed last night at its meeting at the School Administration Building. It was a precursor to a discussion the CPC will have with Falmouth selectmen at a joint meeting Monday night.

The money is available from the former Land Bank Act fund, which the town has used since 1998 to purchase more than 900 acres of open space. It was superseded by what is now called the Community Preservation Act fund.

Community preservation committee Chairman Barbara P. Schneider said she wanted to have a set of guidelines established on what the committee wanted to do with the \$3 million. She did not want to walk into Monday's meeting, she said, "and have the selectmen determine what to do with it."

Since the money was received from the land bank account, CPC member Melissa Freitag suggested it should be used to preserve open space.

However, other committee members disagreed, arguing that the money should be dedicated for a multi-purpose project that fits three of the four categories for which CPA money can be used—open space, historic preservation, and affordable housing.

Jessica Erickson, assistant town planner, said a decision from Falmouth Town Counsel states these land bank transfer funds do not have to be used specifically for open space purchases. Once it is transferred to the CPA, she said, it can be used for those purposes.

The fourth category, recreation, for which CPA money can be used was touched on only briefly. CPC member Patti B. Haney said, "Recreation is not a serious category" and did not want to purchase open space specifically for recreational purposes.

"It has to be true open space," Dr. Schneider said.

And, Ms. Haney added, "it needs to be valuable," noting

that not all land in Falmouth is worth purchasing.

In a previous discussion on this same topic, CPC member Peter L. Clark said he recalled the board agreeing upon satisfying at least two of the three major categories.

Ideally, he said, "I would be most happy to see all three of those goals met. That is our ideal."

In addition, he said, the goal was to have a project that was collaborative, amongst various private and public entities.

Dr. Schneider stressed that the CPC should not be responsible for initiating a project.

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## Law Gives Parents Option Of Elementary Schools

By CHRISTOPHER KAZARIAN

Parents of children at the East Falmouth or Mullen-Hall schools received an unusual notice in the mail recently. They were given the option to switch their child to a different elementary school.

The reason given was their school's failure to meet performance standards on the MCAS test last spring. Those schools are not alone. In fact, 50 percent of schools in Massachusetts also failed to meet the criteria.

Parents of students at East Falmouth or Mullen-Hall were informed that, if they wish, they may now send their child to either the North Falmouth or Teaticket School, without incurring additional costs for transportation, as long as space is available.

Giving parents this option is tied to No Child Left Behind, the act passed by Congress in 2001, which stipulates that by 2014 all students should be proficient under certain criteria.

Massachusetts determines proficiency through the MCAS test. Using an index from zero to 100,

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## Cyberspace Adds Dimension To Bullying

By BRENT RUNYON

It was a mistake to sit near the back of the bus. The boy knows that now, but on the first morning of seventh grade he had not yet learned the rules.

He was never good at reading social cues. He could not tell when people were joking or making fun of him.

So when the eighth graders invited him to sit in the back of the bus in the afternoon, the boy thought they were his new friends. He gave them his cell-phone number and his screen name.

When they picked on him and teased him, the boy thought it was all in good fun. But when they broke pencils over his head for sport, and threw them at him as he got off the bus, he understood he had become a target.

In another time, the teasing would have stopped on the bus, and started again fresh the next morning. But in today's world, the bullies followed the boy into his living room. They ambushed him, while he ate dinner with his family. They woke him in the middle of the night for one more "punch in the gut," and disappeared before he could fight back.

Welcome to the world of cyberbullying, the 21st century version of the classic rite of passage.

Amy M. Muldowney, a community educator for the Massachusetts Aggression Reduction Center at Bridgewater State College, talked about bullying and cyberbullying to parents and members of Volunteers in Public Schools Tuesday morning as part of the Parent Connection Series.

For adults it can be hard to understand how cyber-bullying

works, so Ms. Muldowney explained that in today's world bullies are just as likely to be girls as boys.

Bullying is different from conflict, she said. Individuals in conflict have equal amounts of power, while bullying takes place when there is not equal power.

When adults think of bullies, she said, they often think of a socially inept brute, but today's

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A One-Man  
Cross Country Team, P. 1A

**DPW Runs Through Simulated Crisis, P. 11**

**Dr. Salluzzo Tackles Hospital Budget, P. 1 Region**

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KATHLEEN SYLVIA

## PAL Sponsors 'Lights On After School'

Meghan Abell, Ali Damigella, and Alissa Hildreth work together to build a scarecrow during the "Lights On After School" event at the Police Athletic Activities League of Cape Cod event last Thursday. Lights On is a national event providing evening activities for children.

The event at the PAL clubhouse on Brick Kiln Road drew about 150 kids, according to PAL Director Janet Munro. Activities included pumpkin carving, cooking decorating, necklace making, caramel apple making, scarecrow team challenge, face painting and, for refreshments, hot dogs, chips and drinks.

At the end of the night, the group lit all the pumpkins and everyone could take their pumpkins home. "It was a great afternoon for all the kids, parents and chaperones," Ms. Munro said. More photographs on page 17.



Obituaries

Ruth Schleicher



Ruth (Davies) Schleicher, 86, of Woods Hole, a former president and librarian of the Woods Hole Library, died on October 19 at Falmouth Hospital of natural causes.

She was the wife of Karl E. Schleicher, who died in 2005. They were married for 54 years.

She was born in North Plainfield, New Jersey, to Laura and John Davies. Raised in New Jersey and Manhattan with her brother and sister, she attended Horace Mann High School and Barnard College.

In her 20s, she performed with the Barnum & Bailey Circus and taught dance at the Arthur Murray Dance studio before meeting and marrying Mr. Schleicher.

After moving to Woods Hole in 1951, she got involved in many community organizations, including the Woods Hole Child Center and the Woods Hole Library, where she served as librarian for many years. She later became involved with the Woods Hole Community Association, where she served as treasurer for many years and helped organize many of its events, including the Renaissance Fair, the May Festival, and the summer art show.

An avid reader, she also enjoyed playing tennis, and in her later years was a member of the Tuesday Tooters, a recorder group.

She was predeceased by her brother, Richard T. Davies.

She is survived by two daughters, Noni Davies of Teaticket and Karen Schleicher of Dorchester; and a son, Karl D. Schleicher of California. She also leaves two granddaughters, Gwyn Murray of Falmouth and Amelie Schleicher, as well as three great-grandchildren, James, Dylan and Livia Murray; a sister, Jean Davies Lesser of Yorktown Heights, New York; and five nieces and nephews.

Memorial donations may be made to either the Woods Hole

Library or the Woods Hole Community Association.

A memorial and celebration of Mrs. Schleicher's life will be held at the Nimrod Restaurant, 100 Dillingham Avenue, Falmouth, on Sunday, November 2, at 1 PM.

Esther Browne



Esther (King) Browne of Woods Hole died on October 10 at the age 91.

Mrs. Browne, who was known as Peg, was an executive housekeeper after graduating from Hannah Harris College in Washington, DC. She served in that capacity at the University of Richmond in Richmond, Virginia, and at Mt. Ida College in Newton.

She and her husband, Captain Thomas R. Browne, moved to Falmouth in 1959 from Maryland, on his tour as a pilot at Otis Air Force Base. Shortly after, they moved to Woods Hole. Capt. Browne died in 2004.

She also worked in the audiovisual education department for Falmouth public schools, and was executive housekeeper and companion to Mrs. Malcolm Forbes at her Milton and Naushon homes.

Mrs. Browne enjoyed playing bridge and was an avid reader.

She leaves her children, Sheila Baumgardner, Thomas Browne, Brooke Schaab, and Melinda Browne; nine grandchildren; and 10 great-grandchildren.

In lieu of flowers, donations may be made to the Visiting Nurses Association, 67 Ter Heun Drive, Falmouth, MA 02540.

Elinor Alexander

Elinor Alexander of Falmouth died on October 8 at Falmouth Hospital.

Ms. Alexander, who worked as a caregiver, was known for her love of animals. She was an avid baseball fan and had been the manager for her high school baseball team.

She also was a great jazz lover.

She leaves her son, David O'Connor of Largo, Florida; her daughter, Valerie Copestick of East Falmouth; three grandchildren, Tanya Copestick of Mashpee, Benjamin O'Connor of Wrentham, and Daniel O'Connor of Kingman, Arizona; two great-grandchildren, Morgen Morris of Mashpee and Olivia O'Connor of Wrentham; two sisters, Barbara Borelli of Framingham and Jeanette Belli of New Port Richey, Florida; a brother, John Borelli of North Carolina; and many nieces and nephews.

Another grandchild, Charisma O'Connor, died in 1991.

A memorial service will be held tomorrow at 1 PM at the Chapman, Cole & Gleason Funeral Home, 475 Main Street, Falmouth.

In lieu of flowers a memorial donation may be made to the Friends of Falmouth Dogs, PO Box 438, Falmouth, MA 02541-0438.

Edward L. Chambers



Word has been received that Edward Lucas Chambers, a former research biologist with the Marine Biological Laboratory and

longstanding member of the MBL Corporation, has died at the age of 91.

Dr. Chambers was living in Coconut Grove Station, Florida, when he died on July 6.

Recognized for his contributions to cell research, Dr. Chambers was perhaps best known in the field for his research on fertilization and early development. As early as the 1930s, he was aware of the importance of ion transport in fertilization and differentiation.

His career path in science was, perhaps, a natural progression for him. His father, Robert Chambers, also a biologist, was considered a pioneer in the science of micromanipulation, having invented an instrument, the micro-manipulator, that could dissect living cells.

Dr. Chambers and his father co-authored the book, *Explorations Into the Nature Of the Living Cell* in addition to publishing eight papers together.

He was the product of an inter-

national education. He received his early schooling at the Trinity School in New York City, the École Nouvelle in Lausanne, Switzerland, the Perse School in Cambridge, England, and the Friends Seminary in New York City.

He then studied at Princeton University, where he received a bachelor of arts, with honors, and later, in 1943, he obtained his medical degree from New York University. There, he received a four-year scholarship, the Heyden Fellowship, and a Rockefeller Fellowship in Public Health.

After completing his residency and fellowship training at Bellevue Hospital (part of Cornell University), where he interned in pathology, medicine, and surgery, Dr. Chambers served in Africa and Italy from 1944 to 1946 as assistant surgeon for the US Public Health Service. He was the commanding officer and physician in charge of general hospitals in those war-torn areas.

His parents had summered in Woods Hole since 1912, and in 1944, his father bought the Joseph Story Fay Jr. property on Woods Hole Road. The family still maintains the 1840s homestead.

During the hurricane of 1938 that bore down on the East Coast and caused such destruction on the Cape, Dr. Chambers's courage and quick-thinking helped save the life of at least one resident. Because the hurricane had not been predicted, residents were caught unaware when the 100-mph winds and the 10-foot storm surge roared into Woods Hole.

Dr. Chambers was trying to shore up his lab at the MBL when he saw the water rising at an alarming rate. Soon, Water and Millfield streets were completely underwater, and he and a colleague commandeered a rowboat, later rescuing a widow from the attic in which he was trapped. They continued to navigate through Woods Hole by pulling along the power lines, and plucked several more people from the waters.

Throughout his career, Dr. Chambers taught at many schools and institutions. In 1946, he served as instructor of physiology at Woods Hole, where he had conducted his research. That same year, he joined the University of California, Berkeley, where he was a research associate and Porter Fellow of the American Physiological Society. From there, he studied at New York University and held positions in the Department of Anatomy at Johns Hopkins and the University of Oregon School of Medicine as assistant and associate professor, respectively.

The Week's Weather

Date	Min.	Max.	Precip.	Weather
Thu 10/16	51	69		few clouds
Fri 10/17	49	60		mostly sunny
Sat 10/18	49	55		cloudy
Sun 10/19	43	52		cloudy
Mon 10/20	46	54		partly cloudy
Tue 10/21	39	65		mostly cloudy
Wed 10/22	43	47	.22	cold, raw, drizzle, rain

After a warm day last Thursday, a cold front ushered in much colder and blustery weekend weather. A short-lived bubble of high pressure gave us another warm day Tuesday. An offshore storm on Wednesday brought chilly north winds, clouds, drizzle, and rain. Total precipitation for the month is only .87 inches.

Doc Taylor, Menauhant

Fairman C. Cowan

Fairman C. Cowan of Worcester, 93, died on October 14 at his Worcester home. He had summered in East Falmouth for more than 80 years.

Born in Wellesley Hills, he was the son of James F. and Hortense Fairman Cowan. He was a graduate of Amherst College and Harvard Law School.

He was a partner at the Boston law firm of Goodwin, Procter, and Hoar, before becoming general counsel in 1955 at the Norton Company in Worcester.

After Pearl Harbor, he joined the Navy and helped plan the invasion of Normandy during World War II. He was aboard the command ship USS Augusta on D-Day.

He was committed to the best interests of Worcester and volunteered with organizations to improve that community.

He and his wife loved to travel abroad, and, as an amateur pianist, Mr. Cowan earned his first trip to Europe in 1932, by playing in a band aboard a French ocean liner.

He was an avid patron of the arts, including both the Boston and Worcester symphonies and the Worcester Art Museum.

At age 40, he became a downhill skier, and continued to ski through age 92.

Since he was a boy, he had spent summers in the Davisville section of East Falmouth, enjoyed sailing and windsurfing, and swam every day. His father, James F. Cowan, had originally built a home on

Continued on Page 3

Correction

The announcement in Tuesday's paper about the ham and bean supper at the John Wesley United Methodist Church was incorrect.

The ham and bean supper was held last Saturday, October 18. We regret the error.

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Rapid Recovery gets Doctor Back to Biking the Canal

After suffering with the pain of hip arthritis for years, veterinarian Dr. Harry Ernst, DVM, found the exceptional care he needed at Falmouth Hospital. Thanks to a revolutionary, minimally invasive total hip replacement procedure performed by Scott Harris, MD, Orthopedic Surgeon, Dr. Ernst returned to work in just a couple of weeks, caring for the Cape's beloved animals at his Buzzards Bay practice. He is also back to his active lifestyle—back to the gym, back on the golf course and back to his 10-mile bike rides.

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Loving Memory

Betty (Lordan)

O'Sullivan

Second Anniversary

Oct. 20, 2006 - Oct. 20, 2008

Our hearts ache, We miss you.

Till we meet again.

Love,

Joseph, Marlene, Marie,

Tyler and Family



# Obituaries

■ Continued from Page Two

Hatch's Neck off Davisville Road, which was destroyed by a fire in 1940. A later home was built on the shore of Bournes Pond, according to Enterprise archives.

In retirement, he drove more than 6,000 miles on his moped.

He donated his body to the University of Massachusetts Medical School.

He leaves his wife of 65 years, Martha Allis Cowan; three sons, Dr. Douglas F. Cowan of Blue Hill, Maine, Frederick Allis Cowan of Gloucester, and the Reverend Leonard C. Cowan of Northborough; and five grandchildren.

Friends and family will celebrate his life this afternoon at 4 at Mechanics Hall, 321 Main Street in Worcester.

Memorial contributions may be made in his name to the Greater Worcester Community Foundation, 370 Main St., Worcester, MA 01608; or the Worcester Regional Research Bureau, 319 Main St., Worcester, MA 01608.

## John B. Sullivan

John B. Sullivan, 50, of New Bedford, formerly of Falmouth, died on October 15 at New Bedford Health Care Center after a long illness.

He was the husband of Mary Ann (Soucy) Sullivan.

Born in New Bedford, he was the son of the late Leo M. Sullivan and Geraldine M. (Kane) Sullivan.

He was a graduate of New Bedford High School and of the University of Massachusetts Amherst, where he received a degree in sociology. He also graduated from the Boston University School of Law, where he was a co-founder of the Gaelic Law Society.

Mr. Sullivan was an assistant clerk-magistrate of the southeast division of the Massachusetts Housing Court. Prior to that appointment, he was engaged in private practice, primarily in criminal defense, both in New Bedford and Falmouth, for 17 years. During those years, Mr. Sullivan also worked part-time as a limousine driver for Executive Transportation of Falmouth.

In addition to his wife, he is survived by his daughter, Katherine M. Sullivan of New Bedford; two sisters, Mary-Lee Sullivan of Salvador, Brazil, and Nancy Annunziato of Franconia, New Hampshire; two brothers, Lawrence M. Sullivan of New York and Daniel P. Sullivan of Boston; and five nieces and nephews.

A Mass of Christian Burial was celebrated at Saint Lawrence, Martyr Church, New Bedford last Saturday.

## William R. Andrews

William R. Andrews of Falmouth died in his sleep on October 18, eight days before his 74th birthday.

He was born in Boston to George and Thelma Andrews.

He was the husband of Kristianne (Graham) Andrews.

Mr. Andrews received his aeronautical engineering degree from Boston University in 1954. He joined the Air Force, serving four years as a flightline airplane mechanic.

His aviation career included working for National Airlines, United Airlines, Sikorsky Aircraft, and Avco's Lycoming Division.

In the late 1960s Mr. Andrews switched careers to join the growing field of oceanography on Cape Cod as general manager of

Ocean Research Equipment of Falmouth. He later was president of MacDougalls' Marine Services.

In 1986 Mr. Andrews and his wife, Kristianne Andrews, purchased Perry's Boat Yard in Monument Beach. The bait and tackle side of the business allowed him to indulge in one of his favorite recreational pastimes, fishing.

The Andrewses spent most of the last nine years in Williamsburg, Virginia. While there he worked at Colonial Williamsburg, a place that nurtured his love of history.

The couple recently returned to Falmouth.

A committed member of the Falmouth community, Mr. Andrews served for many years as a governor and finance advisory member of the Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority, as a Falmouth Town Meeting member, a Falmouth Finance Committee member, and as a trustee of Falmouth Hospital.

In addition to his wife, he is survived by a brother, Bruce Andrews of Old Lyme, Connecticut; his children, Matthew Andrews of Paris, France, Timothy Andrews of Williamsburg, Virginia, and their mother, Alice Andrews of Brookline; his stepchildren, Heidi Smith of Monument Beach and Matthew Bumpus of Woods Hole; and 10 grandchildren.

The family will hold a private memorial service.

## Other Obituaries

Obituaries for the following residents and family appeared in The Bourne Enterprise, Mashpee Enterprise, and Sandwich Enterprise and may be read on the Enterprise website, [www.capenews.net](http://www.capenews.net):

Alvin G. Peters, 71, of Mashpee died October 14. Joseph T. McDonough, 78, of Mashpee died October 20. Jean C. Crowley of Milton died October 14. Michael L. Pappas, 76, of Mashpee died October 21.

John MacQuade, 65, of Sandwich died October 20.

Joseph A. Gattoni of Milford, 81, died October 20.

Vincent E. Corsano, 76, of Monument Beach died October 14.

Frederick E. Forsberg, 69, of Buzzards Bay died October 19.

Nancy C. Goranson, 64, of Pocasset died October 3.

Richard V. Raymond of Monument Beach died October 18.



KEN STEPHENS/ENTERPRISE

Robert Dinsmore of Falmouth informs visitors about the history of the Methodist Society Burying Ground on East Main Street, during a tour of the historic site. Mr. Dinsmore, chairman of the cemetery committee, shared details on Saturday about many of the people buried there, some of whom are Civil War veterans, and other information about the graveyard listed on the National Register of Historic Places that has been in use since 1809. John Wesley United Methodist Church hosted the tour as part of the celebration of 200 years of Methodism in Falmouth.

# Meeting With FHS Contractor, Town And Mediator Reported As Positive Step

By CHRISTOPHER KAZARIAN

The first step toward coming to terms with TLT Construction Corporation for the remainder of the Falmouth High School renovation took place last week, and from initial reports it turned out positive.

"The general feeling I had after the meeting is that TLT had some motivation to work out some of their problems," Falmouth High School Building Committee member John K. Scanlan said in a telephone interview yesterday.

The meeting was held last Thursday and involved TLT's bonding company as well as Thomas Kostinden, the president for the Wakefield-based construction firm. Others to participate included Falmouth Town Manager Robert L. Whritenour Jr., Assistant Town Manager Heather B. Harper, Acting School Superintendent Marc P. Dupuis, building committee member Patrick J. Callahan, as well as Christopher W. Morog of Hinckley, Allen, and Snyder LLP in Boston, the attorney for the building committee.

In his weekly report distributed at the Falmouth selectmen's meeting on Monday night, Mr. Whritenour wrote that last Thurs-

day "we conducted one of the most important high school construction meetings since I have been involved with the project."

It was important, he continued, to present the town's issues regarding the project in person with TLT representatives and members of the company's surety.

Last week's meeting was a precursor to mediation, which will begin next Wednesday. James V. Ryan, a retired judge and attorney for JAMS/Endispute in Boston, will oversee the mediation process, attempting to resolve the various disputes between the town and TLT.

Among the issues still to be settled, Mr. Scanlan said, are the town's overpayment of TLT for work it has not completed on the project; determining a schedule of values for the remainder of the project; and coming to an agreement on a contract at a fixed price and schedule with the general contractor.

It will be a multiple-day media-

tion, he said, with an all-day mediation expected on Wednesday. He said the town hopes to have Mr. Ryan visit the high school site either before, or at the start of, mediation to better understand the issues for both sides.

In the meantime, he said, TLT still has to complete several punch list items for the first phase of the project. He anticipated this will take a few more weeks to complete and he was concerned with the lack of progress. "They haven't been as aggressive as they should have been," in finishing these items, he said.

Although there has been a loss of subcontractors from the site because of less work, Mr. Scanlan was not worried about trying to mobilize them once work begins to accelerate. "The construction market is difficult. I don't anticipate that will be a huge hurdle," he said. "There is an abundance of manpower available to work on any project."

Selectmen's Agenda

Falmouth selectmen will meet Monday at 6:30 PM in the selectmen's meeting room at Falmouth Town Hall. The following are on the agenda:

6:30 PM, Fee hearing;

7 PM, Summary of Actions;

7th Annual Arts & Crafts Shows, Bandshell & Marina Park—July 22, and 23, 2009;

7th Annual Community Arts Crafts Shows request for temporary banner and directional signs—July 22 & 23, 2009;

Approve Affordable Housing Development fund;

Approve removal of handicapped space at Shore and Main streets;

Approve parking only; municipal parking lot (Katharine Lee Bates/Post Office Lane;

Proclamation—National Domestic Violence Awareness Month;

Vote to award wind turbine contract subject to appropriation;

Approve minutes of meeting—October 6; executive session—October 6; October 20;

7:10 PM, Report—DPW

7:55 PM, Grill 500, 500 Waquoit Highway—Entertainment license;

8 PM, Joint meeting with Community Preservation Committee;

Town manager's report;

Selectmen's informational update.

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**The Falmouth Enterprise**

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Established as The Falmouth Local in 1886; The Enterprise in 1895; The Falmouth Enterprise, since 1927. Successor to Barnstable County's first newspaper, The Nautical Intelligencer, founded in Falmouth in 1823.

## Madden For Falmouth And The Islands

Voters in the Barnstable, Dukes, and Nantucket District, which includes Falmouth Precincts 1, 2, 5, and 6, will be in the enviable position of having to make a difficult decision come election day. Three of the four candidates for state representative in the district have admirable qualities; they are intent on dedicating themselves to the job and are well versed in the issues. In the final analysis, however, the district will be best served by the candidate who is most able to muster support for measures important for the Cape and Islands and understand when compromise is in order.

Dan Larkosh, the only Democrat in the field, comes with the party's backing. Governor Patrick came to Falmouth this week in an impressive show of support for Mr. Larkosh. There is no doubt that a strong party affiliation is a leg up to any lawmaker. And his heart is in the right place; Mr. Larkosh wants the job because he feels he can do more good serving many on Beacon Hill than he can as a lawyer serving people one at a time.

Mr. Larkosh is also strong-minded, and says what is on his mind. A lawyer, he took on some cases on the Island that were controversial and, as a result, he rubbed some people the wrong way. He lost every town in the primary and, following the election, Democratic runner-up Tim Lasker threw his support behind independent candidate Tim Madden.

While Mr. Larkosh's convictions are admirable, he doesn't appear to have a knack for building bridges, which is all important in the Legislature.

