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COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

ANNUAL TOWN MEETING

Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR: David T. Vieira

Tuesday, November 9, 2004
7:00 p.m.

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PROCEEDINGS

THE MODERATOR: I remind all Town Meeting Members to identify yourselves by name and precinct each time we speak for the record. In order to convene this meeting, we need to establish a quorum. Would all Town Meeting Members please rise and the tellers will return a quorum count.

[Pause.]

THE MODERATOR: Division three, Mr. Hampson.

MR. HAMPSON: 54.

THE MODERATOR: 54.

Division one, Mrs. Tashiro.

MRS. TASHIRO: 55.

THE MODERATOR: 55.

Division two, Mr. Dufresne.

MR. DUFRESNE: 94.

THE MODERATOR: 94. By a counted vote of 203 we have a quorum and I call the Annual Town Meeting back to order.

At this time, will all Town Meeting Members please rise for the presentation of the colors by Boy Scout Troop 42.

[Colors presented. Pledge of Allegiance taken.]

THE MODERATOR: At this time, we'll have the invocation by Tom McManamon from Precinct 2.

MR. MCMANAMON: Fellow Town Meeting Members, as we gather together to make our choices for our town, our neighbors, our homes, our resources and our world, may we be people of peace, justice and charity. May we continue to respect each other's opinions in all matters. May our voices be those of concern, and may each of us remember that all of us, no matter where we live or work, are the Almighty's creation and strive never to forget that fact. May all our thoughts and words tonight be testament to this. Amen.

THE MODERATOR: At this point I'd like to have a moment of silence in honor of all of our soldiers, men and women overseas. Veteran's Day is coming up and it's fitting that we remember them this evening.

[Moment of Silence.]

THE MODERATOR: Colors post. Scouts from Troop 42.

[Applause.]

THE MODERATOR: None of them have their Citizenship in the Community merit badge, so they all have a copy of the town report and they'll be joining us for a little while this evening so that they can complete their Citizenship in the Community merit badge.

I'd like to thank all Town Meeting Members who brought in items or goods for the Falmouth Service Center. I want to thank Margo McElroy for her announcement last night. And don't forget that you can still drop items off over at the Service Center.

Mr. Hampson.

MR. HAMPSON: Mr. Moderator, you're probably going to hate me for this, but a lot

of people are wondering where you have been for the last month and in front of Town Meeting and the T.V. cameras I'd like to commend you for what you did for FEMA, our friends down south, Florida, and I understand Georgia. The story is yet to be told. But I think it's a great thing for you to do that and I know it takes an awful lot of effort, and thank you very much.

THE MODERATOR: Thank you, George.

[Applause.]

THE MODERATOR: It was an honor and a privilege to be able to go down and help the folks in the State of Georgia. We closed that operation Saturday morning and I flew back Saturday night in time for Town Meeting. So, it's good to be back. A little cold up here, but it's good to be back.

Okay, let's get back into the warrant. We completed last night on Article 25.

CHAIRMAN MUSTAFA: Mr. Moderator.

THE MODERATOR: Mr. Mustafa.

CHAIRMAN MUSTAFA: Mr. Moderator, I move reconsideration of Article 25 with some new ideas.

THE MODERATOR: Okay, we have a motion to reconsider Article 25. This was the purchase of Odd Fellows Hall. You all might remember that my threshold for reconsideration is there must be something new, new information available that wasn't available at the time that we had the initial vote. And Mr. Mustafa has told me that they have some new funding concepts that they would like to present to Town Meeting.

So, the question will come as a majority vote whether or not to reconsider Article 25, the purchase of Odd Fellows Hall. All those in favor of reconsideration, signify by saying, "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No".

[No.]

THE MODERATOR: It's the opinion of the chair that the Ayes have it by a majority and we will reconsider Article 25. Mr. Mustafa.

CHAIRMAN MUSTAFA: Mr. Moderator, at this time I'd like to have Mr. Boyer get up and talk on this.

MR. BOYER: Mr. Moderator, Peter Boyer, Precinct 5. After last night and reflecting on my own opinions about the future of the Odd Fellows Hall, I believe that there really has not been much of a case made for public use of that space. But I also believe that there is a good rationale for attempting to save that building. And the way that I believe it can be done if Town Meeting were to choose at this time and in the future, would be to vote the motion as proposed, as read last night, but in fact – I don't know when the closing is. I'm sure within a month or two. Just do a short term borrowing of that amount and then in the fall of 2005, Town Meeting would then have the request before them to vote to use the historic preservation segment of Community Preservation Act funding for the purpose of financing the final acquisition of the parcel.

Above and beyond that, I believe that a case can well be made for subsequent placing of a historic preservation restriction on the parcel and selling it. Because I, as much as any of you, watched our difficulties with the renovation of the Poor House – the Ed Marks House, sorry. You're welcome. And I think that is a proposition that I personally would have difficulty with. But I think there are very likely to be potential development proposals that could be solicited by the Town for the sale of that parcel with a historic preservation restriction on it and a very good private use of that structure that does preserve it.

That's the extent of my view and opinion about an alternative way of thinking about the Odd Fellows Hall, thank you.

THE MODERATOR: Mr. Mustafa?