Melissa Freitag comes into the race like a refreshing southwest breeze. She is very bright, well educated, and has a passion for public involvement. She is a student as well as a teacher of government and, while she

may not intimately know the current players in state government, she certainly knows how government should run.

Ms. Freitag's enthusiasm has no bounds; she has no shortage of ideas and interests. But it is the politics on the floor where the hard work begins. Whether Ms. Freitag has the wherewithall to turn her good ideas into action is an open question.

Ms. Freitag pointed out that she is the only candidate from Falmouth and that Falmouth would have no legislative liaison were one of her opponents to win.

Mr. Madden acted early to dispell such a concern. He took an office on Main Street early last summer and not only attended selectmen's meetings, but participated as well.

He also started early on asking what Falmouth residents thought were the important issues facing the town. As it happens, they aren't much different than those Nantucket residents face—affordable housing, wastewater management, school funding, local control, among others. And he is very familiar with the issues, having served as a selectman and county commissioner.

Mr. Madden is running as an independent. That would be a drawback, but he said he will register as a Democrat after the election.

Most important, Mr. Madden is realistic about what his impact will be as a freshman in the Legislature, and he understands that accomplishments have a great deal to do with forging relationships and he is ready and able to do that.

Falmouth voters have several good choices for representative of the Barnstable, Dukes, and Nantucket District, but they will get the greatest return for their vote, if they cast it for Mr. Madden.

## Matt Patrick, Jeff Perry Deserve Reelection

The Third and Fifth Barnstable Districts are two of the more challenging districts to represent on Beacon Hill.

The Third Barnstable District sprawls from Bourne (Precincts 5, 6), to Falmouth (3, 4, 7, 8, 9) and Mashpee (2, 4, 5), then spills over into Barnstable (5, 7). The Fifth Barnstable encompasses all of Sandwich, Bourne's Precinct 4, Precinct 1 and 3 in Mashpee, and 10, 11, and 12 in Barnstable.

The districts' geographic diversity is mirrored in their demographics.

On November 4, Third District incumbent Matt Patrick (D-Falmouth) is being challenged by Carey Murphy of Falmouth, who is running as an unenrolled or independent candidate. Fifth District incumbent Jeff Perry (R-Sandwich) faces off against Sandwich Democrat Glenn Paré.

All four candidates have been active campaigners, participating in a variety of forums so that voters have had ample opportunity to see and hear them firsthand. Serious challenges are an important part of the democratic process because incumbents are forced to defend their records and sometimes new issues are raised, or a new approach is offered for a seemingly intractable problem.

Both Mr. Murphy and Mr. Paré have injected some serious discussion into the campaigns, but neither has convinced us that he is a worthy replacement for the incumbent.

Mr. Paré has a vastly inflated view of what he could accomplish as a freshman Democrat. There's a different level of political naiveté on Mr. Murphy's part. There hasn't been an independent in the House since 2005 and there hasn't been more than one since 1977, when the tally was three, which was the most there had been since 1886. If the 19 Republicans hold little sway in the 160-member House, why on earth does any candidate think he or she can make inroads as an independent?

Matt Patrick has served his district and the state well since he was elected in 2000. He serves on the Telecommunications, Utilities, and Energy Committee and the Economic Development and Emerging Technologies Committee. He is known as a constructive and productive leader on alternative energy issues, and he is quietly dogged on legislation to help taxpayers wherever possible. He suc-

cessfully led the fight to close the corporate tax loopholes that allowed companies operating in different states to shift their income reporting to the state with the more favorable tax code for them. Mr. Patrick says plugging the loopholes produced an additional \$200 million in tax revenue for the state.

He also plays a thoughtful and legislatively creative role in matters ranging from health-care to homeowner insurance to rising energy costs.

Because there are so few Republicans, Mr. Perry, who was elected in 2002, serves on five committees: Ethics, Rules, Ways and Means, Education, and Public Safety and Homeland Security.

While we do not always agree with his votes, our respect for Mr. Perry has grown over the years. His positions are neither party-line nor knee-jerk. Mr. Perry learns as much as he can about a subject and arrives at a major decision through a thoughtful deliberative process. He is a clear thinker who can articulate his views with clarity and is unfailingly responsive to questions from the press.

The cautionary stance he took on the health-care reform legislation in 2006—that it would be more expensive than was being predicted and had too little actual reform—was prescient. He was one of only two legislators to vote against the sweeping healthcare insurance law and its many mandates.

Mr. Perry used his experience as a former police officer to help inform the debate on “Jessica's Law” and “Melanie's Law,” which toughened existing laws pertaining to sex offenders and drunk drivers. Though both passed the Legislature, Mr. Perry believes the sex offender law needs to be even tougher and plans to revisit this issue, healthcare costs, and local aid distribution in the next session if he is reelected.

Though Mr. Patrick and Mr. Perry are far apart on many issues, they share a common devotion to the part of legislative work that flies mostly under the radar: aiding constituents from across the political spectrum who turn to them for help in a time of need.

Upper Cape residents of all political persuasions will be well served for the next two years, if these hardworking men of integrity are reelected.



## A Message For Town Meeting

By GARY ANDERSON

It seems the news on the national scene gets worse every day—major banks failing; storied investment banking and brokerage firms going bankrupt or having to be sold at fire sale prices; Congress passing “rescue” legislation that may cost American taxpayers nearly a trillion dollars; the stock market plummeting; unemployment rising; and on and on. The news about our state's finances also appears bleak. Revenue shortfalls and budget cuts are looming on the near horizon. Our neighbors on the Cape in Barnstable, Harwich, and Yarmouth are in the throes of making painful decisions regarding spending freezes and cuts in municipal services. We don't yet know what all of this might mean for Falmouth, but a rational person wouldn't assume that prosperity is just around the corner.

So what should the Town of Falmouth do, given these financially troubling times? Perhaps a wise approach is to examine

what many of us are doing with our own family finances. If you ask citizens in our town how they're coping with the current economic turmoil, the responses are generally that they're very worried and carefully making sure they meet their family's essential needs. They're looking for places to reduce or postpone spending. They're eliminating duplicate expenses and creating efficiencies. They're seeking opportunities that provide value at no or low cost. And they're trying to preserve their “rainy day funds,” in case this financial malaise persists.

In a nutshell, that is precisely what the finance committee believes our town should do:

- Fund only the town's most pressing and fundamental needs.
- Postpone projects and equipment purchases that don't jeopardize critical services.
- Eliminate redundancies between and within departments and seek out efficiencies.
- Invest in projects and people that will provide current or fu-

ture value at no or low cost, i.e., opportunities which virtually pay for themselves.

- Conserve financial reserves.

The recommendations in the Fall Town Meeting Warrant reflect significant reductions from the requests submitted. Many department heads have agreed to postpone their requests or get by with what they have. We're pleased that these town employees have pulled together to focus on the important “needs” and set the “wants” aside at a time when conditions demand financial prudence.

We believe that Town Meeting members will understand these actions and employ the same lens of scrutiny and fiscal caution used by department heads and urged by the finance committee. By exercising spending restraint now, we will be in a better position to navigate the financial turbulence that will likely continue into the town's next fiscal year.

(Gary Anderson is the chairman of the Falmouth Finance Committee.)

## Letters

### Impressed By Hospital, Staff

Members of our family from Ohio and Texas visited Falmouth Hospital the last week of September. We would like to say that we were so impressed by Falmouth Hospital and the various staff.

We spent most of our time in the ICU and the waiting rooms outside. All the medical personnel were dedicated and compassionate. The nurses constantly monitored the situation, and when our tears used up the boxes of tissues, they brought in some more. We were allowed in freely to visit our sick family member, and she was kept as comfortable as possible.

All the staff in the hospital were helpful, and friendly, telling us how to find places and the correct elevators. We ate excellent meals in the cafeteria, the volunteers helping us to find what we needed. And we were allowed in to have cheering cups of tea in mid-afternoon. We feel that Falmouth residents are very lucky to have such a hospital in their town.

Jane G. Addison  
Lyndhurst, Ohio

### Applauds Mr. Patrick For Vote

Edward Denton criticizes Rep. Matt Patrick for failing to vote for the so-called Heller resolution which, all gussed up with a half-dozen or so “Whereas” clauses, states as “Resolved” that the Massachusetts House of Representatives “joins” with the United States Supreme Court and “recognizes” that the Second Amendment establishes an individual's right to possess firearms unrelated to membership in any militia. This resolution was pushed by the right-wing gun lobby, including the Massachusetts Gun Owners Action League.

Mr. Patrick was undeniably correct in his assessment that it was a politically motivated attempt to put Massachusetts Democrats on the defensive, and he was absolutely right in opposing it on that basis, because it unquestionably had no other conceivable purpose or effect.

The Supreme Court's recent Second Amendment ruling in the case of District of Columbia v. Heller, clarified what I and

many other liberals, including Senator Barack Obama, have long believed—that the individual's right to gun ownership is not contingent upon joining a militia. But Justice Scalia's 5-4 majority opinion also held, consistent with our liberal beliefs, that the government can strictly regulate when and where people can have guns outside their home and can deny gun permits to people who are demonstrably unfit to possess them.

Now that this Second Amendment question has been definitively decided by the Supreme Court, it is the law of the land, binding on all state Legislatures, and it does not require that any state legislative body “join” in the opinion. Nor does any legislative body have to officially “recognize” the Heller ruling by such a resolution, again, because it is now the law of the land. Period! Therefore, the majority vote of Massachusetts House members in favor of the Heller resolution was an empty gesture, with no real legal effect, which served no purpose other than pandering to the right-wing gun lobby, and I applaud Mr. Patrick for having the integrity not to be bullied by the single-issue zealots behind such a legally meaningless political charade.

### Enterprise Letters Policy

The Enterprise welcomes letters to the editor. They must be signed and include a daytime telephone number for verification.

Because the letters column is a forum for community issues, we will not print letters endorsing candidates or letters of thanks.

Letters should address the editor. We will not publish letters to other organizations, people or town boards.

Letters may be mailed to The Falmouth Enterprise, 50 Depot Avenue, Falmouth, MA 02540, faxed to 508-540-8407, or e-mailed to news@capenews.net.

The pro-gun lobby seems to believe, and always acts as if, the Second Amendment right to bear arms were the only right guaranteed by the Constitution. In fact, our rights and liberties are codified in the first 10 amendments to the Constitution, known collectively as the Bill of Rights, with no fewer than 27 separate rights enumerated in the first eight amendments and then saving clauses contained in the Ninth and 10th Amendments to make sure that the first eight cannot be read as exclusive, while reserving all other rights not listed to the people.

I have always believed that the Second Amendment right to own guns is no more, and no less, important than most of the other 27 or so specific rights enumerated in the Constitution, and it was intended to be an individual right on equal footing with, say, the Fourth Amendment right to privacy, i.e. “security in our persons. . .,” which is the basis for the ruling in Roe v. Wade guaranteeing a woman's limited right to abort an unwanted pregnancy.

As a private citizen I welcomed the Heller ruling for sensibly and definitively determining the gun issue, while recognizing that the Second Amendment in Heller had to be construed by the Supreme Court in the exercise of its constitutional prerogative, no less than the Fourth Amendment right to be “secure” in our persons also had to be construed to include the right to privacy—first by the Warren Court in the 1968 case of Griswold v. Connecticut, which struck down a state law banning contraceptives, and then by the Burger Court in the more controversial 1973 case of Roe v. Wade, striking down a state law banning abortions.

So, just to be consistent here, I would ask Mr. Denton if he would support a Roe resolution before the Massachusetts House, presented by Planned Parenthood, for example, and similar to the GOAL Heller resolution, which officially “joins” the opinion of the Supreme Court in Roe v. Wade and “recognizes” that the









WARRANT FOR THE ANNUAL NOVEMBER TOWN MEETING  
WITH RECOMMENDATIONS AND EXPLANATIONS  
MONDAY, NOVEMBER 10, 2008 AT 7:00 PM

**ARTICLE 1:** To hear reports of Committees and Town Officers and act thereon.  
**RECOMMENDATION (Finance Committee):** That the Town vote Article 1 as printed.

**ARTICLE 2:** To see if the Town will vote to adopt the "Town Meeting Presentation Guidelines" as presented by the Town Meeting Rules and Procedures Committee. Or do or take any other action on this matter. On request of the Town Meeting Rules & Procedures Committee.  
**RECOMMENDATION (Board of Selectmen):** Indefinite Postponement.  
**EXPLANATION:** The Board of Selectmen will make its recommendation on Town Meeting Floor.

**ARTICLE 3:** To see if the Town will vote to appropriate a sum of money for the purpose of paying unpaid bills from a prior fiscal year, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.  
**RECOMMENDATION (Finance Committee):** That the Town vote to appropriate the sum of \$2,911.40 from Certified Free Cash to be expended under the jurisdiction of the Board of Selectmen for the purposes of paying unpaid bills from a prior fiscal year as follows:

Legal	Thomson West	\$ 300.25
Police	Tessco	25.40
Treasurer	First Southwest Company	2,280.75
	Barnstable County Registry of Deeds	305.00

**EXPLANATION:** Bills for items purchased or services performed during one fiscal year cannot be paid in another fiscal year without Town Meeting approval. The invoices for these items were received too late to be paid from the fiscal year 2008 budget.

**ARTICLE 4:** To see if the Town will vote to amend Article XIII (13) – Definitions – of the Zoning Bylaw by deleting sub-paragraph "A" in the definition of "Home-Based Service Business and insert in its place the following:  
"A. The single-family residence shall be the domicile of the resident owner/operator of the business."

Or do or take any other action on this matter. On request of the Planning Board and Board of Appeals.  
**RECOMMENDATION (Planning Board):** That the Town vote Article 4 as printed in the warrant.  
**EXPLANATION:** This change is necessary to ensure that the individual operating a Home-Based Service Business actually lives in the residence, and is not an employee or agent.  
**ARTICLE 5:** To see if the Town will vote to amend Article XXX (30) – Accessory and Temporary Uses – of the Zoning Bylaw by adding the following to section 240-162:

The Building Commissioner may issue permits for a home occupation, based on the criteria found in paragraphs A through E below. The Building Commissioner may require information in the form of plans, specifications or studies to determine compliance with paragraphs A through E as may be necessary in his opinion. The Building Commissioner may limit the timeframe of said permit to specific times of the day or seasons or may issue a temporary permit subject to renewal. The Building Commissioner is further authorized to revoke any permit found not to be in compliance with any paragraphs A through E or further restrict the activities subject to the permit as may be in the best interests of the neighborhood or town.

Or do or take any other action on this matter. On request of the Planning Board and Board of Appeals.  
**RECOMMENDATION (Planning Board):** That the Town vote Article 5 as printed in the warrant.  
**EXPLANATION:** Currently there are no criteria for establishing a home occupation and this has caused some problems with interpretation and enforcement. This article establishes criteria for operating a home occupation through the action of the Building Commissioner. This protects abutters to and operators of home occupations.

**ARTICLE 6:** To see if the Town will vote to amend Article XIII.1 – Senior Care Retirement District – of the Zoning Bylaw by deleting it in its entirety and inserting in its place the following:  
**ARTICLE XIII.1**  
**Senior Care Retirement District**

**§ 240-65.1. Purpose.**  
The purpose of this district is to allow for alternative housing for senior citizens in a setting that provides them with personal and health related services and programs and allows for their maximum independence.

**§ 240-65.2. Permitted residential uses.**  
A. One family detached houses.  
B. Public or nonprofit housing for the elderly subject to the requirements of §240-164

**§ 240-65.3. Permitted business uses.**  
A. Medical clinics, medical and allied health offices  
B. Bank, professional offices  
C. Class I or Class II restaurant

**§ 240-65.4. Uses allowed by special permit from the Planning Board**  
A. Senior Care Retirement Community (SCRC), under the following standards and requirements:  
(1) A SCRC contains one or more residential buildings with living units described below, which provide residences exclusively for persons 62 years of age or older (except their spouses and surviving spouses, and also except for staff housing and skilled nursing units), and which includes common areas and community dining facilities, and which provides personal services such as social, psychological, educational and health-related programs and services, designed to allow residents to safely "age in place" with maximum independence and with skilled caregivers available continuously on-site.  
(2) A SCRC may include independent living units (ILUs) for persons who may not require regular assistance with daily living, as well as assisted living units (ALUs) for persons in need of daily assistance from skilled caregivers, and may include skilled nursing rooms (SNRs), as defined by the Massachusetts Department of Public Health. For the purposes of this bylaw, ILU's, ALU's and SNR's shall be known as "SCRC" units. A SCRC may also include staff housing units, provided that the number of staff units shall not exceed 10% of the SCRC units. The total number of units in the development, including both SCRC units and staff housing as determined by the Planning Board, shall not exceed six units per acre. No unit may contain more than two bedrooms. Assisted Living Units shall be no less than 350 but no greater than 800 square feet in size. Each skilled nursing room may contain no more than two beds.  
(3) A SCRC shall have a minimum total area of 15 acres. In calculating the minimum total area the provisions of § 240-124A shall apply. At least 65% of the total area must be set aside as open space consistent with 240-130 of the Zoning Bylaw. Up to one-third or five (5) acres of the required open space, which ever is greater, may be located off-site at the discretion of the Planning Board.  
(4) Front yard building setbacks shall be a minimum of 50 feet. Side and rear yard building setbacks shall be a minimum of 25 feet. The Planning Board may require greater setbacks, up to 100 feet for front yard and up to 50 feet for rear and side yard setbacks where needed to provide screening and buffer from the street or adjacent properties. Redevelopment of existing buildings may maintain existing setbacks at the discretion of the Planning Board. Redevelopment does not include the voluntary demolition of an existing building and subsequent rebuilding.  
(5) The maximum building height of any SCRC building shall be no more than three stories, not to exceed 35 feet as defined for community service uses. The Planning Board in its discretion may increase this height to 45 feet, upon good cause shown by the applicant, provided that for every one foot increase in height all minimum setbacks are increased by two feet.  
(6) The development may incorporate within a residential building accessory facilities intended solely for the use or benefit of the residents and staff of the development, such as banking and recreational facilities, as limited and approved by the Planning Board.  
(7) The Planning Board, in order to approve the special permit for a SCRC, must find that the overall impacts of the SCRC in terms of traffic, wastewater, nutrient loading and fiscal impact to the town will be no greater than the impacts associated with other uses allowed as a matter of right or special permit within Single Residence or Agricultural Zoning Districts on the lot(s). Speculative uses, such as applications made under M.G.L. c. 40B, shall not be considered in making the comparison of cumulative impacts. The Planning Board may require the applicant to provide specialized studies or information as necessary in order to make such a finding.  
(8) The Planning Board shall not approve a SCRC unless tertiary treatment of wastewater is provided. Tertiary treatment shall include enhanced nitrogen removal consistent with §240-100 A (3) of the Zoning Bylaw when a SCRC is located in a coastal pond overlay district.  
(9) The Planning Board may require the applicant to reduce the size including the height of any residential structure or to adjust its placement on the lot to reduce impacts on neighborhood visual character, including views or vistas. The Planning Board, in order to approve the special permit for a SCRC, must make a positive finding under § 240-122G, of the Planned Residential Development Bylaw and four or more of the purposes of § 240-122. The Planning Board may require or allow that the development be constructed in phases if necessary to minimize neighborhood impacts or to meet financing or regulatory requirements.  
(10) Parking shall be located in side or rear yards behind the front facade line of the building, except that parking may be allowed in front of the building line at the discretion of the Planning Board if appropriately screened or landscaped as determined by the Planning Board. The number of parking spaces shall be determined according to the following: One space per independent Living Unit; One-half space per Assisted Living Unit; One space per employee. The Planning Board may apply parking reductions to a SCRC as provided for in § 240-107 as part of this special permit.  
(11) Section 240-64.A(2) notwithstanding, a density bonus maybe allowed, at the sole discretion of the Planning Board as part of the special permit process for a Senior Care Retirement Community, up to a total of eight units per acre, if the applicant provides at least fifteen (15) percent of the SCRC units ( not including staff units) as affordable, subject to the requirements below, and one or more of the following: a) tertiary treatment of wastewater that achieves an annual average nitrogen reduction to a level of 9 mg/l or less, or; b) the application results in no net increase in nitrogen loading or; c) the SCRC is tied into the municipal sewer system.

As a condition of any density bonus the applicant shall be required to execute an affordable housing restriction and regulatory agreement for recordation at the Registry of Deeds, consistent with the requirements of the Massachusetts Department of Housing and Community Development, for qualification of the affordable units towards the town's subsidized housing inventory.

**§ 240-65.5. Minimum lot dimensions for uses allowed under §§ 240-65.2 & 240-65.3.**  
A. Minimum lot size: 45,000 square feet.  
B. Lot frontage: 100 feet.  
C. Lot width: 150 feet.

Or do or take any other action on this matter. On request of the Planning Board.  
**RECOMMENDATION (Planning Board):** That the Town vote Article 6 as printed in the warrant.  
**EXPLANATION:** The Planning Board has been working on this bylaw for the last year in order to incorporate the comments and concerns of town meeting members, SCRC providers and the public. The Planning Board is confident that this version protects the town's interests in environmental protection, aesthetics and affordable housing while still offering a usable bylaw to the providers of this much needed form of housing.

**ARTICLE 7:** To see if the Town will vote to amend the first sentence of §240-199 to read as follows:

There shall be a Zoning Board of Appeals of five members and two associate members appointed by the Board of Selectmen as provided in MGL c. 40A, § 12. The term of office of each member shall be for five years with the terms so arranged that the term of one member expires each year.

Or do or take any action on this matter. On request of the Board of Appeals.  
**RECOMMENDATION (Planning Board):** That the Town vote Article 7 as printed in the warrant.  
**EXPLANATION:** This Article makes the Zoning Bylaw consistent with the State Zoning Act (c 40A) given the change in the make-up of the Board of Appeals going from three to five members

**ARTICLE 8:** To see if the Town will vote to amend §240-209. Voting - to read as follows:  
The concurring vote of four members of the Board of Appeals shall be necessary to reverse any order or decision of the Building Commissioner or to effect any variance in the application of any bylaw.

Or do or take any other action on this matter. On request of the Board of Appeals.  
**RECOMMENDATION (Planning Board):** That the Town vote Article 8 as printed in the warrant.  
**EXPLANATION:** This Article makes the Zoning Bylaw consistent with the State Zoning Act (c 40A) given the change in the make-up of the Board of Appeals going from three to five members.

**ARTICLE 9:** To see if the Town will vote to amend the last sentence of §240-230 C. to read as follows:  
Special permits issued by a special permit granting authority shall require a concurring vote of four members of a five-member board.

Or do or take any other action on this matter. On request of the Zoning Board of Appeals.  
**RECOMMENDATION (Planning Board):** That the Town vote Article 9 as printed in the warrant.  
**EXPLANATION:** This Article makes the Zoning Bylaw consistent with the State Zoning Act (c 40A) given the change in the make-up of the Board of Appeals going from three to five members.

**ARTICLE 10:** To see if the Town will vote to amend the Zoning Bylaws, Section 240-109.H.(4), so as to require curb cuts serving a drive-thru to be located 300 feet from any other curb cut serving another drive-thru establishment, but to allow the Planning Board, by special permit, to waive such separation for curb cuts that do not serve a fast-food restaurant, by amending Section 240-109.H.(4) to read: (new language in bold)

(4) Curb cuts. All curb cuts serving a drive-thru shall have a minimum center line offset distance of 300 feet from any other curb cut serving a drive-thru establishment, provided that the Planning Board may, by special permit, waive such offset requirement when neither the proposed curb cut nor any curb cut within 300 feet of the proposed curb cut serves a fast-food restaurant (Restaurant, Fast Food, as defined in Section 240-13), and upon the Planning Board's determination that special circumstances, such as encouraging advantageous mixed-use redevelopment and reducing and consolidating existing curb cuts, support such waiver. All curb cuts must conform to Massachusetts Highway Department regulations, the latest edition concerning geometry and traffic circulation.