CHAIRMAN MUSTAFA: I believe at this time Dr. Antonucci has something.

THE MODERATOR: Dr. Antonucci.

DR. ANTONUCCI: Bob Antonucci, Precinct 6. I, too, last night after leaving Town Meeting looked at the article. Initially, I was opposed and thought that Town Meeting should be opposed to buying that structure. One, because of the renovations which would be necessary to make it a building. But, if you look at the slides up there, now you see a lot of the old buildings in town;

some are still here, some aren't. I think as we looked at that piece of property we probably didn't give enough thought to preserving it. I see this as a preservation article and I would strongly ask Town Meeting tonight to support the purchase of this building.

I think we need to separate the purchase of the building and the renovations, just as Mr. Boyer said. What is before us tonight is to buy the property. What we do with it later on should come back to Town Meeting. If we don't do this now, I think we're losing an opportunity. I had the opportunity to head the capital campaign for the 300 Committee and looked at land across this town that people said we should have bought. We've always had a reputation of buying good property. I went back down to Town Hall today and looked at it again. It's probably a house that I wouldn't want to live in, but I want to tell you I think it's very valuable where it is. And, for \$336,000, I think the investment in the future is well worth it.

I'm not committed at this point and don't think we should be committed at this point to estimating what it would cost to renovate it or to sell it with a historical preservation connotation on the property itself. But I think if we miss the opportunity, we're missing something that we'll be sorry in the next two or three years.

So I would suggest tonight and strongly recommend that we do it. The new information, I think a lot of us were caught off guard last night. We need a two-thirds vote; that didn't happen last night, we had a majority vote. So I would ask you as you vote tonight to really think about preserving – and it's really preservation of this facility for the future of the town. Not to commit yourself to spending two or three million dollars on renovations; I think that's step two, and we'll have to debate that when it comes back to Town Meeting.

So, once again, please give it some thought, please give it some consideration and vote Yes on this article tonight. Thank you very much.

THE MODERATOR: Mr. Freeman and then Ms. Jones.

MR. FREEMAN: With all due respect to you, Dr. Antonucci, I have a problem with this, and the problem that I have with this is very simple. Two things come to my mind in projects that we have. First of all, back in September, it was announced by the Town Administrator that

because of budget shortfalls and such a lot of capital projects have to be bypassed at this town meeting.

Two things come to mind. Town Meeting approved – I don't use names, most people know what I'm talking about – a \$14 million project that was put before Town Meeting which was approved. At the very next Town Meeting, they found out, or we found out, that they were short a half a million dollars because they didn't consider having enough funds for furniture and fixtures. The current thing right now with regard to the Eddie Marks, Jr. house is that we approved it. We approved everything, it was named after Eddie, and we now find out that in order to really finish this, we need to put up another 16 or 17,000 dollars. This seems to go on too often and I'm concerned that by buying this without a plan that there's no way that I would consider, or reconsider this and my vote yesterday would be the same as today. Thank you.

THE MODERATOR: Ms. Jones and then Mr. Latimer.

MS. JONES: I would also like to urge that we purchase Old Fellows Hall for the following reasons. It is my understanding the Old Fellows Hall is sturdy enough to hold books, and I would therefore recommend that it be used as a temporary home for one of the library departments during its upcoming renovations. For instance, either the Reference Department or the Circulation Department for current books. This would be similar to the temporary use of the Woods Hole School when the Woods Hole Library was going through its renovation. Such a move would avoid renting expensive commercial space which would probably cost, and I've been told today that it will cost much more than the cost of Old Fellows Hall. Old Fellows Hall, excuse me.

At the same time, this wonderful historical building would provide library services at a very convenient location. Please do not let this building, which has been part of Falmouth since before the Civil War, be abandoned. One of the reasons that Falmouth is nice and attracts so many tourists is that we have buildings that are genuinely old and have a real history. Anybody can have copies. Thank you.

THE MODERATOR: Mr. Latimer and then Ms. Perry.

MR. LATIMER: Richard Latimer, Precinct 2. The – as Bob Antonucci said before

me, let's not mix up our apples and oranges, here. We're talking about acquiring property to preserve it. We're not talking about costs of development. Similarly, when Mr. Freeman says that, "Well, we can't afford certain capital expenditures because we can't raise the money," he's mixing up apples and oranges, too.

Yeah, we are under constraints for the money that we raise as revenue through our taxes. However, the money, as Peter Boyer pointed out, base money for the purchase of this property, will come through the Community Preservation Act. Yeah, we will need on the short term, as Mr. Boyer said, a loan for one year. We can come back next year when we have to spend ten percent of our Community Preservation matching money, we have to spend it on historic preservation, and this is the way to spend it.

So, it's not like Mr. Freeman says that this is going to come out of money that would otherwise be available for capital needs. It just isn't. That's apples and oranges, too.