On petition of Edward Marks, Jr., and others.  
**RECOMMENDATION (Planning Board):** That the Town vote to amend Section 240-109.H.(4) of the Zoning Bylaw in the following manner:  
(4) Curb cuts. All curb cuts serving a drive-thru establishment shall have a minimum center line offset distance of 300 feet from any other curb cut serving a drive-thru establishment, provided that the Planning Board may, by special permit, waive such offset requirement when neither the proposed curb cut nor any curb cut within 300 feet of the proposed curb cut serves a fast-food restaurant (Restaurant, Fast Food, as defined in Section 240-13), and upon the Planning Board's finding that substantial mitigation, such as encouraging advantageous mixed-use redevelopment and reducing and consolidating existing curb cuts, support such waiver. All

curb cuts must conform to Massachusetts Highway Department regulations, the latest edition concerning geometry and traffic circulation.

**EXPLANATION:** This change in the bylaw authorizes the Planning Board to issue a special permit to allow drive thru establishments - not involving a fast food restaurant - to have curb cuts closer than 300 feet apart. The Planning Board believes this allows flexibility in design while still protecting the town's interests in controlling the number of drive-thru establishments.

**ARTICLE 11:** To see if the Town will vote to amend the Official Zoning Map by rezoning from Marine to Business 3 the properties at (1) 56 Scranton Avenue, being Assessors Parcel 47B 09 005A 033, containing 0.448 acres more or less, (2) 141 Falmouth Heights Road, being Assessors Parcel 46B 01 006 000, containing 0.31 acres more or less, and (3) 98 Scranton Avenue, being Assessors Parcel 47B 09 004A 020, containing 0.241 acres, more or less.

*Explanation: The subject properties are the only distinct properties now in the Marine district that are not on the water, and as such it is not appropriate that the lots be zoned primarily to allow only uses directly dependent on access to the water. Prior to the establishment of the Marine district, these three lots near Falmouth Inner Harbor were all in the Business or Light Industrial zone.*

On petition of David L. Viall and others.

**MAP INCLUDED**  
**RECOMMENDATION (Planning Board):** Indefinite Postponement.

**EXPLANATION:** The Planning Board is not convinced that rezoning these properties to Business 3 is the correct action at this time. The Planning Board would like the time to explore other options, including the use of the Business Redevelopment District, changes to the Marine Zoning District, or creation of a Harborside District and return to a future Town Meeting.

**ARTICLE 12:** To see if the Town will amend the Zoning By-Law by adding to Section 240-3.B, the following:

Where a residential use of a structure for two or more dwelling units violates the Zoning Bylaw and such use does not have the benefit of General Laws Chapter 40A Section 7, but the structure as erected or altered for such use does have the benefit of General Laws Chapter 40A Section 7, which bars any action to compel the removal, alteration or relocation of a structure by reason of such violation if the violation has continued for at least ten (10) years without the filing of any such action, the Board of Appeals may grant a special permit □

- (1) If the property is within a Water Resource Protection District or within a Coastal Pond Overlay District, the minimum lot size shall be 15,000 square feet for one additional dwelling unit, 20,000 square feet for two additional dwelling units and 25,000 square feet for three additional dwelling units.
- (2) There shall be no home occupations or taking of boarders.
- (3) No additional bedrooms shall be allowed above the number in existence in the dwelling as of January 1, 1980.
- (4) There shall have been no material change in the exterior of the existing dwelling, including architectural features, and no increase in the gross floor area of the dwelling, from what existed on January 1, 1980.
- (5) Where the nonconforming use has three or more dwelling units, at least one dwelling unit or 25% of the dwelling units, whichever is more, shall become permanently affordable, as the term Affordable Dwelling is defined in the Zoning Bylaw.

On petition of Linda Clark and others.  
**RECOMMENDATION (Planning Board):** Indefinite Postponement.

**EXPLANATION:** The Planning Board does not believe that Section 240-3 is the appropriate section of the zoning bylaw to be using, given its town-wide applicability. There is a legal issue known as "uniformity" regarding the use of a specific date (January 1980) that may not pass Attorney General review. In addition, the use of Section 7 c. 40A may not determine if a use has been in existence for ten or more years. For these reasons this change needs additional work.

**ARTICLE 13:** To see if the Town will vote to amend the Zoning By-law, with respect to both Section 240-23.I.(4), applicable to permitting an accessory apartment in a Single Residence District, and Section 240-38.I.(4), applicable to permitting an accessory apartment in an Agricultural District, so that each such section reads as follows (new language in italics, all other language unchanged):

- (4) If the subject lot is within a Water Resource Protection District (Article XV) or Coastal Pond Overlay District (Article XXI), the total number of bedrooms shall not exceed one per 13,500 square feet of lot area unless (1) for new construction, the total number of bedrooms shall not exceed three, or (2) for an existing dwelling, the total number of bedrooms on the lot in the principal and accessory apartment shall be less than the number of bedrooms on the lot before the accessory apartment was created, or (3) both the principal unit and accessory apartment are served by either the municipal sewer system or a septic system that has certification from Massachusetts Department of Protection (Mass.DEF) for general use for nitrogen reduction and is listed in the most current Mass. DEP list of innovative and alternative subsurface sewage disposal technologies approved for use in Massachusetts, but in no case will a technology providing total nitrogen reduction of less than 50% as determined by Mass. DEP be eligible.

On petition of Jay H. Lively and others  
**RECOMMENDATION (Planning Board):** Indefinite Postponement.  
**EXPLANATION:** The Planning Board believes in the intent of this Article but envisions difficulty in enforcing its provisions. Because this change implicates Water Resource and Coastal Pond Districts -where the town is planning major capital investments in sewers – this change is not recommended.

**ARTICLE 14:** Special Permit business 28 Nathan S. Ellis Hwy (office use)  
On petition of Antranig Minasian and others.

**RECOMMENDATION (Planning Board):** Indefinite Postponement.  
**EXPLANATION:** This Article is not in proper form for discussion and vote. The petitioner has been advised to craft an Article that precisely identifies the property, its current zoning, the proposed zoning, the area to be re-zoned for a future town meeting.

**ARTICLE 15:** Re-zone abutting properties on 151 from 28A to Falmouth/Mashpee town line.

On petition of Antranig Minasian and others.  
**RECOMMENDATION (Planning Board):** Indefinite Postponement.  
**EXPLANATION:** This Article is not in proper form for discussion and vote. The petitioner has been advised to craft an Article that precisely identifies the property, its current zoning, the proposed zoning, the area to be re-zoned for a future town meeting.

**ARTICLE 16:** To see if the Town will vote to appropriate an additional sum of money for the installation of a wind energy facility at the Wastewater Treatment Facility, originally approved and authorized by Article 14 of the November 2007 Annual Town Meeting, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

**RECOMMENDATION (Finance Committee):** That the Town vote to appropriate the additional sum of \$992,000.00 for the purposes of installing a wind energy facility at the Wastewater Treatment Facility and further that the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under the provision of G.L. Ch., 44, sec. 7(3B) or any other enabling authority, and to issue bonds or notes of the Town therefore, said sum to be expended under the jurisdiction of the Board of Selectmen for the purposes of Article 16.

**EXPLANATION:** In November 2007, Town Meeting approved Article 14 in the amount of \$4,000,000.00 to acquire and construct a Wind Turbine at the Wastewater Treatment Facility on Blacksmith Shop Road. Since that time, the project has been bid and the costs exceed the original estimates and the decision has been made to install a larger turbine than originally planned. The costs associated with the borrowing will be covered by revenues generated by the project. The Green Communities Act and Net Metering Legislation allow this project to remain economically feasible, even with the added costs. The value of the surplus energy generated can be used to offset the costs of Town departments' utility expenses.

**ARTICLE 17:** To see if the Town will vote to appropriate a sum of money to fund the Fiscal Year 2009 Capital Budget and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

The Fiscal Year 2009 Capital Budget will be found in the center section of the Warrant Booklet.

**ARTICLE 18:** To see if the Town will vote to appropriate a sum of money for the purpose of replenishing the Workers Compensation Fund and to determine how the same shall be raised and by whom expended. Or do or take any other action in this matter. On request of the Board of Selectmen.

**RECOMMENDATION (Finance Committee):** That the Town vote to appropriate the sum of \$75,000.00 from Certified Free Cash for the purposes of Article 18 to be expended under the jurisdiction of the Town Manager.

**EXPLANATION:** This is a routine article to fund the Workers Compensation Fund with the goal of the Town's Insurance Programs being self funding and ultimately reducing annual premiums.

**ARTICLE 19:** To see if the Town will vote to appropriate a sum of money for the purpose of replenishing the revolving fund for the expenditures of updating the Code of Falmouth under General Laws Chapter 44, Section 53E1/2 as established by Article 3 of the April 1998 Annual Town Meeting, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Clerk.

**RECOMMENDATION (Finance Committee):** That the Town vote to appropriate the sum of \$5,000.00 from Certified Free Cash to the Revolving Fund for the purposes of Article 19 to be expended under the jurisdiction of the Town Clerk.

**EXPLANATION:** Town meeting strongly suggested that the Code of Falmouth be updated in a timely manner and funded accordingly. The expenditures of updating and printing the Code of Falmouth are usually self funding. However, with the Code of Falmouth available on the Internet, the sales of the books are no longer sufficient to fund this project. In the future, this item will be funded in the operating budget.

**ARTICLE 20:** To see if the Town will vote to appropriate a sum of money to contract for ongoing engineering and consulting services at the Gifford Street Department of Public Works site for groundwater monitoring and reporting as required by Massachusetts Department of Environmental Protection site #RTN 4-729, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Director of Public Works.

**RECOMMENDATION (Finance Committee):** That the Town vote to appropriate the sum of \$25,000.00 from Certified Free Cash for the purposes of Article 20 to be expended under the jurisdiction of the Director of Public Works.

**EXPLANATION:** Following site characterization studies that were completed in August 2008, the site has entered MassDEP "Remedy Operation Status" indicating that response actions will be groundwater sampling, monitoring and reporting semi-annually by a LSP (Licensed Site Professional).

**ARTICLE 21:** To see if the Town will vote to appropriate \$956,316.00 under Chapter 86 of the Acts of 2008, as the state's share of the work under Chapter 90, Section 34 (2A) of the Massachusetts General Laws, and to authorize the Board of Selectmen to execute with the state such contract as may be necessary for said purpose, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen acting as the Board of Public Works.

**RECOMMENDATION (Finance Committee):** That the Town vote Article 21 as printed to be expended under the jurisdiction of the Director of Public Works.

**EXPLANATION:** This funding represents the Town's FY09 share of Chapter 90 Road funding. The appropriation provides for 100% reimbursement for work performed on Town accepted roads.

**ARTICLE 22:** To see if the Town will vote to appropriate a sum of money for the purpose of funding the Vehicle Gasoline account 01425-54482 and Vehicle Diesel account 01425-54482, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Director of Public Works.

**RECOMMENDATION (Finance Committee):** Indefinite Postponement.  
**EXPLANATION:** The Finance Committee anticipates shortfalls in the energy budget accounts. The Public Works Director believes there is sufficient funding in the budget to cover costs until the April Town Meeting. At that time, we will have a clearer picture of what the need is.

**ARTICLE 23:** To see if the Town will vote to appropriate a sum of money for the purpose of funding the Water Department Electricity Account 01451-52212, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Director of Public Works.

**RECOMMENDATION (Finance Committee):** Indefinite Postponement.  
**EXPLANATION:** The Finance Committee anticipates shortfalls in the energy budget accounts. The Public Works Director believes there is sufficient funding in the budget to cover costs until the April Town Meeting. At that time, we will have a clearer picture of what the need is.

**ARTICLE 24:** To see if the Town will vote to appropriate a sum of money for the purpose of funding the Wastewater Department Electricity Account 01440-52212, Sludge Hauling Account 01440-52310, and Chemicals Account 01440-54535, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Director of Public Works.

**RECOMMENDATION (Finance Committee):** That the Town vote to appropriate the sum of \$38,000.00 from Certified Free Cash for the purpose of funding the Wastewater Department Sludge Hauling Account 01440-52310 to be expended under the jurisdiction of the Director of Public Works.

**EXPLANATION:** Based on the bids received, the Finance Committee recommends \$38,000.00 for the Sludge Hauling Account as it is possible there are insufficient funds in this budget line to last until April Town Meeting. The Electricity and Chemical Accounts can be funded at the April Town Meeting when the shortfalls are known.

**ARTICLE 25:** To see if the Town will vote to appropriate a sum of money for the purpose of funding the Veteran's Ordinary Benefits account 01543-57770, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Director of Veterans' Services.

**RECOMMENDATION (Finance Committee):** That the Town vote to appropriate the sum of \$50,000.00 from Certified Free Cash to Veterans Ordinary Benefits Budget Line Item 01543-57770, for the purposes of Article 25 to be expended under the jurisdiction of the Director of Veterans' Services.

**EXPLANATION:** More Veterans and their families have become eligible for State mandated benefits under 108 CMR and MGL 115 than was anticipated when the original budget was proposed. The amount requested in this Article is the anticipated amount needed to fund the Veterans Ordinary Benefits Budget until the April Town Meeting. 75% of the money is reimbursed by the state.

**ARTICLE 26:** To see if the Town will vote to amend the Town's Position Classification Plan for Technical, Administrative and Management staff effective July 2009 as follows:

<b>Delete:</b>	Benefits Coordinator	Gr. M-3	(\$18.72 - 24.42/hr.)
<b>Add:</b>	Benefits Administrator	Gr. M-4	(\$21.53 - 28.09/hr.)
<b>Delete:</b>	Conservation Administrator	Gr. M-8	(\$28.65 - 37.38/hr.)
<b>Add:</b>	Director of Conservation	Gr. M-9	(\$31.52 - 41.13/hr.)
<b>Delete:</b>	Director of Personnel	Gr. M-9	(\$31.52 - 41.13/hr.)
<b>Add:</b>	Director of Human Resources	Gr. M-10	(\$33.88 - 44.22/hr.)
<b>Delete:</b>	Director of Public Works	Gr. M-11	(\$38.96 - 50.84/hr.)
<b>Add:</b>	Director of Public Works	Gr. M-12	(\$41.88 - 54.65/hr.)
<b>Delete:</b>	Assistant Town Manager	Gr. M-11	(\$38.96 - 50.84/hr.)
<b>Add:</b>	Assistant Town Manager	Gr. M-12	(\$41.88 - 54.65/hr.)
<b>Delete:</b>	Police Captain-Administration	Gr. M-9	(\$31.52 - 41.13/hr.)
<b>Add:</b>	Police Captain-Administration	Gr. M10	(\$33.88 - 44.22/hr.)
<b>Delete:</b>	Police Captain-Operations	Gr. M-9	(\$31.52 - 41.13/hr.)
<b>Add:</b>	Police Captain-Operations	Gr. M-10	(\$33.52 - 44.22/hr.)
<b>Delete:</b>	Police Captain-Special Services	Gr. M-9	(\$31.52 - 41.13/hr.)
<b>Add:</b>	Police Captain-Special Services	Gr. M-10	(\$33.52 - 44.22/hr.)

Or do or take any other action on this matter. On request of the Town Manager.

**RECOMMENDATION (Finance Committee):** Indefinite Postponement.



# Distinguished Service To Philanthropy Award Recipients

The Planned Giving Council of Cape Cod announced the recipients of the Distinguished Service to Philanthropy Awards. Recipients were chosen from many submissions from organizations, businesses, and individuals all over the Cape. The awards will be presented during a special luncheon during Philanthropy Day on Cape Cod 2008, on November 5, from 7:30 AM to 2 PM at the Resort & Conference Center, 35 Scudder Avenue (West End Rotary) in Hyannis.

The following recipients each reflect a level of devotion to the community.

**Outstanding Business Award:** Cape Medical Supply of Sandwich.

“Cape Medical Supply is a stellar example of a company that is a full philanthropic partner in the community,” stated Pauline Greenburg of Hospice & Palliative Care of Cape Cod, one of the nominators. Run by Gary and Michael Sheehan, the sons of the founders, the company continues its philanthropic tradition. Gary Sheehan is a founding member of Cape Cod Young Professionals, a group that fosters civic and philanthropic responsibility in its members.

**Outstanding Philanthropist Award:** Sally M. Cross.

“Mrs. Cross, longtime resident of Falmouth with her late husband, Norman, has had a lifetime of giving to improve the lives of others and their communities,” stated Carolyn Partan, president of the Falmouth Artists Guild, who submitted the nomination for Mrs. Cross. “There is no one I know who is as committed, in her

heart and with her funds, to the organizations she supports, to the people that they serve and to the greater community in which she lives.”

**Outstanding Volunteer Award:** Margaret G. Van Sciver.

Margaret (Maggie) Van Sciver serves as the president of the board of directors for the Arts Foundation of Cape Cod and chairs the Pops by the Sea Steering Committee, which organizes the arts foundation's annual fundraising event, TD Banknorth Pops by the Sea. She was nominated by Larry Squire, David Willard, Janet Feeney, and Richard Rand, present board members and present or past officers of the Arts Foundation of Cape Cod. They state “Maggie's personal involvement in the work of the Arts Foundation has resulted in the organization's ability to better serve its mission and deliver on programs need by our constituents in the cultural community. She understands the incredible cultural assets we have here on the Cape and the cultural community's ability to be an economic engine in the region.”

The awards will be presented at the luncheon at Philanthropy Day. The event is \$50 to the general public, \$30 to members of the Planned Giving Council of Cape Cod/Estate Planners Council of Cape Cod. Tables of 10 for the luncheon can be reserved for \$500.

Registration forms and more information are available online at [www.capecodgiving.org](http://www.capecodgiving.org). Completed form and payment should be sent to the PGCCC, 259 Willow Street, Yarmouth Port, MA 02675.

**EXPLANATION:** The positions have currently been reclassified and have followed the appropriate reclassification process. However, the Finance Committee recommends that the Article be brought back for the April 2009 Spring Town Meeting when the financial outlook for Fiscal Year 2010 will be clearer. The delay has no monetary impact on the employees because any raises would not be effective until July 2009 if voted.

<b>ARTICLE 27:</b>		To see if the Town will vote to amend the Town's Position Classification Plan for General Employees effective July 2009 as follows:	
<b>Delete:</b>	Chief Harbor Master	Gr. M-9	(\$31.52 - 41.13/hr.)
<b>Add:</b>	Chief Harbor Master	Gr. M-10	(\$33.88 - 44.22/hr.)
<b>Delete:</b>	Director of Veterans' Services	Gr. M-5	(\$24.76 - 32.29/hr.)
<b>Add:</b>	Director of Veterans' Services	Gr. M-6	(\$25.99 - 33.90/hr.)
<b>Delete:</b>	Facilities Maintenance Manager	Gr. M-8	(\$28.65 - 37.38/hr.)
<b>Add:</b>	Facilities Manager	Gr. M-9	(\$31.52 - 41.13/hr.)
<b>Delete:</b>	Principal Office Assistant -DPW Adm.	Gr. 08	(\$17.59 - 22.26/hr.)
<b>Add:</b>	Administrative Assistant-DPW Adm.	Gr. 09	(\$18.82 - 23.82/hr.)
<b>Delete:</b>	Zoning Administrator	Gr. M-6	(\$25.99 - 33.90/hr.)
<b>Add:</b>	Zoning Administrator	Gr. M-7	(\$27.27 - 35.61/hr.)

Or do or take any other action on this matter. On request of the Town Manager.

**RECOMMENDATION (Finance Committee):** Indefinite Postponement.

**EXPLANATION:** The positions have currently been reclassified and have followed the appropriate reclassification process. However, the Finance Committee recommends that the Article be brought back for the April 2009 Spring Town Meeting when the financial outlook for Fiscal Year 2010 will be clearer. The delay has no monetary impact on the employees because any raises would not be effective until July 2009 if voted.

<b>ARTICLE 28:</b>		To see if the Town will vote to amend the Town's Position Classification Plan as follows:	
<b>Add:</b>	(1) Business Systems Manager	Gr.M-6	(\$25.99 – 33.90/hr.)

Or do or take any other action in the matter. On request of the Director of Public Works and Town Manager.

**RECOMMENDATION (Finance Committee):** The Finance Committee will make its recommendation on Town Meeting Floor.

**EXPLANATION:** The Falmouth Town Charter requires a vote by the Board of Selectmen to create new positions. The Board of Selectmen had not voted to create this position at the time the Warrant Booklet went to print.

**ARTICLE 29:** To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund to be made available for the purpose of window restoration at the Woods Hole Public Library, in a historically appropriate manner, under the Community Preservation Act category of Historic Resources, or act in any way relative thereto as allowed under the Community Preservation Act. On request of the Community Preservation Committee.

**RECOMMENDATION (Community Preservation Committee):** That the Town vote to appropriate the sum of \$48,500 from the Community Preservation General Budgeted Reserve for the purposes of Article 29 to be expended under the jurisdiction of the Community Preservation Committee.

**EXPLANATION:** The Woods Hole Library is located within the Woods Hole Historic District. The CPC's recommendation of \$48,500 represents approximately half of the project cost for historically appropriate window restoration at the Woods Hole Library. The remaining project funds are being generated through fundraising efforts conducted by the Woods Hole Library Trustees. The window restoration will be in accordance with the 'Secretary of the Interior's Standards for the Treatment of Historic Properties', as required by the CPA.

**FINANCE COMMITTEE:** The Finance Committee has reviewed Articles 29 through 35 and concurs with the recommendations of the Community Preservation Committee a□

**ARTICLE 30:** To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund to be made available for the purpose of restoration of the Highfield Hall Ice House, in a historically appropriate manner, under the Community Preservation Act category of Historic Resources, or act in any way relative thereto as allowed under the Community Preservation Act. On request of the Community Preservation Committee.

**RECOMMENDATION (Community Preservation Committee):** That the Town vote to appropriate the sum of \$20,000 from the Community Preservation General Budgeted Reserve for the purposes of Article 30 to be expended under the jurisdiction of the Community Preservation Committee.

**EXPLANATION:** The Highfield Hall property has been designated as historically significant and is listed in the Town's Cultural Resources Inventory. The CPC's recommendation of \$20,000 represents approximately half of the project cost. CPA funding will be applied to costs such as site preparation, foundation repair, and materials for structural repairs for the purpose of restoring the Ice House. The Ice House restoration work will be in accordance with the 'Secretary of the Interior's Standards for the Treatment of Historic Properties', as required by the CPA. The restored Ice House will be open to the public during Highfield Hall's regular operating hours.

**ARTICLE 31:** To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund to be made available for the purpose of conducting shellfish habitat assessments of Eel River and Bournes Pond, under the Community Preservation Act category of Open Space, or act in any way relative thereto as allowed under the Community Preservation Act. On request of the Community Preservation Committee.

**RECOMMENDATION (Community Preservation Committee):** That the Town vote to appropriate the sum of \$25,000 from the Community Preservation General Budgeted Reserve for the purposes of conducting a shellfish habitat assessment of Eel River to be expended under the jurisdiction of the Community Preservation Committee.

**EXPLANATION:** This appropriation will be applied to the cost of conducting a shellfish habitat assessment at Eel River only. This appropriation is in addition to \$25,000 previously appropriated for an assessment of Green Pond and \$25,000 previously appropriated for an assessment of West Falmouth Harbor. The shellfish habitat assessments will contribute to harbor management planning efforts that are currently underway for the purpose of preserving the Town's coastal embayments.

**ARTICLE 32:** To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund to be made available for the purpose of additional funding to complete the installation of irrigation equipment at the Sandwich Road Athletic Fields, under the Community Preservation Act category of Recreation, or act in any way relative thereto as allowed under the Community Preservation Act. On request of the Community Preservation Committee.

**RECOMMENDATION (Community Preservation Committee):** That the Town vote to appropriate the sum of \$21,000 from the Community Preservation Undesignated Fund Balance for the purposes of Article 32 to be expended under the jurisdiction of the Community Preservation Committee.

**EXPLANATION:** This appropriation is in addition to \$485,000 in Community Preservation Act funds previously appropriated for the development of athletic fields at the Sandwich Road Athletic Fields site. These additional funds are needed in order to complete the installation of the irrigation system in a timely manner so that the fields can be operational by the fall of 2009.

**ARTICLE 33:** To see if the Town will vote to expand the purpose of funds previously appropriated under Article 15 at the Special Town Meeting in April 2005 for the purpose of conducting engineering surveys and placing boundary markers on Land Bank parcels to allow the funds to be applied to a variety of land surveys on open space properties acquired with Community Preservation Act funds or Land Bank funds, or act in any way relative thereto as allowed under the Community Preservation Act. On request of the Community Preservation Committee.

**RECOMMENDATION (Community Preservation Committee):** That the Town vote Article 33 as printed.

**EXPLANATION:** The Community Preservation Committee requests that the scope of this appropriation be amended to allow the funds to be used for a variety of land surveys in addition to boundary surveys. The expanded scope will allow the funds to be applied to open space parcels that were acquired with CPA funds in addition to existing parcels that were acquired under the Land Bank.

**ARTICLE 34:** To see if the Town will vote to transfer a sum of money that has been encumbered from the Fiscal Year 2008 Planning Office budget line 01775-51110 to the Community Preservation Undesignated Fund Balance, or act in any way relative thereto as allowed under the Community Preservation Act. On request of the Community Preservation Committee.

**RECOMMENDATION (Community Preservation Committee):** That the Town vote to transfer \$7,500 from fiscal year 2008 Planning encumbered funds budget line 01775-57799 to the Community Preservation Undesignated Fund Balance.

**EXPLANATION:** At the April 2007 Annual Town Meeting (Article 46), the Community Preservation Committee recommended that a portion of CPA administrative funds be applied to Planning salaries for professional staff. The Planning Office budget supported 20 percent of the salary for the Community Preservation planner position to provide professional assistance to the Historic District and Historical Commission during a portion of fiscal year 2008. It is necessary to transfer that \$7,500 in unused CPA Administrative funds back to the CPA Fund for future appropriation for Community Preservation initiatives.

**ARTICLE 35:** To see if the Town will vote to transfer a sum of money from the Fiscal Year 2009 Health Insurance Benefit line 01914-51177 to the Community Preservation Undesignated Fund Balance, or act in any way relative thereto as allowed under the Community Preservation Act. On request of the Community Preservation Committee.

**RECOMMENDATION (Community Preservation Committee):** That the Town vote to transfer \$5,767 from fiscal year 2009 health insurance budget line 01914-51177 to the Community Preservation Undesignated Fund Balance.

**EXPLANATION:** At the April 2008 Annual Town Meeting (Article 44), the Community Preservation Committee recommended that a portion of CPA administrative funds be applied as appropriate to budget numbers 01175 and 01914 for salary and benefits for professional staff. An excess of funds in the amount of \$5,767 was transferred that will not be needed for the purpose of salary and benefits. It is necessary to return these funds to the CPA Fund for future appropriation for Community Preservation initiatives.

**ARTICLE 36:** To see if the Town will vote to authorize the Board of Selectmen to grant an easement for the installation and maintenance of underground utilities and an above ground transformer, together with appurtenant structures and accessory equipment, to NSTAR Electric Company, its successors and assigns, under, over and across Lot 4 as shown on Land Court Plan 7639-P located on Robbins Road for the purpose of providing utility services to the building located at 56 Scranton Avenue owned by Falmouth Heights Marina, Inc., upon such terms and conditions as they deem reasonable and proper. Or do or take any other action on this matter. On request of the Board of Selectmen.

**RECOMMENDATION (Board of Selectmen):** That the Town vote Article 36 as printed in the Warrant.

**EXPLANATION:** The Board of Selectmen has authorized a temporary license for this purpose. The utility work is complete and the easement should be granted.

**ARTICLE 37:** To see if the Town will vote to authorize the Board of Selectmen to grant a conservation restriction under G.L. ch. 184, § 31 to The 300 Committee, Inc., a Massachusetts not for profit corporation whose corporate purposes include holding interests in land for preservation of natural, open space and scenic values, or similar entity, covering a portion of land owned by the Town at 419 Woods Hole Road and described in a deed from Richard Harte, Jr., Charles F. Hovey and Henry U. Harris, as Trustees under Article Seventh of the will of Edwin S. Webster to the Inhabitants of the Town of Falmouth dated March 10, 1970 and recorded in the Land Court Division of the Barnstable County Registry of Deeds as Certificate No. 48152 and reserving to the Town the fire station parcel and a portion of the remaining land approximately 3 acres to be determined for municipal purposes, said land subject to the Conservation Restriction to be set aside to preserve its natural, open space and scenic values in perpetuity and upon such terms and conditions as the Board of Selectmen deems appropriate. Or do or take any other action on this matter. On request of the Board of Selectmen.

**RECOMMENDATION (Board of Selectmen):** That the Town vote Article 37 as printed in the Warrant.

**EXPLANATION:** The Board of Selectmen request that Town Meeting grant the Board the authority to execute a conservation restriction on the property known as 419 Woods Hole Road. The Board has determined that there are significant conservation values at 419 Woods Hole Road that should be preserved. The Board has also determined that the site has value for other municipal purposes. The Board will execute a restriction when it has determined that affordable housing alternatives have been developed in the Woods Hole Village Affordable Housing Planning District.

## MAP INCLUDED

**ARTICLE 38:** To see if the Town will vote to petition the General Court to amend Chapter 654 of the Acts of 1975, which establishes the Falmouth Historic District Commission, as amended from time to time, by deleting section 9 and by adding the following

Section 9:

- A) In addition to the remedies provided in Section 11 herein, the office of the Building Commissioner is responsible for the enforcement of this chapter. He shall withhold a permit for the construction, alteration, demolition or moving of any building or structure if the building or structure as constructed, altered, demolished or moved would be in violation of this chapter and no permit shall be granted for a use or occupancy of a building, structure or land which use would be in violation of this chapter or any condition imposed by a decision of the Commission; or
- B) As part of its decision the Commission shall require that construction or other authorized site activities be secured by one of the following methods, which method may be selected and from time to time varied by the applicant upon receiving written approval from the Commission:
- By a proper bond or deposit of money sufficient in the opinion of the Commission to secure performance of the conditions of its decision as noted in the certificate of appropriateness or accompanying plans; or
  - By a covenant executed and duly recorded by the owner of record, running with the land, whereby said the conditions of its decision as noted in the certificate of appropriateness or accompanying plans shall be accomplished prior to the issuance of occupancy permits or any conveyance sale, rental or similar disposition of the property.
- C) Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction fined not more than \$500 for each offense. Each day that such violation continues shall constitute a separate offense.

Or do or take any other action on this matter. On request of the Historic District Commission.

**RECOMMENDATION (Board of Selectmen):** Indefinite Postponement.

**EXPLANATION:** The regulatory authorities have not developed a plan to implement the enforcement mechanism proposed. This bylaw change should be postponed for further evaluation.

**ARTICLE 39:** To see if the Town will vote to amend ch. 199, Article II of the Code of Falmouth, Obstructions at Intersections, by amending §199-2 to read as follows:

§199-2. Trimming or removal of obstructions.

Whenever, at any corner in a street or intersection of two or more streets, the Town Engineer and the Chief of Police jointly determine that the view is obstructed by a hedge, trees, brush, fence, sign or similar natural growth, structure or object so as to constitute a hazard to vehicular or pedestrian traffic, they shall present a report to the Board of Selectmen. The Board of Selectmen shall give such notice to interested parties, including affected property owners, as they deem appropriate, and following a public hearing

may thereafter vote to require that the hedge, trees, brush, fence, sign or similar natural growth, structure or object be trimmed, altered, removed or moved so that the view shall be unobstructed within an area known as a "sight triangle" that conforms to the standards of the 2006 Massachusetts Highway Department Project Development & Design Guide, Section 3.7.4, as amended from time to time, with the following exceptions:

- The distance along the leg of the triangle to the driver's eye for the minor street shall be 12' back from the back edge of the sidewalk or 14.4' back from the edge of the major road travel-way with no sidewalk.
- At no time shall the length of the leg of the triangle along the major street be less than the safe stopping sight distance as recommended in Section 3.7.4.1.1 of the Design Guide.

Or do or take any other action on the matter. On request of the Town Engineer and Chief of Police.

**RECOMMENDATION (Board of Selectmen):** That the Town vote Article 39 as printed in the Warrant.

**EXPLANATION:** The purpose of this change is to improve public safety and to make it clear for regulatory officials to implement safety improvements.

**ARTICLE 40:** To see if the Town will vote to transfer \$50,000 from Certified Free Cash to fund the completion of a Restoration Design for Lower Bog in East Falmouth, and construction of two sets of stairs for public access to the same. Or do or take any other action on this matter. On petition of Gregory S. Pinto and others.

**RECOMMENDATION (Board of Selectmen/Finance Committee):** Indefinite Postponement.

**EXPLANATION:** The Finance Committee did not approve funding for this project. The Board of Selectmen supports the project moving forward and looks forward to considering a plan to fund and implement this project with state and federal partners.

**ARTICLE 41:** To authorize the Board of Selectmen to enter into a lease agreement in excess of twenty (20) years for the purpose of developing affordable housing on two (2) acres with a maximum number of five (5) residential buildings and fifteen (15) dwelling units, subject to appropriate terms and conditions, and to authorize the Board of Selectmen to place a Conservation Restriction on 13+ acres of land, such Conservation Restriction would be placed under the jurisdiction of the Conservation Commission, on property located at 419 Woods Hold Road, Woods Hole, MA, shown on Assessors Map 50, Section 02, Parcel 002, Lot 001. Or do or take any other action on this matter. On petition of Edward Schmuhl, Affordable Housing Committee Chair and others.

**RECOMMENDATION (Board of Selectmen):** Indefinite Postponement.

**EXPLANATION:** The Board of Selectmen are committed to present potential alternatives to the development of Affordable Housing on 419 Woods Hole Road. The alternatives will be discussed under Article 37. The Board is not prepared to recommend to move forward with such an important project in response to a petitioners' request.

## MAP INCLUDED

**ARTICLE 42:** To recommend that the Board of Selectmen exercise its authority under Article III, Section C3-5 of the Falmouth Home Rule Charter and conduct an investigation of the Falmouth High School renovation project, or do or take any other action in this matter. On petition of Brent Putnam and others.

**RECOMMENDATION (Board of Selectmen):** Indefinite Postponement.

**EXPLANATION:** The Board of Selectmen agrees with the need for a fully reconciled accounting of the project expenses incurred and projected and for a review of the roles and responsibilities of all parties involved with this project from its inception through completion. Therefore, the Board may upon completion of the renovation and resolution of all litigation, consider an investigation into the project which may or may not include, but is not limited to, a project chronology, the state audit and all other audits, all litigation information, a review by a an independent cost estimator, review of the selection process for the Building Committee, review of the selection process for the architect, review of the selection process for the contractor, review of the roles and responsibilities, and review of the issues that impacted the project.

**ARTICLE 43:** To see if the Town will provide funding for any or all of the purposes voted for in the foregoing articles by transfer from available funds, by borrowing or by any combination of the foregoing. Or do or take any other action on this matter. On request of the Finance Committee and the Board of Selectmen.

**RECOMMENDATION (Finance Committee):** The Finance Committee will make its recommendation on Town Meeting Floor.

ARTICLE 17 FY 2009 CAPITAL BUDGET		
	EXECUTIVE	FINCOM
DEPARTMENT OF PUBLIC WORKS		
1	Public Works Organizational Improvements	65,000.00
	Management System Software and Server.	
2	Autocad Software Replacement	20,000.00
	Present Software is not compatible with current computers.	
Facilities Maintenance		
3	Building Maintenance	70,000.00
	Routine maintenance of all Town owned buildings.	
Utilities Division - Water		
4	Mains, Meters & Fixtures	75,000.00
	Repair, maintenance and replacement of meters.	
Utilities Division - Wastewater		
5	Collection System Repair & Maintenance	30,000.00
	System repairs - ongoing.	
6	Replace Boiler	10,500.00
	Replace boiler that is 25 years old. Current boiler is a potential safety hazard.	
7	CWMP	100,000.00
	Comprehensive Wastewater Management Plan.	
Beach Improvements		
8	New Storage Tombs	12,000.00
	Given the uncertainty of the financial environment, the Finance Committee recommends that this expenditure be postponed.	0.00
POLICE DEPARTMENT		
9	Soft Body Armor Replacement	10,000.00
	Body Armor Replacement Program due to deterioration of equipment.	
10	Cruiser Replacement	185,541.00
	Replacement of five vehicles. All vehicles are to be auctioned when replaced.	
FIRE DEPARTMENT		
11	Ambulance Lease	55,000.00
	This is the third payment on a four-year Ambulance lease/purchase.	
12	Fire Inspection Vehicle	22,500.00
	Given the uncertainty of the financial environment, the Finance Committee recommends that this expenditure be postponed.	0.00
INFORMATION TECHNOLOGY		
13	Annual Maintenance (Equipment & Licenses)	40,000.00
	Maintenance plan to replace and update the most needed IT equipment each year - ongoing.	
14	IT Networking	30,000.00
	Local Area Network within buildings and the Wide Area Network between buildings - ongoing.	30,000.00
15	IT Telephone Systems	9,000.00
	Replace Voicemail System which is no longer supported.	
Geographical Information Systems		
16	Equipment Upgrades	15,000.00
	Upgrade GIS Server.	
RECREATION DEPARTMENT		
17	Sandwich Road Parking/Irrigation	36,000.00
	Bids for this project have expired. The Finance Committee has requested a firm price to complete this project prior to approving any funding.	0.00
WATERWAYS		
18	Work Boat	60,000.00
	Replace current Work Boat and Barge.	
19	Marina Expansion	600,000.00
	Removal of (19) fixed piers that will be replaced wit (7) floating dock systems resulting in a net increase of 29 new slips.	
TOTAL FY '09 CAPITAL BUDGET		
	1,445,541.00	1,345,041.00
<b>RECOMMENDATION (Finance Committee):</b> That the Town vote to appropriate the sum of \$1,345,041.00 to fund the Capital Improvement plan as set forth in Article 17 and for this purpose the Town shall be authorized to transfer the sum of \$30,000.00 from the Reserve/ Waterways Fund, the sum of \$100,000.00 from the AFCEE Fund and the sum of \$615,041.00 from Certified Free Cash, and further to fund Line Item 19 (Marina Expansion), the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the sum of \$600,000.00 under the provision of G.L. Ch. 44, sec. 7(3B) or any other enabling authority, and to issue bonds or notes of the Town therefore, all to be expended under the jurisdiction of the Board of Selectmen.		





LAURA RECKFORD/ENTERPRISE

Wild Kingdom On Lakeview Avenue

This coyote elicited a bit of a stir from passers-by last Thursday afternoon when it spent time sitting calmly about 20 feet from Lakeview Avenue in the lawn area behind the John Wesley United Methodist Church. Thomas Garland, senior Falmouth Animal Control officer, said the coyote was likely about one year old and his department had been receiving calls about it since the previous Saturday as it had been seen in the Falmouth Heights neighborhood and at other places near the center of town.

Mr. Garland advised people to bang on pots and make a lot of noise to scare the coyote away from residences. He noted that when he approached the animal, it quickly trotted away, displaying typical coyote behavior. It displayed neither overly aggressive nor tame tendencies.

FHS Senior To Present Scientific Research At MIT

Falmouth High School senior Camille Weinberg has been selected to present her scientific research on phragmites at the Junior Academy of Science at MIT tomorrow.

Camille qualified by being a first-place award winner at the 2008 Massachusetts State Science Fair last May. Ten students will be selected from among those who present to attend the 2009 American Junior Academy of Science convention. Students will be judged by a panel of scientists based on the quality of their presentation and the soundness of their scientific research. Camille researched germination and seed dispersal of the common reed,

*Phragmites australis*, which is an invasive species in local wetlands.

This past summer, Camille received a summer internship through the Howard Hughes Medical Institute to work at the Marine Biological Laboratory. There, her research focused on testing ants from Fiji for infection by *Wolbachia*, a bacteria that affects insect reproduction and evolution. Camille is the daughter of Victoria Starczak and James Weinberg of Falmouth.

The AJAS is a national honor society that recognizes high school students from across the country for their scientific research.

Police Briefs...

**Monday, October 20**

An electrician was working at a Doran Drive residence in Hatchville when someone reportedly entered his unlocked truck and stole his GPS worth \$250 at 10:22 PM.

\*\*\*

An Oak Grove Avenue, East Falmouth, woman reported at 5:44 PM that she had received harassing phone calls from a neighbor about a property line dispute.

\*\*\*

A Prospect Street, Falmouth, woman reported at 6:24 PM that her son was threatening her. Philip A. Hankinson, 55, of the same address was arrested for assault.

\*\*\*

A 44-year-old Brigantine Drive, Hatchville, man reported at 9:18 PM he had received several threatening phone calls from a former friend.

**Tuesday, October 21**

Officers responded to a Glenwood Avenue, Falmouth, address at 12:54 AM after receiving a tip that Jason R. Clifford, 31, of Saint Mark's Road, Teaticket, was there.

Police reportedly found Mr. Clifford hiding in a closet. He reportedly said, "You got me" when police opened the door.

He was arrested on a default warrant from Plymouth District Court for carrying a dangerous weapon and possession of marijuana, and a warrant from Falmouth District Court for driving with a revoked license, failure to stop, and marked lanes violation.

\*\*\*

An AutoZone employee reported graffiti on the outside walls of the business at 8:33 AM similar to the messages found on Main Street businesses Monday night. This graffiti included a swastika.

\*\*\*

Merle J. Smith, 49, of Old Barnstable Road, East Falmouth, was arrested at 9:42 AM on an outstanding felony burglary warrant from Florida after he was pulled over for a failed inspection sticker.

Police expect Mr. Smith to be

extradited to Florida to face charges.

\*\*\*

A man reported at 10:46 AM the malicious destruction of a stone wall at Bourne Farm on North Falmouth Highway.

\*\*\*

A 63-year-old woman went to the police station at 1:40 PM to report a CD case containing 10 CDs had been stolen from her unlocked car on Carlson Lane, Falmouth.

\*\*\*

A woman went to the police station at 2:10 PM with a wallet she had found at the Wareham Walmart. The wallet contained \$64 in cash and an ID. Police were able to contact the man, who lives in Buzzards Bay, and he retrieved his wallet.

\*\*\*

Police stopped Thomas E. Donelan, 54, of Menauhant Road, East Falmouth, for an expired registration at 2:45 PM. When the officer approached the vehicle he could clearly see a glass with liquid in it in the center console. The car smelled strongly of alcohol and the officer asked Mr. Donelan how much he had had to drink. Mr. Donelan reportedly replied, "Way too much."

The officer asked what was in

the cup and Mr. Donelan reportedly said, "That's a drink."

The officer asked what kind of drink and Mr. Donelan reportedly said, "Orange juice and vodka."

After Mr. Donelan failed several sobriety tests, police arrested him for operating under the influence, possession of an open container of alcohol in a motor vehicle, and for driving an unregistered motor vehicle.

\*\*\*

A 68-year-old woman from Lakeview Avenue, Falmouth, went to the police station at 4:52 PM to report \$10 in change had been stolen from her unlocked car.

\*\*\*

A Main Street man went into the police station at 10:56 PM to report his wallet had been stolen on October 18. The man said the last time he saw his wallet was at the counter of the Dunkin' Donuts on Main Street.

**Wednesday, October 22**

Police served a no trespass notice to a Silver Lounge customer on North Falmouth Highway around 10 AM.

\*\*\*

A 63-year-old Osterville man flipped his vehicle while merging onto Route 28 from Route 151. The accident occurred at 12:12 PM on Wednesday.

Police said the vehicle started to spin, ran off the road, striking an embankment, and rolled over before coming to a stop. The vehicle sustained severe damage, according to police.

The man and his passenger, a 35-year-old West Yarmouth woman, were transported to Falmouth Hospital by Falmouth Fire Rescue with non-life-threatening injuries.

\*\*\*

Police checked the welfare of a 15-year-old girl at a Gifford Street address, after the girl reportedly told a teacher she had been abused. After the Department of Social Services interviewed the child and her parents individually, the girl told police there was no abuse, and that she was just angry with her parents.

\*\*\*

A 32-year-old Beaman Lane, North Falmouth, man was arrested after a domestic dispute with his girlfriend. Police reported they responded to a call at 5:07 PM, where a woman reported abuse but the man was not present. An officer returned 45 minutes later and discovered Anthony M. Lynch hiding in a storage room outside the house.

He was arrested for domestic assault and battery.

Theft Of Cash Register Similar To Two Incidents In Mashpee

A woman reportedly stole a cash register from a North Falmouth liquor store Monday while an employee was vacuuming in the back room.

Police said they believe it is the same woman who stole cash registers from a Honey Dew Donuts in Mashpee twice in the span of one week.

An employee of North Falmouth Liquors on North Falmouth Highway reported at 6:58 PM on Monday that the theft occurred while she was vacuuming the back room.

The employee told police she heard the bell that indicates the front door opening, but when she came out she saw a woman leaving the store with the cash register cords dragging behind her. The register reportedly had \$300 to \$400 in cash inside.

The woman reportedly threw the cash register into her vehicle and sped off. The employee did not write down the license plate.

The two Honey Dew Donuts robberies in Mashpee each happened in consecutive weeks.

The first robbery occurred on Tuesday, October 7, around 6:30 PM when a woman entered the shop on Route 28, near the

Mashpee/Barnstable town line, and threatened the clerk. The suspect claimed to have a knife but, according to Chief Rodney C. Collins of the Mashpee Police Department, never showed a weapon.

The clerk backed away, at which point the suspect disconnected the cash register and left the store with it. It was later recovered on Sampson's Mill Road, and had been stripped of what Chief Collins called "an insignificant amount of cash."

Fire Logs...

The Falmouth Fire Rescue Department responded to 56 calls between Monday, October 20, at 12:37 AM and Thursday, October 23, at 8:52 AM; 39 of those calls were requests for emergency medical services.

**Tuesday, October 21**

An East Harbor Drive, Teaticket, resident reported an electrical problem at 10:08 AM. Firefighters discovered a water leak into the electrical panel had caused an electrical short.

\*\*\*

A Sippewissett Road man

called 911 at 7:08 PM to report a brush fire on the side of road. A 20-by 20-foot area of land was burned before firefighters extinguished the flames.

The man reportedly said he disposed of fire embers in the woods because he believed they were cold.

**Wednesday, October 22**

Firefighters responded to a carbon monoxide alarm at the North Falmouth Library on Chester Street at 9:45 AM. A heating system check was recommended after an investigation.

\*\*\*

Neighbors informed firefighters that a Tobey Lane, East Falmouth, man had not picked up his newspaper in a few days. Firefighters responded at 11:17 AM and found the man in poor health. They transported him to Falmouth Hospital for care.

## FALMOUTH COASTAL POND WATER QUALITY REPORT

This information is provided by **FACES (Falmouth Associations Concerned with Estuaries and Salt ponds)** with the support of **WBNERR (Waquoit Bay National Estuarine Research Reserve)**. For complete information please go to the website at <http://preservefalmouthbays-ponds.org>.

Estuary	Temp. F		Salinity ppt		DO (%)		Water Clarity (ft.)*	
	2008	2007	2008	2007	2008	2007	2008	2007
1. Waquoit Bay	53.1	61.2	30.2	24.4	83	35	8.1	7.7
2. Childs River	52.5	64.6	24.5	16.0	71	40	6.1	6.3
3. Eel Pond	50.7	63.1	29.0	26.9	80	64	9.8	9.5
4. Boumes Pond	52.5	64.9	28.2	26.8	76	52	6.6	5.8
5. Green Pond	51.4	62.6	28.5	26.8	83	75	7.5	8.0
6. Great Pond	52.7	62.8	25.2	11.4	77	68	5.7	8.5
7. Perch Pond	53.1	60.8	28.0	21.2	78	65	6.7	8.4
8. Little Pond	52.2	60.3	29.0	20.0	78	46	5.2	3.4
9. Falmouth Harbor	56.3	63.5	31.4	30.0	75	77	8.8	5.6
10. Siders Pond	55.6	64.6	11.8	11.0	65	90	4.9	4.9
11. Woods Hole	57.4	63.3	32.4	31.9	81	92	8.5	7.3
12. Quissett Harbor	57.2	63.3	32.4	32.2	83	95	11.0	8.0
13. W. Fal. Harbor	54.9	63.3	31.1	29.8	82	91	9.3	8.3
14. Wild Harbor	54.9	63.3	31.4	29.2	81	85	8.8	5.6
15. Megansett Harbor	53.6	63.3	29.8	30.2	93	97	10.8	8.1
AVERAGE	53.9	60.0	28.2	24.5	79	71	7.9	7.0

**Dissolved Oxygen**  
Measured in percentage of saturation

**Interpretation of Water Quality Numbers**

*Temperature:* Water temperatures normally range from about 30-80 dg F in Falmouth.