Remember that this property is in Business 1 zone. That means – and it has no protection right now. We can give it that protection by acquiring it, putting the protection on it, and then, as Mr. Boyer says, selling it to somebody who wants to develop it in a manner consistent with its historic aspect. But if we don't do it, nobody else is going to do it. Andy Dufresne said, "Oh, there's a fellow in East Falmouth that bought a building and he might save it." Yeah. He can't guarantee that. There's no guarantee. I can almost guarantee you that somebody's going to come in there, tear the building down, and put in, you know, an adequate-looking modern structure, and we lose as a community. But we can guarantee that that doesn't happen by buying this, short-term financing, putting restriction on it, and then selling it at virtually no real economic cost to this town, and certainly not any cost that's going to take away from other programs. Thank you.

THE MODERATOR: Ms. Perry.

MS. PERRY: Good evening, thank you, Mr. Moderator. Jane F. Perry, Precinct 8. As last night, I stand again and speak in favor of this article for the following reasons. First of all, it's on public transportation. We have to look at places that are on public transportation and hopefully eliminate the traffic congestion that we have in this town.

This building has housed other organizations along with the members of the Odd Fellows.

The other thing, too, as a former library trustee, I thank Mrs. Jones for bringing that up, because as we looked through many libraries across the state that are doing renovations of within the same footprint, that we are going to be doing, that they need a place to house those books. Those are our future of our children and the first thing that they need to do before they get an education is learn how to read. So, I'm asking you to please save this because not only with the controversy that we have with Highfield Hall, obtaining Highfield Hall and also the Edward J. Marks home, that was a big controversy, but look what's happened years later.

Please support this article and vote in favor of it. And then let's go forward and find the funding to renovate it. Yes, it's not handicapped accessible. Just like any other two story building, making it up to code is expensive. Let's to this and let's do it for the best of our town. Thank you very much.

THE MODERATOR: Mr. Dufresne. Mr. Freeman, you're on my list.

MR. DUFRESNE: It's always tough to follow Bob Antonucci. If he ever gives up the educational business and goes into refrigeration, he could probably sell them up there in Alaska.

I'm speaking as a member of the Finance Committee. We just heard a previous speaker talk about the possible use as a temporary library. Well, first of all, you're going to buy it for \$330,000 and in order to make it a functional building even for a temporary use as a library, I guarantee you you can't move into that building and use it as a public facility. It's physically impossible.

The Finance Committee is I think unanimous, but I'm not going to speak for the rest of them. We've taken a hard stand because we were privy to some very important information by Mr. Whritenour, our noble administrator, who about one month ago preached to us the gloom and doom that we will be facing in the April Town Meeting. And possibly for the next couple of years. We have a shortfall of funds. We're in the process, as Mr. Vieira outlined last night, of fixing a multitude of municipal buildings at some very, very expensive cost to the Town of Falmouth. We haven't even

gotten into the sewerage of East Falmouth, which is one of our critical environmental issues.

To buy this building with no known municipal function is in my opinion – one vote – the wrong thing to do at this particular time. The idea that somebody is going to come in and knock it down and put up a Burger King, as Mr. Latimer kind of reflected is a possibility, I don't believe is going to happen. I think the building is a hell of a deal for anybody who wants to use it for say an office complex or whatever purpose in private industry. Town Hall right now is loaded with lawyers and all kind of other professional people and I'm sure one of them will buy that building and keep it in its original state.

Again, I would ask if it wouldn't be out of line could Mr. Whritenour give a brief outline of the financial report that he gave to the Finance Committee approximately a month ago so that Town Meeting would have the same financial information that we, the Finance Committee, was privy to a month ago? And I guarantee you it doesn't look good for the next couple of years.

MR. WHRITENOUR: I mean, is that a question?

THE MODERATOR: Do you want the floor or not, Mr. Whritenour? It's up to you.

MR. WHRITENOUR: I mean, I think I met with the Finance Committee for over an hour that evening, and –

MS. VALIELA: Point of order, Mr. Moderator.

THE MODERATOR: Yes, Ms. Valiela.

MS. VALIELA: I really think that that question sort of takes us off the topic that we're on tonight.

THE MODERATOR: Okay. I don't think Mr. Whritenour wants to –

MS. VALIELA: Okay.

M: – get into his hour-long presentation as well.

MS. VALIELA: And the funding mechanism that was proposed does not tap into the funds that Mr. Dufresne is concerned about.

THE MODERATOR: Okay. Mr. Herbst.

MR. HERBST: Ralph Herbst, Precinct 8. We're talking about purchasing land here

tonight, so I think it's very important to convince all of the Town Meeting Members that the town could use this piece of property in the near future for some town function. But if it couldn't, the town is also capable of selling property. Now, last night, Mr. Vieira positioned out more than a half a dozen properties that were sort of question marks here in the town as to what we were going to do with those. And with the demand on real estate today for all types of commercial property, I wouldn't have any problem at all with selling some properties that the Town had to finance this if we felt we could use it.

Today, after some dirt bikers went racing down my street, I'd like to sell the high school. But that's not possible.

[Laughter.]

MR. HERBST: Anyway, to me, to me, the fact that if this is a very special piece of property in a very special place, and if the Selectmen recommend that we purchase this, then I'm assuming that they have felt as though the Town could use the building in the near future. So I have no problem in purchasing this on a short-term basis and I highly recommend that we reconsider buying the property.

THE MODERATOR: Okay, gentleman on the left. Microphone to my left in the middle of the aisle.