*Salinity:* Salinity or the saltiness of the water is measured in parts per thousand (ppt). Fresh waters have a salinity of 0 ppt, while typical open waters of Nantucket Sound and Buzzards' Bay have a salinity of about 30 ppt. Falmouth's estuaries usually have salinities somewhere in between these values.

*DO: Dissolved Oxygen* – here reported in percent saturation (%) – is a measure of the amount of oxygen available to marine life in the water. Generally, values above 50% are adequate for sustaining healthy ecosystems. Values less than 25% can be lethal for many forms of marine life and suggest very poor water quality. Values between 25% and 50% are also stressful for marine organisms if these conditions persist.

*Water Clarity* is a measure of the ability of light to penetrate the water column. The lower this distance, the less light is available for sustaining healthy eelgrass habitat.

Falmouth Coastal Pond Water Quality Report for Monday, October 20, 2008.

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### Heating Kitchens, From the Ground Up

Radiant heat is becoming an increasingly popular options for kitchens. Hydronic systems make use of water-filled tubes that run under the sub floor in a kitchen with a wood floor, or they can be laid on the sub-floor and encased in concrete, which can be the finish floor. Concrete can also serve as a base for tile, stone or a floating wood floor (not attached to the sub-floor). With either method, insulation should be installed below the tubing layer. The concrete-encased method is more efficient because heat is transferred better through denser materials. Radiant heat may be more expensive to install, but it is very even, efficient and extraordinarily comfortable in the long run.

Even heat distribution may result in lower heating bills. With radiant floor heating, you may be able to set the thermostat several degrees lower, relative to other types of central heating systems. This is because the entire surface of the floor radiates about the same amount of heat that the human body does, making the occupant feel warm even though the air temperature might be only 65°F. For more information, please call KITCHEN KORNER OF FALMOUTH at 508-540-6484. Located at 205 Worcester Court. We have been specialists in kitchen and bath Design and Remodeling since 1981. Marianne Sansone is a licensed construction supervisor.

HINT: Radiant heat circumvents the need for hot-air registers in toe-kick areas, which can be difficult to position.

The reward of one duty done is the power to fulfill another. - George Eliot



## In Falmouth District Court...

**Friday, October 17**  
**Dispositions**  
Timothy P. Grady, 45, Prospect Street, Falmouth; operating a motor vehicle with a suspended registration, operating an uninsured motor vehicle, June 16 in Falmouth. Dismissed. Operating an unregistered motor vehicle. Not responsible.

**Arraignments**  
Kelly Wilbur, 29, Tara Terrace, Buzzards Bay; assault and battery, assault and battery with a dangerous weapon, September 23 in Falmouth. Pretrial hearing November 17.

**Monday, October 20**  
**Dispositions**  
Carol A. Baker, 50, Falmouth Heights Road, East Falmouth; larceny of a drug, January 24, 2007 in Bourne. Continued one year without a guilty finding, counseling, drug evaluation and screening.

Mitchell Figuerido, 17, Cuttysark Road, East Falmouth; shoplifting by concealing merchandise, October 17 in Bourne. To be dismissed upon payment of \$100 court costs.

Benjamin C. Lavoie, 18, Compass Circle, East Falmouth; negligent operation of a motor vehicle, July 5 in Falmouth. Continued six months without a guilty finding. Speeding. Not responsible.

Ashley A. Sylvester, 24, Edgerton Drive, North Falmouth; operating a motor vehicle with a suspended license, September 9 in Mashpee. Dismissed.

**Arraignments**  
Chance B. Aubrey, 22, Palmer Avenue, Falmouth; operating an uninsured motor vehicle, operating an unregistered motor vehicle, operating a motor vehicle with a suspended license, October 18 in Falmouth. Pretrial hearing November 20.

Richard Bozora Jr., 36, Antlers Shore Drive, East Falmouth; operating a motor vehicle with a suspended license, no inspection/sticker, October 19 in Bourne. Pretrial hearing December 18.

Karen A. Colbert, 59, East

Falmouth Highway, East Falmouth; leaving the scene of property damage, August 28 in Falmouth. Released on personal recognizance. Pretrial hearing November 24.

Michael X. Garrity, 64, Randolph Street, Canton; negligent operation of a motor vehicle, September 13 in Falmouth. Continued one year without a guilty finding.

Leo A. Hooben Jr., 32, Ennsbrook Drive, East Falmouth; operating a motor vehicle with a suspended license, September 13 in Falmouth. Released on personal recognizance. Pretrial hearing November 20.

Jarrod J. Lopes, 25, Marion Road, Wareham; identity fraud, larceny over \$250, larceny from a building, trespassing, credit card fraud under \$250, attempt to commit a crime, October 17 in Falmouth. Released on personal recognizance. Pretrial hearing November 19.

Nancy A. Riker, 34, O'Connor Lane, South Dennis; using a motor vehicle without authority, August 28 in Falmouth. Released on personal recognizance. Pretrial hearing November 18.

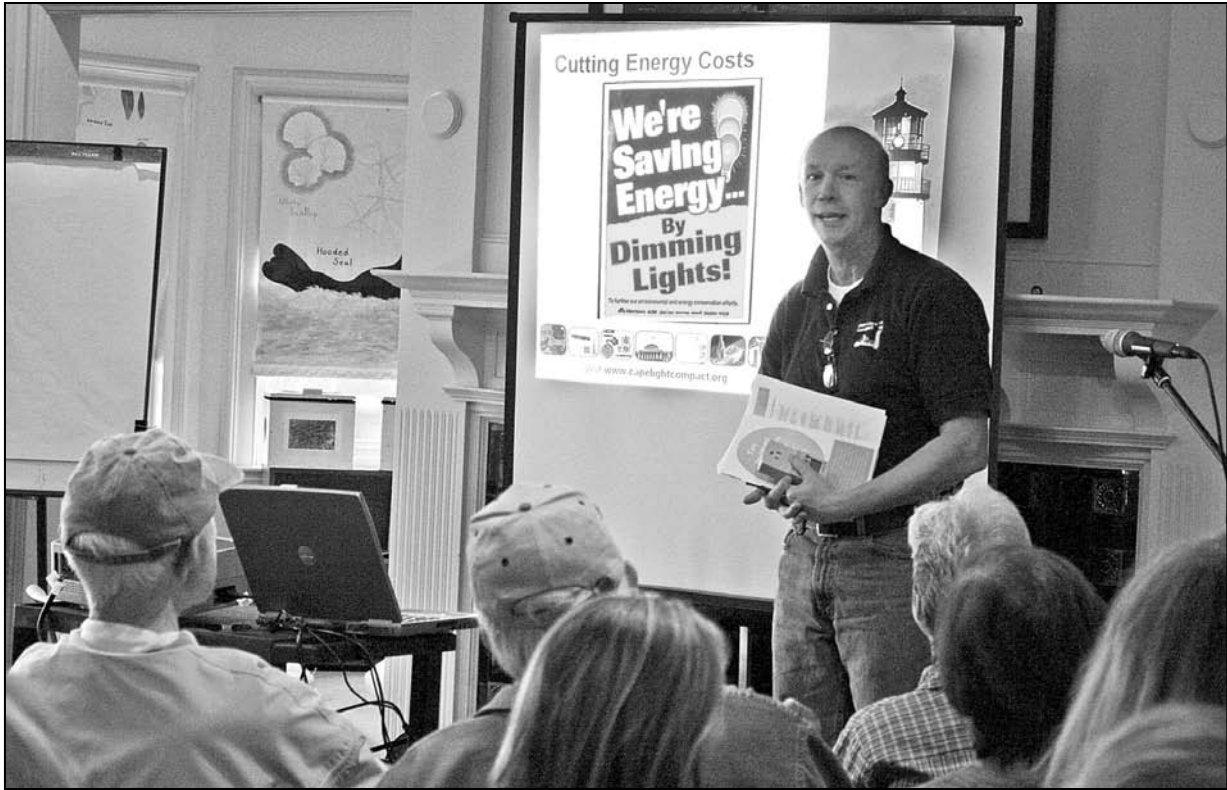
Julie M. Smith, 19, Palmer Avenue, Falmouth; malicious destruction of property under \$250, two counts of assault with a dangerous weapon, October 18 in Falmouth. Released on personal recognizance. Pretrial hearing November 18.

James M. Vega, 37, Teaticket Highway, East Falmouth; possession of a Class D drug, October 18 in Bourne. Released on personal recognizance. Pretrial hearing November 19.

**Tuesday, October 21**  
**Dispositions**  
Lawrence J. Greene, 50, Teaticket Highway, East Falmouth; assault and battery, May 21 in Falmouth. Dismissed.

Christian T. Tenney, 17, Carriage Shop Road, East Falmouth; disorderly conduct, resisting arrest, May 7 in Falmouth. Continued six months without a guilty finding, \$50 court assessment.

**Arraignments**  
Cory R. McCulloch, 21, Whimbrel Drive, Cataumet; five counts of tagging property, October 20 in Falmouth. Released on personal recognizance. Pretrial hearing December 3.



GENEVIEVE BERGERON/ENTERPRISE

Kevin Galligan from the Cape Light Compact is among the speakers at a day-long workshop teaching ways to save energy and money sponsored by Cape and Islands Renewable Energy Collaborative and the Waquoit Bay National Estuarine Research Reserve. The workshop was held Saturday at the reserve.

## Precinct Meetings Scheduled

The following is a list of precinct meetings, which provide an opportunity for Town Meeting members and other members of the public to ask questions or to comment on warrant articles for the Fall Annual Town Meeting.

According to Falmouth Town Clerk Michael Palmer, the meetings seem to do a lot of good in preparing Town Meeting members for Town Meeting.

Town Meeting this year is scheduled to begin on Monday, November 10, at 7 PM at Memorial Auditorium at the Lawrence School on Lakeview Avenue. Because Tuesday is Veterans Day, the second night of Town Meeting is scheduled for Wednesday, November 12, at 7 PM at the Lawrence School.

Precinct 1, Wednesday, October 29, 7 PM at the Morse Pond School Auditorium

Precinct 2, Wednesday, October 29, 7 PM at the Morse Pond School Auditorium

Precinct 3, Wednesday, October 29, 7 PM at the Great Harbors Clubhouse

Precinct 4, Wednesday, Novem-

ber 5, 7 PM at the East Falmouth Elementary School.

Precinct 5, Thursday, November 6, 7 PM at the West Falmouth Library

Precinct 6, Thursday, November 6, 7 PM at the West Falmouth Library

Precinct 7, Thursday, October 30, 7 PM at the Waquoit Congregational Meeting Hall

Precinct 8, Thursday, November 6, 7 PM at the Barnstable

County Fairgrounds Administration Building

Precinct 9, Thursday, November 6, 7 PM at the Barnstable County Fairgrounds Administration Building.

## Dryer Ignites, Filling Home With Smoke

The first floor of a Sandwich Road house was consumed with smoke Monday evening, after a malfunctioning clothes dryer ignited. All of the residents, four adults and one child, escaped without harm, fire officials said.

Firefighters responded to the 911 call at 6:40 PM Monday. Mashpee firefighters were called in to assist. The residence is north of Route 151 near the Mashpee Town Line.

Falmouth firefighters arrived first and were able to extinguish the blaze. There was significant fire damage to the basement and smoke damage to the first floor.

Falmouth fire officials believe the fire was caused by a malfunctioning dryer motor.

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Selectmen’s Briefs

# Seacoast Shores Dock Generates Long Debate By Board

By CHRISTOPHER KAZARIAN

One of the key positions to come out of a study conducted by the Matrix Consulting Group of Waltham regarding the department public works—a business systems manager—was approved by selectmen this week, but not before a discussion on its necessity.

DPW Director Raymond A. Jack said the purpose of the Matrix study was to identify what his department does well, while highlighting areas that can be improved. The creation of the business systems manager, he said,



Stephen Aubrey

was one suggestion for improving the DPW, allowing the department to operate more efficiently. The position, he said, will provide analysis for the department, looking at efficiency of staff to the projects they handle. The salary would be roughly \$42,000 per year, he said.

Falmouth Town Manager Rob-

ert L. Whritenour Jr. said that finding additional funding for the position may be difficult given the current economy, but stressed that the systems manager is the single most important recommendation to come out of the Matrix study.

He said that approval of this position by selectmen is vital. “It gives us a fighting chance to make this a significant management priority,” he said.

Selectman Mary (Pat) Flynn agreed, arguing that the systems manager will be a huge asset for the town, providing data on how well the department operates, utilizes its resources, and manages each project. This will allow for the DPW to make modifications based upon data to improve its efficiency, she said.

Among the concerns that Selectman Kevin E. Murphy listed was the danger of the DPW becoming too management heavy. In the end, he said, managers should be proportionate to laborers.

He also said that it “will take a monumental task to fund this on the economy.”

Regardless, Selectmen Chairman Ahmed A. Mustafa said the worst thing that could happen would be if the Matrix study was shelved and none of the recommendations, such as this one, are followed by the town.

\*\*\*

The most contentious moments of Monday’s selectmen’s meeting came during a hearing on the construction of a 72-foot-long dock at a home owned by Edwin S. Zolik of Edgewater Drive West, East Falmouth.

Although construction of the dock was approved by the Falmouth Conservation Commission, Mr. Zolik and Michael A.

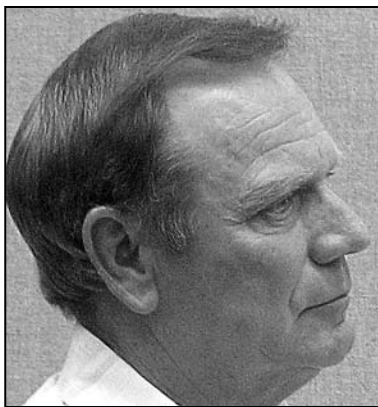


Michael Borselli

Borselli of Falmouth Engineering were requesting that two conditions attached to that approval be reconsidered.

Those conditions, Mr. Borselli said, limit the number of boats on the dock to one and prohibit Mr. Zolik from keeping a mooring he had owned for 40 years.

Mr. Borselli said his client had hoped to tie two boats to the dock,



Clive Gummow

one owned by Mr. Zolik and another owned by Mr. Zolik’s daughter.

This issue was diffused rather quickly, with Ms. Flynn saying that selectmen cannot change the order of conditions voted upon by the conservation commission.

Regarding the removal of the mooring, Mr. Borselli said the conservation commission does not apply consistent standards in making its decisions.

Mr. Zolik attributed much of the blame to Falmouth Harbor Master Gregg P. Fraser, as he was the one who recommended the mooring be removed. The conservation commission, he said, based its decision on his recommendation.

When he spoke with members of the commission, he said, they instructed him to discuss the matter with Mr. Fraser. Unfortunately, he said, Mr. Fraser refused to speak with him about the matter.

The experience, he said, has been frustrating as he has found that there is “a lack of information. No one has a written policy regarding moorings, and there is nothing about the one boat per dock requirement. These kinds of things should be available to town applicants.”

Although Mr. Zolik could contest the conservation commission’s ruling because it did not issue its decision in the 20 days required by law, Mr. Borselli said, his client did not want to prolong the construction of the dock by having it tied up at the state level.

He asked that the matter be continued until his client could meet with Mr. Fraser. Mr. Whritenour said he would negotiate a meeting between the two parties.

\*\*\*

The construction of Holly Park Condominiums on North Falmouth Highway, a Chapter 40B project that would include 10 three-bedroom condominium units, three of which are affordable, will be submitted to the state for consideration under the Department of Housing and Community Development’s Local Program Initiative.

Laura M. Moynihan, attorney representing Clive B. Gummow of North Falmouth, whose company, Cubby Construction Corporation, is proposing to build the condominiums, presented details of the project.

The development would be located at the intersection of Old Main Road and North Falmouth Highway, near Holly Park, a commercial complex that contains retail stores.

Currently, the site is vacant and undeveloped, she said.

The units will average 1,400 square feet, with three bedrooms and two bathrooms, situated on two floors of finished living area. There will also be an unfinished basement in each unit, she said.

The affordable units, she said, will be sold to those earning no more than 80 percent of the median income for Barnstable county. Preference, she said, will be given to first-time home buyers and those living in Falmouth or employees of the town or local businesses.

She said the project is appropriate for North Falmouth and would coincide with the town’s affordable housing action plan of increasing the amount of affordable units in the village.

Selectman Kevin Murphy, who has worked with the applicant in designing the project, highlighted some of the benefits of the devel-

opment. He listed the amount of green space, the lack of curb cuts and the fact that a complex with three-bedroom units, rare for affordable housing, are all plusses.

He said the project is unlike other Chapter 40Bs because it involved cooperation among the



Jaycine Hedlund

developer and other town boards and departments. “It was a refreshing process,” he said.

As the project moves forward, Ms. Flynn asked Mr. Gummow to consider utilizing “green” construction in the development. Ms. Moynihan said it is something they will consider, but the budget is extremely tight, noting that the development is being built at \$150 per square foot.

Selectman approved the project, meaning the applicant can now submit the LIP proposal to the state.

\*\*\*

Selectmen unanimously approved two items without discussion, including tomorrow’s annual

able total of 30 liquor licenses per year, if they approved these requests. “I have no objection as long as they understand this is it for the year,” he said.

\*\*\*

The entrance channel to Fiddler’s Cove in North Falmouth will be dredged within the next two months after selectmen approved a request by Stephen B. Aubrey of Rogue Wave Field Services in North Falmouth.

Mr. Aubrey said the dredging is for maintenance purposes, so that the canal is navigable.

Up to 500 cubic yards of sand will be dredged and will be given to the town, which will store it at its facility on Blacksmith Shop Road for future use, he said.

Frederick L. Pratt of Ryder Road, North Falmouth, asked that any vehicles used in this project not use Ryder Road because in the past they have destroyed some of the dunes and vegetation.

\*\*\*

The forecast for next year’s budget does not look good, according to Mr. Whritenour, the town manager.

He touched upon the topic in an abbreviated report at the end of Monday’s meeting. As the budget process begins, he said, he has been in contact with town departments in an effort to determine their goals in light of potential cuts to state aid.

He estimated that the town’s overall revenue growth will be two percent or less for the coming year. That will mean that spending will need to be reduced to levels supported by that revenue stream, he wrote, in his report.

\*\*\*

The organizers of last month’s JazzFest, Dennis D. Murphy and Stanton D. Terrell, received kudos from selectmen for the work they did in putting on the event.

Dennis Murphy said it was a collective effort, praising the assistance received from various town departments such as Falmouth Police and Falmouth Fire Rescue to volunteer organizations like the Falmouth Chamber of Commerce and the Falmouth Road Race.

A total of 650 people attended the all-day concert, including those from throughout the country, “some who had never been to New England before,” he said.

\*\*\*

Selectmen postponed one agenda item—a vote on the 2009 five-year strategic plan—until next Monday after this week’s meeting went longer than expected.

Ms. Flynn asked that discussion be tabled, saying that at least 45 minutes to an hour would be needed to properly dissect the plan.

Selectmen were unanimous in supporting the motion, with Mr. Mustafa requesting that his colleagues be direct in their questions and avoid lengthy comments on the strategic plan next week.

\*\*\*

Selectmen approved the transfer of 2,000 shares of stock from Falmouth Wine & Spirits on Palmer Avenue, owned by shareholders Michael and Dennis Foley, to Jaycine C. Hedlund of Bourne. The transfer of stock gives Ms. Hedlund sole ownership of the store.

Attorney Laura M. Moynihan said her client, Ms. Hedlund, has been managing Falmouth Wine & Spirits since 2001.

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Within NATO only the U.S. can muster divisions of combat ready troops. Europe is hostage to Russia for their energy needs, oil and gas.  
The 22 nation Arab League is autocratic except Iraq and Afghanistan thanks to us. Radical Islamist adherents fund the Madrasa schools that train thousands of terrorists to support their deadly war against the free world.  
Iran pursues nuclear weapons and provides arms to Al Qaeda in Iraq.  
Our economic institutions are in a meltdown and threaten global stability.  
Tax policies are in disarray and threaten your personal finances and those of your heirs.  
Illegal immigrants have flooded our social support systems at great costs.

**We are now electing the next leader of our country.**  
Leadership traits include: competence, experience, loyalty, vision, character and courage. The two candidates for President are different in many ways: ideology, economics, and politics. One is a decorated war hero, former commander of a major naval aviation organization and a member of Congress for 22 years who has a proven track record of working across the aisle. The other is a Chicago community organizer who possesses impressive oratorical skills, has a liberal voting record and limited government service.

Our framers of the Constitution mandated two significant priorities in the Preamble: “Provide for the common defense” and “Promote the general welfare”. These priorities are as valid and compelling today as they were then. These are the reasons we solicit your dedication and support.

**We strongly urge you to vote and to encourage your families, friends and neighbor to vote in this election.**  
Paul J. Mulloy, RADM USN (ret) William M. McDermott, RADM USN (ret)  
John E. Flanagan, BGEN USAF (ret) John L. Linnon, RADM USCG (ret)  
James L. Tow, Col USA (ret) F. Bradley Stumcke Jr, Capt USN (ret)  
Anthony T. Tolentino, DMD (USMC) (ret)



# DPW Makes Dry Run Through Simulated Hurricane Crisis

By BRENT RUNYON

In the event of an emergency, communication can be the most challenging problem of all, according to David T. Vieira, who is in charge of Incident Command System training for the Barnstable County Sheriff's Office.

That was one of the critical lessons that Mr. Vieira, who is also Falmouth Town Moderator, explained at the Falmouth Department of Public Works garage Tuesday during a full-scale exercise to see how the DPW would respond to a tropical storm that would take out cellphone towers and cut power throughout town.

During the exercise, DPW workers tested generators at public buildings, and communicated via two-way radio, rather than cellphones.

Communication was made even more challenging during the exercise because the DPW uses two different radio frequencies. They plan to eliminate a frequency in the future.

The heads of the five DPW operations were assigned to different jobs and the usual DPW crews were mixed into different divisions. A total of 65 employees participated in the session.

They ran the command post from a room in the DPW building,

and also worked out of a mobile command center in a modified recreational vehicle.

Mr. Vieira, who directed the exercise, said he "felt like a proud dad" watching the DPW respond to the adverse conditions, and even in one case improvising a solution to a "chain of command" problem.

Mr. Vieira is in charge of intergovernmental relations for Sheriff James M. Cummings and is also the local expert in the Incident Command System, or ICS.

ICS is a tool for managing emergency situations, and all the employees involved in the scenario were trained by Mr. Vieira.

The benefit of learning ICS, Mr. Vieira said, is that all departments will be using the same vocabulary and the same chain of command.

The events of September 11, 2001, were a good example of why communication is important, he told DPW staff during the debriefing at the end of the day. There was a lot of confusion at the World Trade Center, he said, but there was not as much confusion at the Pentagon, because they had been through a similar situation and they knew how to communicate.

John T. Lyons, who is the DPW

Superintendent of highways, served as operations section chief during the exercise. The biggest challenge, he said, was communicating over two-way radios, because they have all come to rely so heavily on cellphones.

Falmouth Facilities Manager Shardell A. Newton served as the acting safety officer, liaison officer and information officer. Ms. Newton agreed that the radios were a challenge to use, because different departments use different frequencies.

Learning this information now, she said, was much more productive than it would have been during an actual emergency.

Raymond A. Jack, director of the department of public works and the incident commander for the exercise, had high praise for the DPW, and the way his department handled the situations.

Asked to assign the DPW a letter grade for the exercise, he said, "I would give us an A-plus."

He said the high grade was not because he is an easy grader, but because all the issues that came up were resolved.

"There's no question in my mind," he said, "that everybody reacted well to the adversity."

Mr. Jack said one thing he overlooked was to have everyone fill up their trucks with gas before they left for the day. In the event of flooding, not doing this could have had disastrous consequences. Mr. Jack said he would like to run exercises like this one a few times a year.

When all the employees got together at the end of the day for a debriefing, their concerns were about the lack of working radios in every vehicle, missing hard hats, and flashlights that did not function. But one worker, referring to the sense of teamwork that comes from overcoming adversity, asked, "Why can't we do it like this every day?"

Mr. Jack finished the debriefing, or "hot wash" as it is sometimes called, by reiterating how important it is to prepare for an emergency situation. He said, "The better we are at this, the better it is for the town. And the better it is for you and your families."



BRENT RUNYON/ENTERPRISE

Department of Public Works Director Ray Jack addresses staff during the department's exercise that tested how they would fare if the town were hit by a tropical storm that blew out cellphone communication and power in town. Tuesday's drill was directed by David Vieira from the Barnstable County Sheriff's Office.

# Audible Local Ledger Hit Hard By State Budget Cuts

By BRIAN H. KEHRL

The Audible Local Ledger, a Mashpee-based nonprofit that provides a radio broadcast information service for the blind and visually impaired, was a victim of the state budget cuts announced last week.

Unless the \$22,000 cut in state funding can be restored or a financial backer steps forward to help, the future looks dim for the service, Sherry H. Bergeron, executive director of ALL, said this week.

Ms. Bergeron said she is optimistic, but wary still.

"I am not leaving out this door unless I am kicking or screaming," she said. "It will not be for a lack of trying."

"When the doors close, almost 500 listeners will lose their service. That is the hard part," she said.

The 28-year-old program had taken off in the last 16 months, Ms. Bergeron said, with a host of volunteers, almost twice as many hours of programming per week, a new website, new carriers, and more advanced technology.

The Southeastern Massachusetts affiliate of a statewide ser-

vice broadcasts the reading of newspapers, periodicals, community event calendars, books, and other printed material. There are 7,700 blind or visually impaired people in the listening area, according to information from ALL. There are 93 Mashpee residents registered with the Massachusetts Commission on the Blind.

But all the progress made recently is threatened by the cuts, which were sliced out of \$32,000 in total state funding for the program this fiscal year. ALL's total annual budget is \$56,000, Ms. Bergeron said.

Next year, the full \$32,000 in state funding may be dropped, she said. While she is hopeful that the service can continue through this year, she is unsure about things after that.

Volunteers have stepped forward to organize fundraisers to help fill the gap, and several events are in the works, but Ms. Bergeron said the nonprofit al-

ready has to raise approximately \$24,000 a year, and nearly doubling that amount with small individual fundraising events may not be possible.

"It comes down to a check. Someone is going to have to donate the cash," she said. "Even though people are starting to know who we are and what we do, we are not the Boys & Girls Club, we are not Falmouth Hospital or Cape Cod Hospital. There are a lot of little nonprofits out there that are now short of funding. They provide great services that no one else does. They do a great job but need money to operate."

Ms. Bergeron said she is heartened by the number of well-wishers and others who have offered to help. Volunteers to help organize fundraisers are needed, she said.

ALL is in Deer Crossing on Route 28 in Mashpee. Ms. Bergeron can be reached at 508-539-2030.

# FHS Math Team Gets Off To Strong Start

Following tradition, the Falmouth High School math team came in first place in the Cape division at the first math meet of the season last week.

The Southeastern Massachusetts Conference Mathematics League Cape Division held the meet at Sandwich High School.

Besides Falmouth, participating schools were Dennis-Yarmouth, Barnstable, Bourne, Sandwich, and Sacred Heart.

Falmouth had four five-person teams competing at the meet. The teams finished first, third, fifth, and 10th, among the 13 teams from the six participating schools.

In the overall 18-team league that stretches from Dennis to Fall River, Falmouth is in third place after the first meet. The top five teams are Dartmouth, Case, Falmouth, Bishop Feehan, and Barnstable.

At each division meet, the coaches recognize the high scorer for each grade level. The high-scoring senior was Dylan Butman from Falmouth, with a perfect

score of 18 points.

The top junior was Barnstable's Jim Robertson.

Kim Johansson from Falmouth was the top sophomore.

Kate Forrester of Falmouth and Sean O'Donnell of Sacred Heart were the top freshman scorers.

Other students from Falmouth who had a very strong meet, according to math team Coach Steve Anderson, were seniors Dan Moakley and Christina Huynh, and juniors Alex Crew and Kristine Bunker.

Mr. Anderson said, "I found all the students at the meet seemed to enjoy themselves. For some, it was their first experience at this type of competition and it can be a big nerve-racking. Our team had a very solid start to the season and we are looking forward to getting back to practice and preparing for the next meet at Dennis-Yarmouth. I would like to thank the Sandwich coach, David Neill, and his volunteers for hosting the first meet of the season. They did a great job."

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Election 2008

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Ricardo M. Barros

1431 Iyanough Road, #14  
Centerville, MA 02632

**Occupation:** Attorney, former organic cranberry grower

**Qualifications:**  
I grew up in Falmouth, New Bedford and Bourne in a family of 10 brothers and 5 sisters. Being the middle child I learned from my older siblings’ mistakes and accomplishments and was a power of example to my 7 younger siblings who I essentially raised after my Father passed in 1982. I lived for a long time in the late 60’s and early 70’s on the cranberry bogs in East Falmouth off Johnny Parker Road (now owned by the Town of Falmouth) which my father ran. These early experiences gave me the traits of hard work, perseverance, love and respect for the environment, being loyal and responsible to those who depend on me, thriftiness, the great importance of family, humility, an appreciation of the struggles of the common man, and unbridled optimism for the future. Possession of these traits would serve any public servant well.

I attended Bourne High for my freshman year when we moved from Falmouth, New Bedford High for two, quit and joined the USMC for three years. Upon my discharge I served three years at Camp Edwards in the Marine Reserves.

I am a graduate of UMASS/Boston, Magna cum Laude, with a degree in Political Science and a minor in East Asian Studies. I was the Alternate Harry Truman Scholar for Massachusetts 1980. I graduated from Boston College Law School in 1984 and am a practicing attorney with offices in Buzzards Bay, Barnstable and New Bedford for the past 23 years. One of my practice fields is Bankruptcy. I have had the opportunity to help hundreds of Upper Cape families and businesses thru severe financial times.

My wife and I operate Balletworks Dance studios in West Barnstable and Yarmouth with over 300 students which keep me in tune with the struggles of small business on Cape Cod.

I operated organic cranberry bogs in Buzzards Bay and Duxbury which taught me about the power of Mother Nature and how some government regulations lack common sense and can make it hard for people to succeed.

I was the Vice Chairman of the Committee that nominated judges in Barnstable, Bristol, Nantucket, Dukes, Plymouth and Norfolk counties for 4 years. I was the Attorney Representative on the Board that nominated the entire Workmen’s Comp Judges across the state.

I have served on the Board of Cape Cod Big Brothers/Big Sisters, serve currently on the Board of Cape Cod Council of Boy Scouts of America and was recently elected Jr. Vice Commandant of the Marine Corps League out of Chatham where we place great emphasis on our Toys for Tots program.

I have extensive political involvement and ran two years ago for State Senator, Cape and Islands District.

In closing I believe that my wide and varied experience

William B. (Brad) Crowell

16 Elm Street  
Dennis, MA

**Occupation:** Management Consultant  
**Additional qualifications:** B.S., United States Merchant Marine Academy; M.S. (Transportation), M.S. (Ocean Systems Management), Massachusetts Institute of Technology; member, Cape Cod Commission, 2002-2008; chairman, Cape Cod Commission, 2006-2007; member, Barnstable County Economic Development Council, 2005-2008; member, Cape Cod Metropolitan Planning Organization, 2006-2007; chairman, Dennis Union Church Building Committee, 2003-2008; Officer, U.S. Naval Reserve, 1988-1996.

Family: married; three children, ages 2-7; two attend public schools in Dennis.

More Information: [www.BradCrowell.com](http://www.BradCrowell.com)

**1. Are there problems unique to Cape Cod that the Barnstable County government addresses? If so, what are they?**

In considering Cape Cod’s challenges, it’s important to first recognize and give credit to the abundance of riches we possess: our people, environment, culture, and shared heritage. In many respects, we are near a high water mark in the history of this peninsula—a place now so appealing that people from all parts of the world want to be a part of it, some for a few days, others for the rest of their lives. Many who move here enthusiastically invest their money and time in supporting and improving their new community.

Cape Cod is uniquely popular, and embodied in that phrase are the contradictions that underlie many of our current problems. Will our popularity dilute our uniqueness? Will coping with growth require changes that make us more like “everywhere else?” Can we balance the competing demands of our people and our environment in such a way that we do not have to choose between gray-shingled high-rises and small, exquisitely rustic, upscale villages? Will any solution be affordable?

County government takes the lead on these issues and must continue to do so. The Cape Cod Commission wrestles with balancing the competing merits of growth and environment, and creates planning and regulatory solutions that are as pragmatic as any human institution might provide. The Wastewater Collaborative provides a platform and a forum for towns to share best practices, advocate for funding, and cooperatively develop wastewater treatment solutions. These programs must continue to receive the full support of the county government.

Cape Cod’s twin golden geese are tourism and retirement. The county’s economic development strategy should sustain these industries, but also must encourage meaningful diversification into sectors that support higher-wage jobs that will allow the region’s children to thrive in the place they grew up. Diversification can also help insulate the Cape’s economy from economic downturns.

Finally, county government has an obligation to recognize the expense of living on Cape Cod and the financial constraints of many of our citizens. County

Mary (Pat) Flynn

PO Box 427  
North Falmouth MA 02556

**Occupation:** Human Resources Consultant  
**Qualifications:**  
Municipal/Government  
Falmouth Selectman, 4 terms, ‘93-’02, ‘07-’10  
Town Meeting Member 20 years  
Member and Chair, Falmouth Economic Development and Industrial Corporation, since 1993  
Member and former Chair, Cape Cod Economic Development Council, since 1996  
Chairman, Falmouth Charter Review Committee, 2005-2007  
Business and Community Organizations:  
President, Historic Highfield, Inc., 2003-2006  
Member, Historic Highfield Advisory Committee, 1993-2003  
Member, Board of Directors, Massachusetts Interlocal Insurance Association, 1996-2002 and 2007-Corporator, Cape Cod Health Care, current  
**Education**  
Catholic University of America, Washington, D.C., BSN  
Ohio State University, Columbus, Ohio, MSN

**1. Are there problems unique to Cape Cod that the Barnstable County government addresses? If so, what are they?**

There are a number of issues unique to all the towns on Cape Cod. The County Commissioners have addressed some of these in their Strategic Plan for the next four years. The one that stands out as one of the most important and the most costly is wastewater planning and management.

In 2006, the County established the Cape Cod Water Protection Collaborative. The Collaborative is a partnership between the county and the towns on Cape Cod. The whole purpose behind the Collaborative is to offer a coordinated approach to engage the towns in the effort of providing a cost effective and environmentally sound wastewater infrastructure. It is clear that sewerage the entire Cape is not feasible. Other nitrogen reduction measures will need to be evaluated. Some homes, due to their location and a well functioning Title V system, may find they already have the best system for their area’s needs.

Human Services needs are also part of the Strategic Plan. These needs will increase as the Cape population ages, and until jobs are created that provide livable and sustainable wages. The county funded human services programs when there were revenue surpluses. Those surpluses have not existed in the past few years and it is anticipated they will not be available in the near future. But the needs exist. The county must develop a model for addressing human services programs and maintain them. As we know, Falmouth has had a department of Human Services that has served the community well for over 25 years. Human Services needs have no borders on the Cape and the fact that they are addressed in the Strategic Plan signifies their importance.

Energy planning and development have had a high level of engagement among county leaders and town leaders for several years now. The county continues to dedicate its resources to further energy saving measures for all citizens on the Cape.

**2. What would you do to increase the visibility and voter understanding of county government?**

This entire campaign for County Commissioner has raised the awareness of county government and the interest of citizens in what county government does. So it is important that whoever is elected on November 4 continues to make county government more visible, transparent, and meaningful and bring it to the people.

A commitment to continue to televise the commissioners’ meetings is necessary. The meetings should be held at a time when most people are available and in a place that allows for greater participation. Creative agendas that notify citizens in advance of the issues important to them and that are published in local newspapers will allow citizens to partici-

Sheila R. Lyons

35 Henry Doane Lane  
Wellfleet, MA 02667

**Occupation:** Mother, Geriatric MSW, Representative to the Barnstable County Assembly of Delegates,

**Education:** University of Maryland College Park, BS Business; University of Maryland, Baltimore, School of Social Work, Master of Social Work Gerontology

Barnstable County Assembly of Delegates  
Wellfleet Delegate  
Member of the Human Services Standing Committee

Appointed Alternate Delegate to Human Services Advisory Council  
Vice Chair Standing Committee On Natural Resources

Chair of Ad Hoc Committee on County Dredge  
Meridian Long Term Health Corporation  
Director of Public Relations and Staff Development

Medlantic Corporation  
Director of Social Services  
Medlantic Manor Nursing Home, Silver Spring MD

City of Cambridge Health and Hospitals  
Assistant Director of Social Services  
Neville Manor Nursing Facility  
Cambridge MA

South Boston Neighborhood House  
Senior Citizen Outreach Worker  
Program Development of Senior Center

**Community Service:** Wellfleet Comprehensive Planning Committee, 2007 to present; Wellfleet Democratic Town Committee, Chair 2003 - 2006, Co-Chair 2006 - Present; Cape and Islands Democratic Council, Senior Vice President 2007 - present; Outer Cape Health Care, Community Fundraiser - 2005 & 2006; Member of the Wellfleet Historical Society, Chair of Fundraising; Member of Wellfleet Preservation Hall Committee; Member of Business Professional Women, (BPW Lower Cape) 2005 to present; Current member of Cape Cod Area League of Women Voters; Former Member of PTA, Wellfleet Elementary School 2003/2004; Former CCD Instructor 2005 -2006, St. Joan of Arc Roman Catholic Church; Chair of School Auctions 2000 - 2003, St. John’s Episcopal Grammar School, Olney, Maryland; Democratic Women of Howard County, Maryland, Former President 2000 - 2003; Former Girl Scout Troop Leader 1999 -2003.

**1. Are there problems unique to Cape Cod that the Barnstable County government addresses? If so, what are they?**

Cape Cod is itself unique in that it is a collection of 15 Communities with a seasonal tourism based economy and only two automobile access points. This poses uncommon challenges and opportunities for the County Government to address. The following are just a few good examples of direct services currently in place.

The Dredge: With 15 coastal communities it makes economic sense to share the costs of one dredge rather than 15 separate contracts or pieces of equipment.

The Health Department: Provides testing of our waters, wells, restaurant sanitation, provides public health nurses. Additionally it oversees the research and management being conducted at the Alternative Septic System site located at the Military Reservation.

Cape Light Compact: Provides energy efficiency programs and representation/advocacy on a Regional, State and Federal level.

Economic Development Council (EDC): provides financial support for innovative projects that strengthen the Cape’s economy and collaborates with the non-profit, public and private sectors on a variety of economic and workforce development initiatives.

However, as our resources decrease and our needs increase, the County Government can facilitate co-

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## Sheila R. Lyons

■ Continued

operation and coordinate approaches to address our unique regional issues. The balance will be in identifying those services that the Towns handle well and how they can reach consensus with their immediate neighboring towns. The County needs to support the Towns however necessary, as they enter this process.

Then there are the larger issues concerning wastewater (the Water Collaborative & the Wastewater Management Bill), telecommunications, transportation

and renewable energy. There are cost advantages achievable at the Regional County level that will be essential in dealing with these challenges

Barnstable County is in a unique position to lead the discussion regarding regionalized services. As the Executive branch, the Commissioners have a distinct opportunity to identify the challenges that face us as a region, seek the answers, build consensus and provide the leadership to move us into the future without getting in the way.

2. What would you do to increase

## Mary (Pat) Flynn

■ Continued

pate in the making of decisions. Agendas should be planned so that those who need and want to be present, those whose information and opinions are valuable to the process, will be there and be part of the solutions. The minutes of the meetings need also to be published and available to those who want to read them and stay informed.

Forging partnerships with town leaders, civic groups, chambers of commerce, and non-profits will

lead to better government. These partnerships will also set the stage for developing regional services. The county currently offers a number of services to towns, most notably the dredge. The decision of what services to regionalize will best be made by all the stakeholders working together.

These are but some of the actions the county commissioners can take to make county government more relevant for the people. If you elect me on November 4, you can be assured that I will carry out this commitment.

## William B. (Brad) Crowell

■ Continued

government must itself continue to be affordable, and work to develop and offer money-saving regional services to towns.

2. What would you do to increase the visibility and voter understanding of county government?

Open government is good government. In nearly all cases, making the work of local government accessible to the public benefits both groups. As a member of the Cape Cod Commission, I have been advocating for electronic

submission of documents to the Commission, so that complete files on projects reviewed by the Commission could be available, via the Internet, to all. This principle should be pragmatically considered for all County functions, to the extent that thin budgets and busy personnel can accommodate it.

The county's executive and legislative branches—the Commissioners and Assembly of Delegates—are videotaped and regionally cablecast. These vital records can and should be avail-

the visibility and voter understanding of county government?

As a member of the Assembly of Delegates I have been a vocal advocate for open government. In order for County Government to be credible, it must be open. Citizens should know their County Commissioners and what they do. Government must be transparent to those it serves. While television cameras are important, they are not enough. Meeting times and detailed agendas need to be posted, as do minutes of each meeting.

Having said that, how I would increase visibility and voter understanding is by DOING and being relevant. The public wants to be informed and educated about the problems we face and the possible solutions available to us. For the last eight months I have traveled to each town of the Cape. Nothing replaces getting into a community, looking people in the eye, listening and talking about our special community of Cape Cod. People want to understand what the County does and they have something to offer. I have gained insight, knowledge and understanding in return. This has been my favorite part of this campaign and one I will continue as Commissioner.



MICHAEL BAILEY/ENTERPRISE

The candidates for Barnstable County Register of Probate: Republican Anastasia Welsh Perrino of Yarmouthport, Democrat Eric Turkington of Falmouth, and unenrolled candidate James Feeney of Harwich. The candidates compared their backgrounds and how their respective experiences made them the best choice for the job.

# Falmouth League Hosts Candidates In Public Forum

By MICHAEL C. BAILEY

The League of Women Voters of Falmouth held its traditional election year candidate forum this week, welcoming candidates from four local races for an evening of debate.

Mindy Todd, host of "The Point" on local NPR station WCAI-FM, moderated the forum, which was preceded by a half-hour session during which candidates got to mingle freely with the public. The debate itself was a brisk affair, with the candidates receiving only a minute to respond to questions from Ms. Todd and members of the audience of about 40 residents.

**State Representative - Barnstable, Dukes, and Nantucket District**

The economy was a recurring theme throughout the debate featuring Democrat Daniel J. Larkosh of West Tisbury, and unenrolled candidates Jacob Ferreira of Vineyard Haven, Melissa C. Freitag of Falmouth, and Timothy R. Madden of Nantucket.

Ms. Todd's first question asked the candidates to outline their plan for increasing revenue. Mr. Madden, Ms. Freitag, and Mr. Ferreira indicated that the state needed to invest in economic development initiatives, namely in the life sciences, renewable en-

ergy, and tourism sectors, which would all expand the state tax base.

Mr. Larkosh said he wanted to continue the state's efforts to close corporate tax loopholes. The Legislature closed a few key loopholes this year.

Mr. Ferreira also touched on the need for the state to cut costs, while Ms. Freitag said the state needed to address tort reform to reduce costs, and advance a single-payer healthcare system.

An audience member asked the candidates what they were doing to educate voters on ballot Question 1, which seeks to repeal the state income tax. All four candidates opposed the question, and all four said they had addressed the proposal many times during their campaigns.

The topic of the Cape Cod Wind Farm proposal arose early in the debate, giving the candidates a chance to clarify their positions on the project. Ms. Freitag voiced her support for the wind farm, prompting Mr. Larkosh, who has openly supported the project since the start of his campaign, to assert that he was still the only candidate who truly approved of it.

Mr. Ferreira said he has softened his stance on the proposal, stating he still had concerns over

the Nantucket Sound site, but would not oppose it should upcoming US Coast Guard studies show the facility would not adversely impact navigation or radar functions.

Mr. Madden said he also had concerns about the site, but believed the project would become a reality and, as a state official, he would not have any influence over it.

The candidates expanded on their renewable energy policies in response to a question about the Green Communities Act and its impact on the district. Mr. Madden and Mr. Larkosh both extolled the provision that increased "net metering" standards for Massachusetts.

Net metering allows groups of consumers to share metering as a collective unit, so the net cost of power is reduced. The act raised the eligibility threshold from 69 kilowatts to two megawatts, which means more residential and small commercial and municipal projects could sell their surplus energy.

Ms. Freitag said the act would allow municipalities to more easily retrofit their buildings to add renewable energy systems, while Mr. Ferreira said the act would

Continued on Next Page

## Ricardo M. Barros

■ Continued

rience make me well qualified to serve the Cape as its County Commissioner. This is borne out by the fact that I am the only candidate that is opposing increases in county taxes and fees, against raiding the rainy day fund and new spending in recognition that the people don't have more to give us and want us to live within our means.

1. Are there problems unique to Cape Cod that the Barnstable County government addresses? If so, what are they?

Yes. One of the biggest problems unique to Cape Cod is our reliance on our sole source aquifers and their vulnerability to our activity. In addition the degradation of our lakes, ponds, streams, rivers and estuaries due to nitrogen loading are another facet of that problem. County Government is addressing that problem thru the initiation of the Waste Water Collaborative and the recent passage of the wastewater bond bill

will provide interest free monies to the towns to address these problems on a regional and sub-regional basis.

Transportation, economic growth in a resort community and a push for regionalization to maximize the return of taxpayer dollars, especially in the smaller towns by the delivery of services that can be done more economically on a regional basis are all being pursued with varying degrees of success on the County level

2. What would you do to increase the visibility and voter understanding of county government?

I would televise Commissioner meetings, post the agenda on the internet in advance, have meetings in locations around the Cape, and meet with the town fathers on a regular basis. I would publicize the good works we already do.

Finally, I would like to see the County assessment on the Towns be a line item on citizen's property tax bill so they may be made aware how they pay for county government.

able for later review as on-demand webcasts, linked to related agendas and work product. While the technology for taking this next step is not expensive, training personnel and giving them enough time during their day to create this electronic record can be. Nevertheless, it should be as much of a priority as budgets will allow.

Barnstable County government has many good stories to tell; it should do a better job telling them.

The county can take a number of small, inexpensive steps to improve the ways in which it communicates with the public: more meetings in and with member towns, volunteer advisory committees, regular e-mail newsletters, and updates to its website to make it more informative and useful.

An even better way to engage the public is to keep asking the local press to cover the goings-on at the county. Some county departments, in particular the Cape Cod Commission and Cape Light Compact, have a very strong and productive relationship with the media. Others are practically invisible. The county's media relations should be reviewed and updated to disseminate best practices county-wide.

Finally, it's up to the County Commissioners to keep government interesting: to make it a forum for new ideas, to share its challenges, to involve more Cape Codders in this enterprise by asking for their help and support—perhaps through a county "volunteer card" system—and to actively engage community leaders and interested citizens, agreeable and disagreeable alike, in the process of governing.

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# Falmouth League Hosts Candidates In Public Forum

■ Continued

help stimulate the renewable energy industry on the Cape.

In her closing statement, Ms. Freitag referred to her background as a teacher, which she said made her the best choice to tackle education issues, and her service in municipal government, which gave her a strong understanding of how local politics works.

Mr. Larkosh said he understood the plight of the average working Cape and Islands resident, noting that he was the sole provider for his family, and said his background as an attorney gave him practical experience advocating for people's needs.