MR. LEWIS: Thank you. Wayne Lewis, Precinct 7. If you recall last night we saw several slides on buildings that we already are in the process of restoring. And, as far as I know, none of them have been completed. We have other projects as well in this town that haven't been completed, like the high school, the library, Department of Public Works. To take on another project like this, I don't see how we can even dream of doing that. Thank you.

THE MODERATOR: Ms. Poole. Ms. Poole was next on my list. Everyone who's standing right now can sit down, you're on my list, so we don't confuse the microphone carriers. Ms. Flynn, I'll put you on the list as well.

MS. POOLE: Thank you. Diane Poole, Precinct 9. I was wondering if anyone that's present has any information about historical – grants for historical buildings, and if that might be a potential for a building like that. Is there anyone in the room that would have information on that?

[Pause.]

MS. POOLE: Well, if not, I don't see how the Town can possibly lose money, even if they buy it, when they could resell it. It doesn't seem like a losing proposition to me. Thank you.

THE MODERATOR: Ms. Robb.

MS. ROBB: Thank you, Alison Robb, Precinct 1. It's a dignified building. It enhances the ambience of Town Hall. I'd hate to see it replaced by Wendy's or Dunkin Donuts or something like that. It's beautiful, and we've been looking for added space for Town Hall offices. I know we got some several years ago, but there was always a talk about more space. So, it can be used by the Town in many ways. Funding could also be found by selling one of those properties that we don't know what to do with, as was just said, but that was on my agenda.

The Senior Center, which needs a lot of repair, could be sold, the whole property, to purchase this one, and then this one could be used by us, by the Town, or rented with a certain historical restriction on it that it not be whatever we don't want it to be.

But it certainly is on Town Hall Square and I think it should stay there in our hands, thank you.

THE MODERATOR: Mr. Netto. Microphone on the left.

MR. NETTO: Joe Netto, Precinct 9. There isn't a thing here that's been said tonight that everyone agrees with no matter which side of this issue, I think, or how you want to vote. We have a history of purchasing land and this is a purchase of land. And of course, it's downtown. So, if it's downtown, man, we have to do it. I don't know how quickly we'd all want to do this if the same building – I hope we'd have this enthusiasm – if this building was located in East Falmouth or North Falmouth or Waquoit. But if it's on Main Street, of course we have to do it.

But as I stand here, before I vote again, I'm going to ask you about your fiscal responsibility to the voters and taxpayers of this town. Because that, folks, on this issue here, is paramount. Of course this is a great buy, and it's in a great location. I would never spend this much money without knowing all the answers and we don't have all the answers tonight. Mr. Dufresne asked for a report – what I'd like to know is, what is the cost for us to put those books, as Mrs. Jones

wants to do, which is a great idea, in that building? Once it's a municipal building, there's codes that have to be followed.

The Selectmen just, a couple of weeks ago, raised fees. And they were very concerned, when I was speaking to one of them a month ago, about the fiscal condition of this town. "Joe, I don't know what we're going to do in the Spring Town Meeting." "Wait until you see how we're going to raise the fees at our next meeting." And I did. And here tonight, we're going to spend \$330,000 on a building. We don't know what it's going to cost at the end. And we have this doom and gloom on an April Town Meeting. And we have to ask ourselves: is it a good buy? Is it a good buy now? We would have been bankrupt – we saw slides up there of the Cape Codder, of all these old buildings – sure it would have been nice to preserve them. And the town would have been bankrupt.

Every one of us has to balance our own budget at home. There's a lot of things we'd like to have. You know, do we need the new car now or should we have the other one tuned up and fixed?

I'm going to vote against this. I've stood up here – I think this is the first time I've ever asked you not to spend money. I've always been an advocate of spending money. But I just retired from a town that went through some fiscal crisis, and I worked there for 35 years and you cut back and you cut back and you cut back, and then there's no more cuts to make, and then you start laying off people. And the last couple of years in the town I worked in, we saw people leave. And that's what happens when – you know, this would be great – and I'll end this now, but you have to ask yourself, "Sure that's a great building, sure it's" – I'll tell you what, if we don't buy this tonight, they're not going to tear it down tomorrow. That's not going to happen.

Is this the best way that we can spend the taxpayer's money? Because we're the ones who set the tax rate. Not the Selectmen. They write it up. But if you look at it, we're the ones who vote in April, in November, like we're doing now, we're the ones who set the tax rate by what we vote for. I think this sounds good, but not at this fiscal time. Thank you.

FROM THE FLOOR: Question, question.

THE MODERATOR: Mr. Latimer, then Mr. Murphy. You're on my list, Mr.

Freeman, you don't have to look at me like that. I told you you're on my list. Mr. Crocker, you're also on my list, and Mr. Lowell.

MR. LATIMER: Thank you, Mr. Moderator. There's a lot of people speaking against this who seem to want to complicate what is really a very simple proposition. Complicate it by talking about developing a property that we don't have to develop. Talking about costs that we don't have to incur. Talking about spending tax money that we aren't really going to have to spend for this. It's a very simple proposition.