Mr. Ferreira spoke only briefly, stating he would focus on constituent services, then relinquishing his two minutes to answer an audience member's question about single-payer healthcare. The other candidates did not have an opportunity to respond to the question.

Mr. Madden heaped praise on his rivals, then said that, if elected, he would make sure he responded to every constituent's phone call and work hard to help them with their problems.

**State Representative - Third Barnstable District**

Incumbent Matthew C. Patrick (D - Falmouth) and unenrolled candidate Carey M. Murphy of Waquoit touched on a wide range of topics during their debate, starting with the environment. They were asked whether they

supported Governor Patrick's efforts to reduce the state's greenhouse gas emissions, which they both did.

Massachusetts belongs to the Regional Greenhouse Gas Initiative, a coalition of 10 northeast and mid-Atlantic states that participate in a mandatory cap-and-trade program to reduce greenhouse gas emissions. Member states commit to cap and reduce the amount of carbon dioxide that power plants in their region are allowed to emit, and every year states that come in below their annual cap may sell their surplus allowances.

The proceeds from the sale will fund energy-efficiency programs to be administered by electric and natural gas utilities, as well help launch of the new Green Communities program, and fund additional efficiency programs to address anticipated high energy costs this winter.

The candidates were next asked what steps they would take to fine-tune the state's landmark healthcare reform law. Mr. Patrick said Senate President Therese Murray's healthcare reform bill, adopted this year, was a positive start, and the next major step needed to be retaining new doctors to practice in Massachusetts.

Mr. Murphy generally approved of the law, though he noted there were flaws in state estimates of the cost and enrollment in the state-subsidized Commonwealth Care program. He said the state needed to focus more on capping



The candidates for the Barnstable County Board of County Commissioners: Republican Brad Crowell of Dennis (left), Democrat Mary (Pat) Flynn of Falmouth, Republican Ric Barros of Centerville, and Democrat Sheila Lyons of Wellfleet.

malpractice judgments in order to keep malpractice insurance costs down.

When asked if they supported early childhood education, both said they did. Mr. Murphy added that his support would come with a guaranteed, dedicated revenue source to support early childhood education.

Mr. Patrick warned that in the current economic climate, selling a new revenue source to voters would be tough, and the state should reexamine the matter as the economy starts to turn around.

An audience member asked the candidates if the state's current fiscal crisis could be addressed by taxing state employees' pensions.

Mr. Patrick explained that state legislators are not taxed on their pensions as they lose Social Security benefits, since they are not taken out of their pay.

Mr. Murphy said he would be open to the notion of taxing pensions for state employees.

When asked how they would fund transportation infrastructure improvements, Mr. Patrick said he was considering filing a bill that would add one cent per year to the state gas tax over a 10-year period, with that revenue to go specifically toward

transportation infrastructure needs.

Qualifying low-income residents would receive a quarterly rebate, based on a sliding scale, he said.

Mr. Murphy did not offer a specific plan, but instead criticized the federal government for failing to create a national energy policy.

In his closing remarks, Mr. Murphy emphasized that he was an independent candidate and not beholden to any party platform. He gently criticized Mr. Patrick for trying to reinvent himself as an independent candidate in his latest campaign literature.

Mr. Murphy also disputed the notion that as a newcomer to Beacon Hill, he would be unable to make an immediate impact on important matters.

Mr. Patrick disputed this, indicating it would be very difficult for a freshman legislator with no party alliances to be effective, and that effectiveness came from building strong relationships over time. He also briefly promoted two of his accomplishments from the past session: championing the closure of corporate tax loopholes, and adding the "net metering" provision to the Green Communities Act.

When asked if they supported county subsidies for wind or solar projects on Cape Cod, Ms. Lyons and Mr. Barros said there was no room in the budget for subsidies. Ms. Lyons said such projects should be pursued through programs under the Green Communities Act, while Mr. Barros favored leveraging grants to fund county renewable energy projects.

Mr. Crowell said subsidies were unnecessary as, despite the tight economy, there were numerous programs available to assist with renewable energy project funding.

Ms. Flynn pointed out the county has, through the Cape Cod Economic Development Council, already partially funded a renewable energy initiative, the "Clean Energy Training Grant." The money will be used to fund two sets of training programs and internships for individuals working in the construction industry on the Cape, including one course on photovoltaic cell and solar hot water system installation.

**Barnstable County Register of Probate**

The Falmouth audience was treated to a rare appearance by the third candidate in this race, James A. Feeney of Harwich. Mr. Feeney, an unenrolled candidate, joined Republican Anastasia Welsh Perrino of Yarmouthport and Falmouth Democrat Eric T. Turkington, who opted not to run for re-election to the state representative post he has held for 20 years.

The departing register, Fred-eric A. Claussen, is retiring at the end of his current term.

When asked how they would make low-cost improvements in how the register's office functions, Ms. Perrino discussed her plans to create an informational website. Mr. Feeney spoke of the need to tie the office into the MassCOURTS system, while Mr. Turkington emphasized the need to create private meeting areas for court clients, who often meet with attorneys in the hallways.

The candidates were asked to outline possible cuts to address a recent seven percent reduction in the court's budget, the result of Governor Patrick's recent emergency cuts to the state budget. Mr. Feeney could not answer the question as he was unfamiliar with the office's budget, but reiterated his plans to bring "a business mind" to the position.

Ms. Perrino said the office is already running at 30 percent below full staffing, so cuts would not come from staffing. However, she noted that she has been on unpaid leave from her job while campaigning, and fellow assistant register Priscilla J. Young—who Ms. Perrino beat in the primaries—also took an unpaid leave of absence. That unspent money, Ms. Perrino said, could be used to offset other costs.

Mr. Turkington agreed that staffing cuts were not viable, and said costs could be reduced by improving automation at the office.

All three candidates said a website would help increase the probate court's visibility in the community.

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EPA United States Environmental Protection Agency New England

Massachusetts Military Reservation Training Range and Impact Area

Proposed Revised Limited Authorization for Lead Ammunition Training

Public Information Meeting & Public Comment Period

The Massachusetts National Guard (MANG) has requested that the United States Environmental Protection Agency modify the Scope of Work to Administrative Order SDWA I-97-1030 (AO2) issued pursuant to Section 1431(a) of the Safe Drinking Water Act with respect to three small arms ranges at the Massachusetts Military Reservation (MMR).

First, the MANG requested that its currently effective authorization to fire with lead ammunition for a pilot project at T (Tango) Range be extended past its expiration date of December 31, 2008. Second, the MANG requested approval to resume firing with lead ammunition at two small arms ranges on MMR, known as J (Juliet) and K (Kilo) Ranges, with an accompanying pollution prevention plan and proposed environmental monitoring program.

EPA's proposed response, which will be subject to public comment for the next 30 days, would modify AO2 to include (1) a temporary extension of the existing authorization to fire with lead ammunition at Tango Range, and (2) an authorization for a pilot project for firing lead ammunition at Juliet and Kilo Ranges. Under both authorizations, MANG personnel, and personnel from other military and law enforcement agencies under the MANG's supervision, would be permitted to conduct lead ammunition training at the ranges under specified conditions. EPA remains committed to protecting the sole source aquifer underlying MMR, and intends to monitor these projects closely to ensure that the pollution prevention measures succeed and that groundwater is not contaminated as a result of these activities

The EPA will be hosting a public information meeting to discuss the Proposed Revised Limited Authorization for Lead Ammunition Training. There will be a brief presentation about the plan followed by an informal question and answer session. Representatives from the Camp Edwards Small Arms Working Group comprised of the military and state and federal environmental agencies will be present to speak with members of the public.

Thursday, November 6, 2008  
5:30 - 6:00 p.m. Poster Session  
6:00 p.m. Presentation, Q&A  
Best Western Hotel  
100 Trowbridge Road  
Bourne, Massachusetts

A 30 day public comment period begins October 24, and extends through November 24, 2008. All public comments must be submitted in writing, and may be sent to: Lynne Jennings (HIO), U.S. EPA, One Congress Street Suite 1100, Boston, MA 02114 or jennings.lynne@epa.gov.

A copy of EPA's proposal along with other documents related to the request and response is available for review at the public libraries in Bourne, Falmouth, and Sandwich and at the MA National Guard's Environmental and Readiness Center webpage: <http://www.mass.gov/guard/E&RC/startpage.htm>

For further information about the meeting or the public comment process, call Jim Murphy of EPA's Community Affairs office at (617) 918-1028, or toll-free at 1-888-372-7341.



# Two From Wampanoag Tribe Seek To Reclaim 4,000 Acres

By BRIAN H. KEHRL

Two members of the Mashpee Wampanoag Tribe have filed a land claim against the Town of Mashpee and the Commonwealth of Massachusetts, leaving out private property but seeking to reclaim more than 4,000 acres of publicly owned land.

Amelia G. and Steven P. Bingham filed the complaint in US District Court in Boston on Wednesday morning, making good on their threats over the past 15 months that they would sue for land they claim was illegally taken from their ancestors when Mashpee was incorporated in 1870.

The mother and son, in interviews this week, claimed the suit is a pursuit of “justice” denied to them and their ancestors for too long.

Town officials, meanwhile, downplayed the significance of the suit, arguing that the town is

well protected and will be well represented legally.

A spokesman for the tribal council, Gayle Andrews, said on Wednesday that the suit has “nothing to do with the Mashpee Wampanoag Tribe.”

“That was made clear over a year ago by the chairman. There will be no lawsuits. There will be no effort to reawaken any kind of legal activity that was initiated decades and decades ago,” Ms. Andrews said, reiterating numerous assurances from tribal council leaders made in the past two years that they would not reopen the old land claims.

The class action lawsuit seeks possession of all town- and state-owned land, except the part of “Otis Air Force Base” in Mashpee, Seconset, and Monomoscoy. It asks for “just compensation” for all the other land in town taken from Natives in 1860 and 1870, when the Town of Mashpee was

incorporated. It asks that all sales of town- and state-owned land be frozen. And it asks that the state and the town pay “fair rental value” for the use of the land in town since 1870.

Mr. Bingham said they decided to leave out private landowners because “it is not their fault.” He said the town and the state should not have allowed the property to be bought and sold, knowing the legal liability that the property owners would be subject to.

The Binghams, the only two plaintiffs listed on the complaint, filed the class action suit on behalf of other descendants of the “South Sea Indians,” a historical term used for Native Americans living along the coast of Nantucket and Vineyard sounds.

The filing comes exactly 30 years after a similar lawsuit between the Mashpee Wampanoag Tribal Council and private and public landowners in town went

to court. The 1978 suit and another that followed shortly after were both dismissed, in large part on the grounds that the Mashpee Wampanoag did not meet several criteria to be considered a tribe in federal court.

However, the Mashpees have since been recognized by the federal government as a legitimate tribe. Concerns that the tribe would refile the original lawsuit after receiving recognition were often discussed by town leaders, but the tribal council put those fears to rest this spring when it signed an intergovernmental agreement with the town stating that it would not sue to reclaim private- or town-owned land in Mashpee.

The Binghams, though, have long contended that individual descendants of the South Sea are not bound by the tribal council’s agreement. They have repeatedly threatened to file the suit, with or without the support of the tribal council, the tribe’s governing body.

The Binghams were shunned from the Mashpee tribe nearly three years ago in response to another lawsuit they filed against the tribal council, seeking access to the tribe’s financial books and records. The Binghams have also sued the council in state court, claiming the shunning punishment violated their civil rights. Judges dismissed both cases.

The current class action suit was sent to Judge George A. O’Toole Jr., according to a clerk in the federal court. Judge O’Toole, who was born in Worcester, was appointed to the federal bench in 1995 by former President William J. Clinton.

The suit, filed by the Binghams’ Weymouth-based attorney Robert L. Bowens, claims that deeds in 1665 and 1667 granted Mashpee to the “South Sea Indians and their children forever, so as never to be given, sold, or alienated from them without all their consents.” The land was held for the Native

Americans until 1869, when the state removed restrictions on the sale of land, and then 1870, when the town was incorporated and took possession of much of the common land in the area, according to the complaint.

The state now owns 1,172 acres in town; the town owns 2,937 acres, according to information provided by the planning office. The two owners represent approximately one-quarter of the 23.5 total square miles of land in Mashpee.

Mr. Bowens said on Wednesday that the legal claims are different than the original case. Rather than being based on a violation of the 1790 federal Non-Intercourse Act, which required the consent of Congress before land explicitly given to Native Americans could be sold, the current case claims a violation of the Fifth Amendment of the US Constitution, which guarantees that no person shall be “deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.” The complaint also cites the 14th Amendment, which provides equal protection under the law to all people under the jurisdiction of the states.

He said he hopes the case does not lead to a series of legal arguments between the Binghams and the town, but that the two parties can “recognize the injustice” and find a fair remedy. “Our desire is not to have this drag out the way

that court cases can sometimes proceed,” he said.

Several Native American legal experts interviewed over the past year have said the case would likely have legal standing in court but questioned its chances of success, particularly due to two recent federal court cases turning down historical land claims. Most of the experts contacted were hesitant to offer a forthright prediction on the case until it was filed and the exact legal arguments were known, but several said the chances of tribe members actually taking possession of the land are slim. The court could order compensation instead, however.

Both town officials and Ms. Andrews said the suit should not damage the relationship between the town and the tribal council.

Ms. Andrews said the tribal council will not join the town and the state in fighting the suit. Nor will the council ask other tribe members not to join the class action suit, she said. “They are going to be silent, like they would be silent on anything of this nature,” she said.

Mr. Bingham said he and his mother had not told other tribe members about the suit and at this point are not actively recruiting them to join. “If others choose to sign on, we will gladly let them come on,” he said.

The level of support for the Binghams among other tribe members is unclear.

# Morgan Peters Installed As Masonic Lodge’s Worshipful Master

By BRIAN H. KEHRL

When Morgan James Peters first heard about the Masons as a young man, he thought of conspiracy theories and shadowy fraternal orders. He later learned more, though, including about the many community service efforts with which Mason lodges are often involved.

“Why would I? That was my initial attitude,” Mr. Peters said this week.

A few years later, when he applied to be a member of the Prince Hall Masonic Lodge, he did so because he was attracted to the group’s opposition to slavery, involvement in the Underground Railroad, and support of the civil rights and Black Power movements. But again, there was much to be learned.

After he filled out an application, one of the older lodge brothers remembered Mr. Peters’s grandfather, former Mashpee

Selectman Steven A. Peters Sr., as a friend of his parents. Soon after, others also remembered the elder Mr. Peters as a once-active member in the lodge. He had joined the same lodge in 1921.

“So, unbeknownst to me, it was like a family link completed,” he said.

The link may be complete, but Mr. Peters’s involvement will be taken one step further this weekend when he is installed as the worshipful master, the leader, of the New Bedford chapter of the Prince Hall Masonic Lodge.

The public ceremony will be held at 1:30 PM tomorrow, at the New Bedford Masonic Temple, 435 County Street.

Mr. Peters will be the 80th Master of the lodge, and the first enrolled Mashpee Wampanoag to hold the seat in the lodge’s 151-year history. Chartered in 1857 by the Prince Hall Grand Lodge of Massachusetts, the lodge has had a considerable Native American membership since it began, including Andrew M. Bush, an Aquinnah Wampanoag who went on to become the organization’s Grand Master in 1881. Mr. Peters’s father, former Mashpee Selectman Randolph G. Peters Sr., became a Prince Hall Mason in 1954 through a military lodge while stationed in Germany.

Mr. Peters said that while he did not know about his grandfather’s involvement, “it was nice to

tell my father, who was sick at the time, that I was coming in.”

Mr. Peters will be succeeding Jibreel Khazan (formerly Ezell Blaire Jr.), who distinguished himself as a civil rights icon while a student at North Carolina A&T in the 1960s, when he and three other students staged the first sit-in, at a Greensboro Woolworth’s, following the example of Rosa Parks.

Mr. Peters said beyond the social element of the fraternal organization, the lodge raises money for scholarships, helps stock food pantries, and has a youth mentoring program. He said he is also involved with the Prince Hall Masonic Lodge’s historical committee. “So when people have questions about history, we are the ones they call,” he said.

## WIC Support Group

Cape Cod WIC, Nursing Mothers Support Group of Falmouth will meet on Friday, October 31, from 10 AM to 1 PM at PAL of Cape Cod, 279 Brick Kiln Road, East Falmouth.

Those attending are encouraged to bring their babies.

For more information, call Kathleen Sylvia at 508-274-0174 or Cheryl Donahue at 774-392-1010.

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# New Specialist Helps Respond To Domestic Violence Cases

■ Continued from Page One

and a fear of affecting the career of the officer.

If a soldier is arrested, she said, he risks losing the right to carry a gun and could also lose his job. "That's a big obstacle for women," said Ms. Espinoza, who belongs to the Falmouth Military Support Group.

Because her work background is mainly in counseling, Ms. Espinoza said she is doing a lot of learning about the police side in dealing with domestic violence.

Ms. Espinoza's first order of

An interview with Carmen Espinoza, civilian domestic violence specialist for the Falmouth Police Department, is featured on Police Chief Anthony Riello's FCTV cable television show, "Behind The Badge," which airs tonight at 7:30; Tuesday, October 28, at 9:30 PM; and Friday, October 31, at 7:30 PM.

business when she comes in in the morning is to check the police logs to see what domestic violence calls came in the night before and to contact the victims.

Police officers in Falmouth have packets with information on domestic violence with them and hand them out when responding to domestic violence calls. Ms. Espinoza said she has found that Falmouth police officers are "very well trained" when it comes to handling cases of domestic violence.

One of Ms. Espinoza's goals in her new job at the police department is to work with officers to continue to ensure that law enforcement responds effectively and in a timely manner in cases of domestic violence.

Her job includes providing resources, support, and follow-up services to victims, a duty she said she is well qualified for.

"I bring an understanding and a knowledge base of domestic violence that is pretty good. Working with victims in therapy and groups taught me how to relate to them in non-judgmental approach," she said.

Her goals also include increasing awareness of domestic violence through educational outreach to the Falmouth Police Department and the community. She also wants to insure accurate data collection on domestic violence by the police department; to ensure enforcement of domestic violence laws, particularly restraining orders; and to better educate victims so they know how to follow through with their cases.

Ms. Espinoza said she is also committed to networking with other domestic violence advocates in the region.

Ms. Espinoza said she is no stranger to domestic violence, having seen it among friends and colleagues when she was growing up in Texas.

"I've been working with abuse victims all my life," she said. "I grew up in a desert community with a lot of abuse. All the parents drank. On the job, women came to work with black eyes



Carmen Espinoza



Freddie Diamond

and bruises. I've been exposed to it for so long."

Ms. Diamond said there is a strong need for the domestic violence advocate position in Falmouth.

The grant was originally applied for because, according to Ms. Diamond, former police

chief, David F. Cusolito, "saw a real need for someone to be here to advocate for victims of domestic violence."

The department receives about 200 domestic violence calls a year, according to data Ms. Espinoza provided from the department's grant application.

Ms. Diamond said that of the clients who come to the Falmouth Human Services Department, about 50 percent have been victims of some kind of abuse in the past or present, be it emotional, physical, or sexual abuse.

"That was the original impetus for applying for the grant," Ms. Diamond said.

Ms. Espinoza was hired for the part-time domestic violence position in July, using the remainder of a three-year federal grant that the town received in 2005. The first person to hold the job was Jessica Wassetth Flynn, who was fired last November, after about 1 1/2 years on the job, because of a personnel issue.

The grant is administered under the Executive Office of Public Safety and Security through the Stop Violence Against Women Act grant program. Half of the position is paid for by the grant and the other half by the Falmouth Police Department, Ms. Diamond said.

## Domestic Violence Resources

Carmen Espinoza, civilian domestic violence specialist at the Falmouth Police Department: 508-457-2527, extension 550

Independence House offers support for battered women on its 24-hour hotline: 800-439-6507.

# Public School Schedule

This is a weekly preview of special events and meetings in the Falmouth Public Schools. The times and events listed here are tentative and subject to change. Anyone who has questions or needs more information may call the individual school involved, the Administration Building at 548-0151, extension 123, or check the Falmouth Public Schools website at [www.falmouth.k12.ma.us](http://www.falmouth.k12.ma.us).

**Monday, October 27 C Day**

**Lawrence School**

6 PM School Council Meeting at Library-Media Center

**Tuesday, October 28 D Day**

**Community Event**

7 PM School Committee at Administration Building (Live Broadcast on TV-14)

**Wednesday, October 29 E Day**

**Teaticket School**

6 PM Family Literacy Night for Parents of Kindergarten at Teaticket School

**Lawrence School**

11 AM Picture Re-take Day

**Thursday, October 30 F Day**

(No Events Scheduled)

**Friday, October 31 A Day**

**East Falmouth School**

2:30 PM Harvest Parade

**Falmouth High School & Lawrence School**

Report Card Grades Close

**Mullen-Hall School**

9:15 AM Halloween Parade

**North Falmouth School**

10:15 AM Halloween Parade

1:15 PM Halloween Parade

**Saturday, November 1**

**Falmouth High School**

7:45 AM SAT's Testing at Falmouth High School

# Named To Board At Falmouth Academy

Susan G. Morse, chairman of the Falmouth Academy Board of Trustees, announced that Michael G. Jones, vice president of legal affairs & compliance at Cape Cod Healthcare Inc., has been named to the Falmouth Academy board.

"We are pleased to welcome Mike," said Mrs. Morse. "We value his enthusiasm, his understanding of the importance of small schools, and his extensive experience with other nonprofit and educational organizations."

A native of New Mexico, Mr. Jones attended Albuquerque Academy, a school that he said was very similar to Falmouth Academy. He went on to graduate from the University of New Mexico with a bachelor's degree in psychology (1984), and then spent the next year doing cardiology research at Duke University Medical Center. He came to New England to attend Boston College Law School, where he earned his law degree in 1989. He has published articles in several medical and legal journals and frequently writes and lectures on healthcare fraud and abuse and insurance issues.

Before moving to Cape Cod in



Michael Jones

2001, Mr. Jones was a partner in the healthcare department at Choate, Hall & Stewart in Boston, where he had practiced law for a number of years. During that time he and his wife, Dr. Dale Weldon, an OB/GYN who practices at Falmouth Hospital, made frequent use of their home in Falmouth. They live in Falmouth year-round now with their two children—Mary Kate and Connor.

## Named Commended Student

David Howland of Falmouth has been named a Commended Student in the 2009 National Merit Scholarship Program. David is a senior at Cape Cod Academy in Osterville.

A letter of commendation from the school and National Merit Scholarship Corporation, which conducts the program, will be presented by the headmaster to David.

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dents throughout the nation are being recognized for their academic promise.

Although they will not continue in the 2009 competition for National Merit Scholarship, commended students place among the top four percent of more than 1.5 million students who entered the 2009 competition by taking the 2007 Preliminary SAT/National Merit Scholarship Qualifying Test.

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Annual Meeting begins at 6:00PM. Please join us for hors d'oeuvres and to chat with like-minded people like yourself. Bring your spouse, partner, or a friend.

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The Falmouth Housing Trust is a nonprofit CDC, tax exempt, charitable organization dedicated to the development of affordable housing for low to moderate income families.





Photographs by KATHLEEN SYLVIA/BABY & MOMMY INTIMATE MEMORIES

## Lights On At PAL

Madison Meal and Eve and Setina Bauer, above, show off their decorated faces and the necklaces they made at the PAL Lights On After School event last week. Bethany Harrison works with Andrew and Abby Fissette, at right, to build an original scarecrow.



## School Building Committee To Hold Tours

As a precursor to Fall Town Meeting, the Falmouth High School Building Committee will be offering tours of the renovated portions of the high school on Thursday, November 6. The tours, which start at 6:30 PM and end at 8 PM, will be led by members of the building committee, as well as school staff. Visitors should come to the foyer of the Robert V. Antonucci Field House, which now serves as the main entrance to the school. Parking is available in the front of the building, as well as in the student and faculty lot behind the high school. The building committee will be providing Fall Town Meeting, which starts on Monday, November 10, with a presentation, and update on the status of the \$86 million project, which is expected to be complete by January 2010.

## Church To Hold Third Annual Family Fair

The third annual Happy HalloweenThankMas Family Fair will be held at the North Falmouth Congregational Church at 155 Old Main Road tomorrow from 8:30 AM to 2 PM. This year's events include Halloween, Thanksgiving, and Christmas crafts and holiday décor, floral arrangements, attic treasures, jewelry, toys and games, baked goods, activities for the children, and books. Children's activities include face painting and squash and pumpkin decorating. Coffee cake, doughnuts, and hot beverages will be on sale at the fair from 8:30 to 10:30 AM. An a la carte luncheon menu of lobster rolls, chips, clam chowder, hot dogs, and dessert with hot and cold drinks will be served from 11 AM to 1 PM. Homemade desserts and a chowder supper will be available at the church this evening from 6 to 8. The church thrift shop will be open tomorrow from 9 AM to noon (usual hours).

### PAL Trick Or Treat

The Police Athletic Activities League of Falmouth will hold an open house on Halloween night. On Friday, October 31, children can stop by the PAL center on Brick Kiln Road to go trick or treating, play games, and socialize with friends. There will be candy, food, and music. The PAL Center will be open on Halloween from 3 to 11 PM.

# Police, Residents Work Together To Reduce Noise

By BRENT RUNYON

Falmouth roads are relatively quiet for the season, but the Quiet Roads Associates and Falmouth police are already preparing for the next swarm of ear-splitting motorcycles, and bass-blasting sound systems. Falmouth Police Chief Anthony J. Riello told the group that excessive noise is "a quality of life issue" and said that through townwide efforts they have made improvements in motor vehicle noise.

## Halloween Dance Party

A Halloween dance party/benefit for the late Douglas Kelsall of

### Openings Available At Day Care Center

Woods Hole Day Care Co-op, a nonprofit, full-service childcare center and preschool, has openings in all age groups. WHDCC provides year-round care for toddlers and preschoolers, from 21 months to 5 years old. Hours are 8:30 AM to 5 PM, Monday to Friday. Half-days and full days are offered. Also offered are music and movement classes; Spanish programs; indoor and outdoor play; dance; arts and crafts; and field trips.

Falmouth Police Sergeant Douglas M. DeCosta said since April 19, the beginning of the program, police have issued 60 citations throughout the town. Twenty-six have resulted in \$50 fines, and the rest of the operators were given warnings. Chief Riello said that was a "phenomenal number."

Howard B. Grosser, innkeeper of Inn on the Sound, said he often sits on his porch on Grand Avenue, Falmouth Heights, with a

decibel meter and a digital camera. He monitors the sound level, takes pictures of license plates, writes down the plate numbers of violators and then e-mails the information to police. Chief Riello said that was very helpful and allows the police to send letters to offenders, which will hopefully get them to stop making so much noise.

This strategy worked at least in one case, Chief Riello reported. He heard from a man who loans his vehicle to his son. After receiving the letter the man informed police his son would no longer be allowed to borrow his car.

Officers determine the vehicle is in violation if a muffler system has been modified, or if the vehicle makes "a harsh, objectionable, or unreasonable noise," according to the laws of Massachusetts.

The police department bought a high-tech decibel meter in 2007, but the chief said the meter is only practical for training and for community testing days.

Factory-built cars and motorcycles are within noise limits, but when an owner modifies a muffler system to make it louder, that is when problems arise.

Chief Riello told members that if they hear a violation to

please call the station and report it, and the department will respond.

Roderic L. Baltz, also of Grand Avenue, Falmouth Heights, who is a leader of the Quiet Roads group, said last weekend, "Even I was surprised. There was a lot of motorcycle traffic near my house. There were 50 or 60 motorcycles."

Chief Riello asked if they were all in a group, or if they were single riders.

Mr. Baltz said they were a mixture of single and tandem riders, but they all like "to give it the Grand Prix treatment," coming up over the hill in front of his house.

Chief Riello said Mr. Baltz should call and inform the police when there is a problem and they will try to respond accordingly. He said, "We're not going to solve this overnight, but we're on the right track."

Sgt. DeCosta said one problem for the police is finding officers who want to work the noise enforcement detail. He said the department offered overtime to officers on Sundays over the summer, but that many refused because they wanted the time off.

Chief Riello said, "We have a core of people who like to work it and do."

One group member who asked not to be identified, said in her neighborhood speeding is the biggest problem, and that when she has to cross the road with her grandchildren, she pushes an empty baby carriage in front of her to get the cars to slow down. People see the baby carriage and hit the brakes, she said, and then she follows behind with her grandchildren.

Chief Riello told her to write down license plate numbers, and the police will go as far as knocking on people's doors to tell them to slow down.

Philip L. Richardson of the Quiet Water Associates, a sister group to Quiet Roads, said a motorcycle "can be made to sound like a sewing machine," and problems only arise when people modify their bikes.

Chief Riello said, "A Harley out of the box is a Harley, and if you get three or four together, it's loud."

Although most of the citizens focused on motorcycles, Sgt. DeCosta said they do not single them out. "We focus on violations, not on vehicles," he said.

The group plans to keep in touch with police over the winter, and to meet again in the spring to discuss strategies for keeping the roads quiet.



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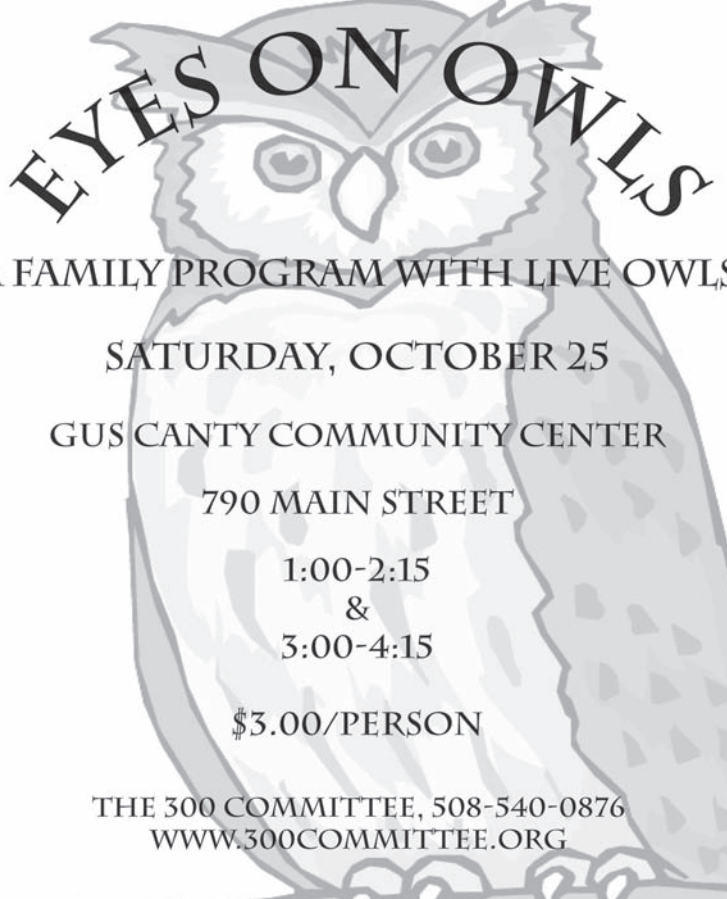
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# New Medium

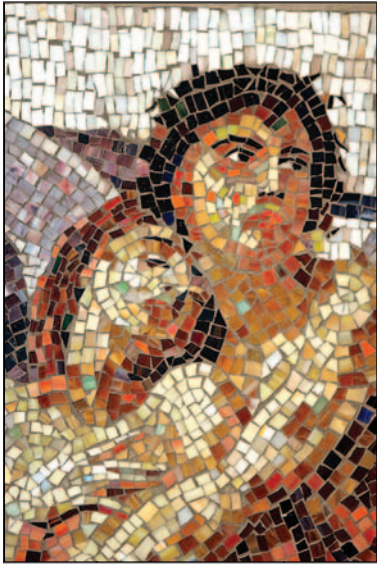
■ Continued from Page One

“Anybody can do mosaics; it takes someone with an artistic flair to make it work,” Mr. Bowen said.

As Mr. Bowen’s interest grew in the medium of mosaics, he searched out training. He found it through a Russian couple who were living in New York City and running mosaic workshops out of their studio.

Mr. Bowen commuted to New York to take about 20 classes in the loft workshop of the couple, whose mosaic techniques came out of the great Byzantine tradition of Russian mosaic artists.

Mr. Bowen said that he learned much about how to use color in mosaics from the couple. They taught him how to incorporate complementary colors and how to use different hues of the same color to achieve a richer level of shading, for example.



A mosaic in Mr. Bowen’s home has elements of classic Byzantine works.

The also taught him the art of “adamento,” in which the tiles emphasize the curves in an image, like the muscles of the body.

A prime characteristic of mosaics is the sense of movement created from wavy lines. Mr. Bowen said that is why he likes crafting the hair in images, because it is an opportunity to create movement in the creative use of color in the tiles.

Besides color and movement, it is perhaps the shape and bumpiness of the tiles, that three-dimensionality, that is the allure of mosaics.

“The first thing everyone wants to do when they see a mosaic is touch it,” Mr. Bowen said. “Of course, you’re allowed to touch it, unlike a painting.”

From the Russian couple, Mr. Bowen also learned different

techniques of mosaic construction and how to think outside the box when using different colors, like placing red and green tiles next to each other to make a section of the piece “pop out,” Mr. Bowen said.

To continue his training, Mr. Bowen traveled to Ravenna, Italy, one of the most famous cities in the world for mosaics. There he took a workshop on the restoration of old mosaics and learned more about their history.

Mosaics are among the oldest art forms besides cave painting and examples of the art go back almost 3,000 years, Mr. Bowen said. Mosaics became extremely popular in Byzantine art during the Middle Ages, but during the Renaissance, painting became the premier art form and all but replaced mosaics. Ravenna, the last stronghold of the Byzantine empire in Italy, was the center of late Roman mosaic art, and elaborate mosaics can be seen today in the city’s churches.

After taking mosaic workshops, Mr. Bowen started experimenting with the medium, teaching himself nuances of the art. At the same time, he took a design class at Cape Cod Community College, and the instructor, after seeing one of Mr. Bowen’s mosaics, asked him to take over one class and teach the students how to make a mosaic.

The session was so popular that Mr. Bowen is now teaching the art of mosaics at the community college. Several benches with mosaic tops that he has made can be seen on the campus.

While crafting a mosaic in his home recently, Mr. Bowen explained the steps that go into each work. Each mosaic begins with the artist creating a “cartoon,” the Italian word for drawing, which will be reproduced with glass tiles. The glass tiles are then individually laid on top of the drawing, using the color and shape of each tile to detail the lines and curves of the underlying image.

Because of the way that glass tiles reflect light, the final image becomes almost like a two-dimensional work; the light reflections create waves of movement in the piece.

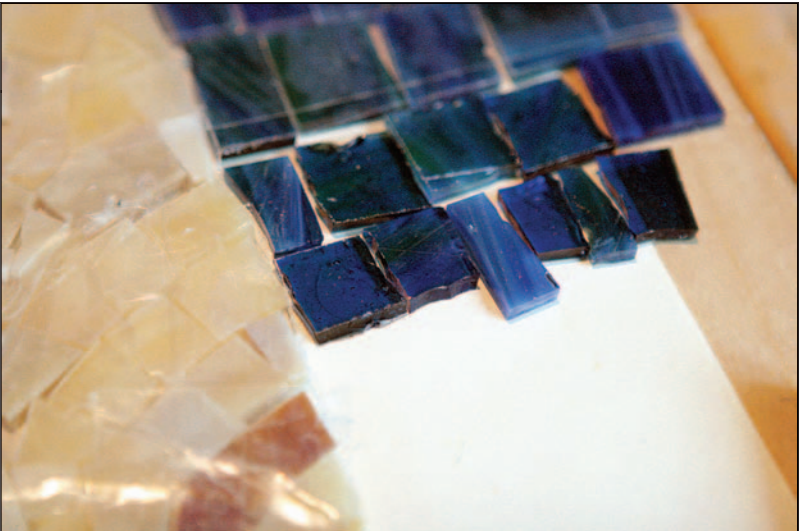
For most of his mosaics, Mr. Bowen usually uses glass shipped from Venice. He purchases sheets of the glass and cuts them into small pieces.

He has also created some pieces using local beach glass or even broken pieces of china, or as he calls them, “broken coffee cups.”

It is as he places each piece of glass on top of the drawn image, the cartoon, that the process



Photographs by GENE M. MARCHAND/ENTERPRISE  
The tools of the trade for a mosaic artist include a two-sided glass-cutter.



Glass tiles in a vibrant shade of blue contrast with tiles in a pink hue in Mr. Bowen’s latest work.

resembles the construction of a jigsaw puzzle. Each piece must fit tightly in place.

Mr. Bowen’s tools include a double-wheeled glass cutter that he can use to modify the shape of a glass piece. He can also use tweezers to make sure the pieces fit perfectly in place.



A close-up of a recent piece by James Bowen in which the face is modeled on Mr. Bowen’s wife, Deborah.

Working in mosaics gives the artist the flexibility to change portions of a piece after it is finished. On one recent piece, Mr. Bowen said he decided the eyes were “not soft enough,” so he redid that section, using different colors and shapes of glass.

Mr. Bowen chooses his subjects by working with his clients, often producing sketches for the client to consider. Pieces in his home capture religious iconography, as well as modern subject matter. He recently installed a piece in a home in Quissett that is a colorful image of goldfinches.

Another recent work, inspired by a sculpture Mr. Bowen saw, shows a man with arms extended in adulation toward a woman with flowing hair. If the faces look familiar, it is no coincidence. He modeled them after himself and his wife, Deborah.

Where To See  
James Bowen’s Mosaics

A show of Mr. Bowen’s mosaics can be seen at Starbucks on Davis Straits through the end of the month.

# Law Gives Parents Option Of Elementary Schools

■ Continued from Page One

the state has set targets that each school, as well as specific subgroups, should meet every year.

Subgroups encompass the areas of low income, special education, ethnicity, and those with limited English proficiency. There must be 40 students in a subgroup, Elizabeth S. McGonagle, director of curriculum and instruction for Falmouth Public Schools, said, for the state to take action for failure to meet specified goals.

In 2001, target scores started at 70.7 for English language arts and 53 for math.

Targets are raised every two years, and when schools and subgroups meet those targets it is termed making Adequate Yearly Progress, or AYP.

Last spring targets were 85.4 for English and 76.5 for math. They will go up next year to 90.2 for English and 84.3 for math. By 2014 those numbers will be 100 for both tests.

Because both the East Falmouth School and Mullen-Hall School failed to meet these targets for two years in a row, they have now been placed on the state’s accountability list at the “needs improvement” stage.

At the East Falmouth School, Ms. McGonagle said, the entire fourth grade failed to meet the English target, scoring below that with an 82.6.

Likewise fourth graders at the Mullen-Hall School scored below that target with a 84.1.

The Teaticket School also failed to meet AYP in English with a score of 82.7, but this is its first year of doing so. If its scores fail to meet the state target next year, the school would be classified as needs improvement.

If East Falmouth and Mullen-Hall fail to meet the state tar-

gets again in the English MCAS next year, they will remain at the “needs improvement” level.

After a fourth year, a school would move to the “corrective action” stage and failure to show significant improvement or meet state targets at this level for another two years would move a school to the “restructuring” stage.

At these designations, options include making significant changes to staffing, curriculum, governance, or instruction. If necessary, schools in the restructuring phase may be put under state oversight.

What this means locally, Ms. McGonagle said, is that steps have to be taken by the district to meet the state’s targets or show enough gains for the elementary schools to be taken off the needs improvement list. Those gains are determined by a state formula.

Among actions that must be taken, she said, is that parents, or guardians, have to be notified that schools failed to meet AYP.

The district also has to do school improvement planning, taking a comprehensive look at the curriculum, analyze MCAS and other assessment data, and design programs for struggling students to ensure they make improvements.

Other actions include providing professional development, Ms. McGonagle said, focused on such areas as differentiated instruction.

While failure to meet state targets is new to the elementary schools, it is not new to Falmouth. Both the Morse Pond School and the Lawrence School have been on the state’s accountability list for many years.

Morse Pond is currently in “needs improvement” in year one for English and “restruc-

turing” in year one for math in subgroups for special education and low income.

The Lawrence School did not meet AYP for English in special education and low income and for math in low income. For both tests, it is in its second year of “restructuring” for those subgroups.

Last year, Ms. McGonagle said, the district developed school improvement plans for both those schools and sent the plans to the Department of Education, although they did not have to.

“They praised our reports and said we were right on target and aligned with all the things we should be doing,” she said.

The district, she said, will be updating those plans and implementing strategies imbedded in them.

In addition, Falmouth Public Schools has purchased a variety of software programs, such as Kurzweil, which is a word processor that speaks to students with learning difficulties, “reading back” work that is typed.

Ms. McGonagle also listed Lexia, a reading software used in Falmouth, as well as Skills Tutor, a program intended specifically to help improve MCAS scores.

Falmouth joins many schools across the commonwealth that have failed to meet AYP. “There are 828 of them” throughout the state, Ms. McGonagle quickly noted.

That is roughly 50 percent of all schools in the state, J.C. Considine, spokesman for the Department of Education said.

Just because a school has been identified for some accountability status, he said, “does not mean it is a failing school...Many schools are making good progress. They just happen to not be making AYP.”

He said the state is seeing improvements, but it is not matching its targets, “which is a pretty high bar that No Child Left Behind has set to get all kids proficient by 2014.”

In Massachusetts, Ms. McGonagle said, the targets are some of the highest in the country. She noted they are arbitrary and that Falmouth continues to make strides and annually scores high or very high, as judged by the state, in every single MCAS test.

East Falmouth School Principal Samuel S. Slarskey refuted the notion that his school is anything but exemplary. “We are a high-performing school,” he said. “We are going to keep doing the things we are doing well.”

Parents, he said, have been understanding, realizing that failure to meet AYP is not an indicator of true success.

And the letters sent out to parents do not seem to have caused any alarm. So far, no parents with children at East Falmouth or Mullen-Hall have elected to send their children to a different school in the district.

Mr. Slarskey said this merely refocuses the school to look at ways to improve on what it is doing and determine if there are additional steps that can be made to reach students who need help.

While a number of schools are in the same boat, Mr. Slarskey said, No Child Left Behind is not necessarily a bad thing.

“It is a goal statement,” he said. “It sets up challenges very difficult to achieve, but it doesn’t mean it isn’t worth having that goal.”

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# CPC Sets Guidelines

■ Continued from Page One

She asked whether the committee was in agreement that the money should go toward one project. CPC member Edward H. Schmitt said all, or the majority of the money, should be dedicated to one project.

Ms. Freitag wondered, however, if a project came up in which an open space purchase could be made or an affordable housing development could be funded, whether the committee would dedicate the money for a project that satisfied only one category.

The committee was against this as well, saying that it needed to be a multi-use project.

“What if someone came up with 100 acres of open space?” Ms. Freitag asked.

“Then we would look at it and see if we could put something on it,” Dr. Schneider replied.

An additional concern raised by Ms. Freitag was what if the CPC begins to receive applications for projects that do not match its goals. Mr. Schmitt said that each project should be judged on its own merits.

After much discussion, committee members voted their goals for what the \$3 million should be used for. Ideally, they said, it should be for a single project that fits into the open space, affordable housing, and historic preservation categories, with a collaboration between private and public entities. While the CPC will judge applications on their merit, they did not want to be the ones to facilitate a project.

# Realtors Present Check

Falmouth Housing Corporation President Robert H. Murray received a \$2,000 check from the Massachusetts Association of Realtors’ Charitable & Educational Foundation Wednesday morning in a ceremony at the Nimrod Restaurant during the town Multiple Listing Service tour.

Jamie Regan, president of the Cape Cod & Islands Association of Realtors and Cape Cod & Islands MLS, made the presenta-

tion to Mr. Murray, citing his “exceptional work” with the housing corporation and the Falmouth Housing Authority.

The Cape Cod & Islands Association of Realtors is a not-for-profit, professional trade association comprising 2,300 members throughout Cape Cod, Nantucket, and Martha’s Vineyard.

Its activities range from providing professional development courses to legislative advocacy on behalf of realtors.

Cape Cod Marathon Is Sunday

The Cape Cod Marathon, with close to 1,400 runners, kicks off from the Falmouth Village Green at 8:30 AM Sunday. The first runners finish the race at the Village Green at about 10:40 AM, and most runners finish the race around 1:15 PM. Falmouth Police Captain Stephen M. O’Neil asked that drivers use extra caution while driving on the town’s roads on Sunday morning and early afternoon.  
Main Street will be closed from 7:30 to 8:45 AM and again from about 10:30 AM to 2:30 PM. Marathon Race Director Courtney F. Bird Jr. said there are about 700 volunteers helping with the race. He said Woods Hole will be particularly congested in the middle of the race, around 10 AM to 1 PM. See Sports page 1A for more about the marathon.

# Cyberspace & Bullying

■ Continued from Page One

bullies could be the most popular kid in the school.

The bullying social dynamic, Ms. Muldowney explained, includes not only a bully and a victim, but also bystanders who laugh and give enforcement to the bullies. The term she gave to the people who make up this support system is “egggers” because they egg on the bully.

In order to get bullying under control adults must break the link between “egggers” and bullies.

Understanding bullying behavior in boys and girls can be a challenge for many people. Ms. Muldowney said, “A lot of people are afraid to say this, but it’s true. Boys and girls are different.”

Boys often bully because they are joking, and do not necessarily mean to hurt their victims.

Girls bully because they want revenge, Ms. Muldowney said, and because they are not able to express anger in a more constructive way. Girls often start bullying as early as preschool.

To address these problems, she said, boys should be given empathy training, while girls would benefit from anger management.

The traditional hot-spots of bullying are the bus, lunch, playground, and hallways, where there is little adult supervision, she said.

Ms. Muldowney said the Internet is another place where kids do not have supervision and for that reason cyber-bullying takes place there all the time.

Adults often misunderstand cyber-bullying as less serious than traditional bullying, but Ms. Muldowney warned that with cyber-bullying it is “a lot easier for kids to get hurt.”

In the most extreme example of cyber-bullying Ms. Muldowney told the story of Ryan Halligan, a 13-year-old boy from Vermont, who killed himself in 2003 after a girl pretended to be interested in him online, and then embarrassed him in the lunch room and called him names.

Ryan was also the victim of real world bullying, and did not have the social skills to tell when kids were making fun of him.

Parents who respond to reports of cyber-bullying with the boiler-plate response, “Don’t worry about it,” are missing the point. Youngsters today are what she calls “digital natives.” They

have grown up with computers, cellphones and the Internet and see their Facebook or MySpace pages as extensions of themselves.

Cyber-bullies make fake pages for their victims with unflattering personal information, send a nasty comment to someone via instant message, or post an insult on their Facebook page. The relative anonymity of the Internet empowers cyber-bullies.

Some adults in Tuesday’s audience were confused by the topic

Another source of information about bullying is 101 Facts about Bullying: What Everyone Should Know, by Meline Kevorkian and East Falmouth author Robin D’Antona. It is available online and at Barnes & Noble bookstores.

of instant messaging, and Ms. Muldowney explained instant messaging and texting are the primary ways kids communicate.

Adults often mistake instant messages for e-mail, but they are not the same thing. Kids tell her, “Accountants e-mail. I don’t e-mail.”

An audience member asked, “Where does conscience come into all of this?”

Ms. Muldowney said that part of the challenge is convincing kids that what they are doing is hurtful, but she said people can change.

Janet R. Brady of Luciano Botelho Way, East Falmouth, one of the VIPS mentors and a retired biology teacher, said she was confused about how Facebook worked, so she had her daughter explain it to her. Most of what is happening now is related to computers, she said, and understanding the technology is a challenge for a lot of adults.

In her experience, youngsters often think that adults are monitoring situations carefully, but oftentimes adults have no idea what is really going on.

Ms. Brady said, “We have to monitor kids, and we have to expect kids to make mistakes.” Owing up to those mistakes is what is important, she said, “Hopefully, we can protect our children.”

More information about bullying is available at www.marccenter.org.