We have voted for the Community Preservation Act. Hopefully, and I expect next year at this time we will have, according to Mr. Boyer's figures, and maybe he's wrong by \$20,000, and if he's wrong by \$20,000 we will have \$330,000 that we have to spend on historic preservation. Again, we have to spend that money on historic preservation and there it is: \$330,000. So, all this rhetoric about how poor we're going to be, we can't meet our capital needs, you know, it's irrelevant. The simple issue here is we're going to have the money next year, so let's buy it. Thank you.

THE MODERATOR: Mr. Murphy.

MR. MURPHY: Carey Murphy, Precinct 7. You know, I agree with most of the speakers this evening. What I don't agree with is that we really cannot pick and choose the time when we make these kind of purchases or these opportunities come before us. It was a unanimous vote of the Board of Selectmen to move this forward after a very comprehensive process. We looked at a lot of issues about what we could use that building for.

We looked at the condition of that building. That building is not the Poor House, it's not Highfield Hall. It has a lot of benefit. It has the location in a B-2 zone that we know that if we don't purchase it, someone may. And they could in fact – I know Andy Dufresne disagrees with me – could stress the parking and the usage of that Town Hall Square significantly.

Warren Buffet made a lot of money in this world by buying when things were low and things weren't good, and he's the second richest man in the world today.

This community really needs to take a hard look at the vote we made last night and I would strongly urge everybody to reconsider their vote, like you've offered to reconsider this debate

this evening, and vote for this. It was a unanimous vote and I know it was a unanimous vote of the Finance Committee. We didn't enter into this to spend people's money. We didn't enter this signing every, you know, money pit project this town has taken on. We see this as a tremendous opportunity for this community to make a difference around the core of our Town Hall. We will find a use for it. And, if we don't find a use for it, we really don't have to do anything with it and we can turn it around, make it – flip it over and make some money. And I think that's a very responsible thing to do.

This Board and the administration entered into this in a very responsible manner and we clearly have the integrity, the financial integrity of this town at heart. We didn't spend – we're not spending willy-nilly. We're not going out there and throwing things out at people and saying, "Try to buy this and try and buy that."

Five years from now, we can look back if we buy that and say, "I'm glad we did it" when the finances of this community and this region and this state are reversed. And I think we're going to miss a huge opportunity if we don't take it tonight. Thank you.

THE MODERATOR: Mr. Ferris.

MR. FERRIS: Paul Ferris Smith, Precinct 1. Put very briefly, this is the gem in the center of the town. I predict that if in ten years we'll look back and say, "What? We could have gotten it for \$300,000 and look what's happened to it," if it's inappropriately used and we lose control of it. Please, buy it.

THE MODERATOR: Mr. Dick. Microphone in the middle, here. And then Ms. Flynn.

MR. DICK: Henry Dick, Precinct 8, Mr. Moderator. I'm a newcomer to this town. I've only been here 30 years. I didn't get to see Town Hall. Not the Town Hall we have now, the Town Hall we had then. When that flashed up on the screen, I choked. If I were a tourist coming to this town, I'd walk down the street to see that building. It's not there anymore. If I were a tourist in this town I don't walk down the street to see the current Town Hall unless I'm going to buy a clam license. But I would walk down the street to look at that.

What we're looking at there is an economic resource. Protecting what is left of our

New England character, of our small town character, is an essential economic resource for this town. So, if we buy this tonight and we put an historic preservation easement on it, we have protected the economy of our town. This is a major tourist attraction and we don't have many of them left.

So, I urge you to consider this not as a purchase for town use, as office space or anything else, but as a purchase to protect our historic appearance and protect our tourist economy. Thank you very much.

THE MODERATOR: Ms. Flynn.

MS. FLYNN: Thank you, Mr. Moderator. Pat Flynn, Precinct 6. I don't have the same comfort level that Joe Netto has. Whoever may be in line to purchase the building tomorrow, if we don't purchase it tonight, would not tear it down. And frankly, I dread the alternative. Because if that were to happen, the next thing that would happen is the demolition delay bylaw would go into effect, and then over the next 90 days many people sitting here in this room tonight and many other citizens in the town will become engaged as they were when the demolition for Highfield Hall was filed with the Building Commissioner.

So, I agree with much of what has been said. This vote tonight is not about public use, it's not about how the Town can use the building in the future, it's really about historic preservation and preserving the historic assets we have for the future. Thank you.

THE MODERATOR: Ms. Taylor.

MS. TAYLOR: Others have spoken for me.

THE MODERATOR: Okay. Mr. Crocker.

MR. CROCKER: Thank you. Mr. Moderator, ladies and gentlemen, I've been a Town Meeting rep for 38 years. When I took the oath to be a Town Meeting rep, one of the things they tell you to have an open mind, and the open mind is for the taxpayers and for the people out there that live in Falmouth.

I lived in this town, I saw the town grow, and I know the old Lawrence High School, like this gentleman was saying, down in the culture of the town.

Looking at Town Hall Square from the main road, you look in there and you see the Odd Fellows building, it looks like a touch of New Hampshire. When I go up to New Hampshire to

my home up there, the people's telling me, "This is like Falmouth years ago." And we do have Falmouth people up there.

What I want to say is thank you to the Board of Selectmen for having an open mind on this, and for the townspeople. I was today a lot of people talked to me about this, and they're in favor of it.

I hope tonight that we purchase this property, hold it so nobody else takes it over and then later on do what we feel is agreeable to the rest of the town of Falmouth, thank you.

THE MODERATOR: Mr. Zmuda. And then Mr. Lowell.

MR. ZMUDA: Ed Zmuda, Precinct 3. I'd like to preface my remarks by saying that in the 30 years that I've been a Town Meeting Member – without giving away my age – I respect everything and every committee that's ever been appointed to this town. And the Finance Committee has done a fantastic job. I've gone along with everything they've ever said. I don't know what the agenda is right now, but the fiscal responsibility of \$300,000 is pale compared to the \$300,000 we paid for a little lot going into Ter Huen Drive at the Hospital lights. It pales to the 12 million some-odd thousand dollars we paid for a reconstruction and refurbishing of a 1930's Depression-era school on Main Street, never mind the millions and millions of dollars we're spending on the high school that hasn't even been started yet. Had we built a new one – voted to build a new one, it probably would have been half done by now. Never mind disturbing the children for four years or five years. What is the problem with \$300,000? It's going to be paid for next year with this bond. Thank you very much.

THE MODERATOR: Mr. Lowell.

FROM THE FLOOR: Question.

THE MODERATOR: We've got a couple more and then we'll be ready to take the question.

MR. LOWELL: Nick Lowell, Precinct 5. Mr. Moderator, we had a lot of debate about this last night and we've had quite a bit of debate about it tonight, and I'd like to move to end debate and vote the question.

THE MODERATOR: Okay, the question will come on moving the previous question. This requires a two-thirds vote. All those in favor of moving the previous –

MR. FREEMAN: Mr. Moderator, you called on me twice and then you said –

THE MODERATOR: No, you're on my list, and I have a motion to move the previous question, so we'll vote on that. It requires a two-thirds. If the motion to move the previous question does not pass then we'll go back to my list, and I've got five people left on my list right now.

All those in favor of moving the previous question that's ending debate, signify by saying "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[No.]

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

The question will now come on the main motion. This is Article 25, purchase of Odd Fellows Hall for the sum of \$331,650 and to authorize the treasurer with the approval fo the Board of Selectmen to borrow said sum under Chapter 44, Section 7(3) of the General Laws. All those in favor of Article 25, signify by saying, "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No".

[No.]

THE MODERATOR: It's the opinion of the chair that the Ayes have it by a two-thirds

–

FROM THE FLOOR: Challenge.

THE MODERATOR: Is there a challenge? Being a challenge to the Chair, all those in favor signify by standing and the tellers will return a count.

[Pause.]

THE MODERATOR: Division one, Mrs. Tashiro.

MRS. TASHIRO: 25.

THE MODERATOR: 25.

Division two, Mr. Dufresne.

MR. DUFRESNE: 73.

THE MODERATOR: 73.

Division three.

MR. HAMPSON: 44.

THE MODERATOR: 44.

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

[Pause.]

THE MODERATOR: Mr. Dufresne?

MR. DUFRESNE: 17.

THE MODERATOR: 17.

Division one.

MRS. TASHIRO: 29.

THE MODERATOR: 29.

Division three.

MR. HAMPSON: 14.

THE MODERATOR: 14. By a counted vote of 142 in favor and 60 opposed, the necessary two-thirds passes; Article 25 passes.

[Applause.]

CHAIRMAN MUSTAFA: Mr. Moderator.

THE MODERATOR: Mr. Mustafa.

CHAIRMAN MUSTAFA: Through you I would like to thank the Town Meeting Members at this time.

THE MODERATOR: Okay. Article 27. Article 27, to see if the Town will vote to authorize the Board of Selectmen to let or lease for a period of more than ten years the right to erect cellular telecommunications equipment on the Town's water towers at Falmouth Technology Park and

Hayway Road. Mr. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MUSTAFA: I move it as printed.

THE MODERATOR: As printed. Ms. McElroy held this article. Microphone down here to my left, please.

MS. MCELROY: Through you, Mr. Moderator, I'd like to ask I guess Mr. Whritenour, it being something of a financial question, why would we want to have a lease greater than ten years because usually if I'm looking for a deal on something I try to get a longer term. So, I would think if we issued a shorter lease, we'd be able to have them renew it for a higher price, say in five years. It would seem like it would be more to the Town's financial advantage to have a shorter term lease, and maybe Mr. Whritenour can shed some light on that.

THE MODERATOR: Or Ms Harper?

MS. HARPER: Yes.

THE MODERATOR: Okay, Ms. Harper.

MS. HARPER: Actually, the reverse is true in the case of this type of public infrastructure. The longer – I don't know if you all can hear me. The longer the term available to the company to make the capital investment in the infrastructure, the greater the return to the Town in terms of the annual payment. So the longer term does give more opportunity to the Town.

THE MODERATOR: Okay, further discussion on Article 27? Mr. Duffany?

MR. DUFFANY: Thank you, Mr. Moderator. Michael Duffany, Precinct 6. My question is that by putting these on the towers, will it force us to – or will we have to put lights on them so that for aviation purposes or air traffic purposes and so forth? Because there's a big concern when the towers went up in the beginning that the towers alone would trigger that, and I know it to be a concern to people if they come into town or if you're trying to sleep at night and you've got red lights flashing on these towers to warn traffic of the antennas. I don't know how tall they are or so forth, but could somebody answer that for me, please?

THE MODERATOR: Ms. Harper.

MS. HARPER: I think it would depend on the proposal of the utility company and

currently the request for proposals ask for a detailed proposal from any of the utilities regarding the aesthetic issues surrounding the tanks. So that's something that would be part of any proposal.

THE MODERATOR: Okay, further discussion? Mr. Nidositko.

MR. NIDOSITKO: Yes. Jim Nidositko, Precinct 2. What sort of monies will this article generate for the town? It's my understanding that these utilities pay several thousand dollars a year or whatever the lease stipulates.

MS. HARPER: Depending on the term, they could generate anywhere from 15 to \$23,000 based on regional experience. But it would really depend on the actual proposal. Anywhere from 15 to \$23,000 annually. Per location.

THE MODERATOR: Okay. Further discussion on Article 27? Someone has their hand up that I don't see? Oh, okay, Virginia Gregg.

MS. GREGG: Virginia Gregg, Precinct 1. I just have a question. Do these towers interfere with radio or television reception? I know that my car radio always goes crazy when I drive on Thomas Landers Road near those towers that are there. Would this interfere with reception in houses near these water towers?

THE MODERATOR: Ms. Harper.

MS. HARPER: The proposers have to describe how they would mitigate the impacts on the neighborhood, including reception.

THE MODERATOR: Just so you know, Boston University Radio has a transmitter on Thomas Landers Road, too, and that's what usually causes problem with me. Not to answer this question, but there is a transmitter on that road that causes interference coming over the hill.

Any further discussion on Article 27? Mr. Ayres.

MR. AYRES: I'd just like to make a statement – Dean Ayres, Precinct 7 – that I'm not 100 percent convinced that cellular telecommunications towers are not dangerous to human health. There have been a number of studies on this and I don't think the chickens have come home to roost as far as what this can do to brain waves, et cetera, et cetera. I'd vote against it just because I'm fearful of the health effects.

THE MODERATOR: Further discussion on Article 27? Hearing none, the question will then come on the main motion, Article 27 as printed. All those in favor, signify by saying "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No".

[No.]

THE MODERATOR: The Ayes have it by a majority.

Article 29, update the goals and policies of the Local Comprehensive Plan. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MUSTAFA: I move Article 29 as printed.

THE MODERATOR: Okay, as printed. Is there discussion on Article 29? Mr. Whritenour. Or, Mr. Mustafa.

MR. MUSTAFA: Excuse me, Mr. Moderator. There will be two inserts.

THE MODERATOR: That's what I thought.

MR. MUSTAFA: Element 4.2: Solid and Hazardous Waste Management. Element 4.4: Energy. And these are the two exceptions that we would like to put in there – to remove those two. The explanation is the Local Planning Committee has the monumental task of lending and guiding the many volunteers of the several town committees that are a part of the Local Comprehensive Plan. The Solid and Hazardous Waste Committee and the Energy Committee need to meet with the Local Planning Committee and will be ready for the Spring, 2005 Town Meeting.

THE MODERATOR: Okay. The main motion is as printed with the removal of Sections 4.2 and 4.4 so that the committees will have a chance to meet and bring something back to a future meeting. Any further discussion on Article 29?

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

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 30 is our capital budget. Madame Chairman for the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I move Article 30 as recommended, at the end of the green pages in your warrant booklet.

THE MODERATOR: Okay, as recommended. This would be the Finance Committee recommendation of \$1,970,984; that is the main motion. What we'll do is we'll go through this line item by line item. Would you like to make a presentation first, Mr. Whritenour and then we'll go through it?

MR. WHRITENOUR: Yes, if people would like, I could give a brief overview of the capital planning process –

THE MODERATOR: Let's do that.

MR. WHRITENOUR: — some of the financial issues that were mentioned.

Good evening, ladies and gentlemen, I thought it would be easier if I came down here. I want to apologize, I'm losing my voice. Don't anybody clap.

FROM THE FLOOR: Can't hear you.

MR. WHRITENOUR: I said, "Don't anyone clap, I'm losing my voice."

[Applause and laughter.]

MR. WHRITENOUR: I'll try to be brief. If I can get my voice.

So, a lot of the discussion this evening about the capital planning process, what the implications are on the town's finances, I didn't think it was appropriate to launch into a major overview during the Odd Fellows discussion. That purchase was structured specifically not to compete with the various operating departments and take money from education and the layoffs and things of that nature. But I think it's more germane for an overall discussion of the capital planning process and where we stand in terms of that. And perhaps we can move to the next slide and just to give you a little bit of an overview –

FROM THE FLOOR: Could you move the microphone –

THE MODERATOR: Would it be easier to use a cordless mic? Would a cordless mic be easier for you or?

MR. WHRITENOUR: Yeah, do we have one?

THE MODERATOR: Sometimes those stationary mics are difficult when you're trying to use the PowerPoint.

MR. WHRITENOUR: The key thing that I want to make sure everyone is aware that – oh, this is not going well. The cap -- [Losing his voice]. I'll get it, I'll get it. [Coughing.] Anyone who knows me know that my voice never goes.

But it is a six year program. And the capital budget is the first year only. Each year we update it and the later years are not approved until they're voted. [Coughing.]

Also – [loses his voice.]

FROM THE FLOOR: Heather, Heather.

MR. WHRITENOUR: Give me one of my candies.

THE MODERATOR: You're all choked up; I don't know if that's good or bad.

MR. WHRITENOUR: We might be doing that. The key thing also – [loses his voice].

[Ms. Harper comes up to the microphone.]

MS. HARPER: But if he gets his voice back, he will follow-up and make sure that I'm not making any mistakes here and I don't have any training here, tonight, but I certainly have experienced the capital plan over the last several years, and particularly worked very hard on this plan over the last several months.

The Capital Improvement Plan is really a ten-year plan to take a look at all the capital infrastructure plans, working with all of the departments to provide all of the major projects that they're looking at, as well as some of the shorter-term projects that fall within the range of over \$20,000, projects that exceed \$20,000.

The CIP is quite a comprehensive look, and this year you're welcome to come into Town Hall. I've got a copy of the CIP here. It takes a look at the entire debt structure of all existing debt for all of the projects that Joe Netto was talking about earlier, all the projects that are on the books that have an impact on our ability to take on future projects. And it goes back to the concept of that

window of opportunity to take a look at projects that are coming off the debt rolls and creating opportunities for us to plug in some of the newer projects, like the Senior Center and where some of those shorter-term projects might be able to squeeze into the debt structure.

The major challenges of this year are clearly in the limited free cash. We need to track that very closely. In the free cash receipts this year, we received less than we earned in the previous fiscal year. We've got a free cash level that is about \$4 million less than our peak year, which was about three years ago. So we are looking at a very strong declining free cash level. Things look optimistic this year based on our first quarter projections, but we really need to watch that very closely.

Debt levels are increasing in short term as a result of new projects coming on line. Those projects include the fire station, some of those – the school projects coming on line this year and the next few years that squeeze our ability to fund some of the projects that we're looking at like the senior center and the library which will have an impact on the tax rate. We'll be looking at debt exclusions for most of those projects, perhaps with some short term opportunities to squeeze projects in.

Do we have another slide?

Funds restricted due to the decrease in free cash, we talked about that a little bit. Use of a balanced approach to limit spending and employ other revenues. We're looking at some other revenue sources in this town meeting, and you'll see it on a variety of articles that we have that we're using that rainy day fund, the Stabilization Fund, which we made a commitment to fund every year in the Operating Budget, to help in the case of a rainy day. And the day has come. So we're looking at several – at least one article where we're using the Stabilization Fund. That does not meet the levels that we've been hoping to reach in terms of our goals for the Stabilization Fund, but in order to fund those long-range capital plan projects that if they aren't done this year and not done next year, the costs associated with doing those projects and carrying them out in future years will actually be more on the community. So, it does make sense to continue to support a capital financing effort to fund those short-term and long-range projects.

I missed something on the last bullet, I think. You'll also see some other creative uses of funds. The Stabilization Fund. Overlay surplus. We went back to the Board of Assessors, asked them to research what we have available in overlay surplus over the many years back to the '80's. I asked them to allow us to use that overlay surplus to support this year's capital plan so that we don't continue to dig into those limited free cash. The nitrogen mitigation money, that it's an unusual opportunity for the town to use those AFCEE funds to offset nutrient impacts in those watersheds impacted by nitrogen from the MMR. And those are two projects that you'll be asked to look at this evening.

And then this is just our revenue and expenses sheet, which is in our capital plan, taking a look at all of the variety of projects from the Public Works Garage to any of the rolling stock on the ground, taking a look at the replacement of vehicles -- and, just like everyone does, you take a look, does it make sense to continue to repair and buy the equipment that it needs to repair those vehicles or should we trade them in and purchase a new vehicle to make sure that we can respond to the needs of the community. Each of those items on there we've got those planned out over a five year period from Fiscal '05 -- six year period from Fiscal '05 to Fiscal 10. So, if you've got any questions, I can try and answer them. And I hope this was a quick and dirty look. And, any questions. Thank you.

[Applause.]

THE MODERATOR: Thank you. Any questions in general on the capital budget process or concept before we go into the line items? Mr. Duffany.

MR. DUFFANY: Thank you, Mr. Moderator, Michael Duffany, Precinct 6. Could it be explained to us by either the Chairman of the Finance Committee or by Heather why we continuously find ourselves to be in this tight situation? I think that anyone that's a taxpayer will say that their taxes certainly have kept up with the growth and the restraints that the town has practiced for the 30 years that I have been involved with this process. We've never been a real spend, spend, spend community with -- you know, we had the Land Bank that's helped us offset some of the costs of some of our spending. But there are other reasons and I just think it would be helpful to people to understand.

I think we're all feeling, you know, "What are we doing wrong?" And I don't think

we're doing anything wrong and I think it would help us all to understand. It is the state of the economy and the state of Massachusetts for the last couple of years? You know, where is it going to go from here? Thank you.

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: I want to see if I can talk for just a second here. Heather did a great job with this. I mean, I've been following this so closely, it's like I want to jump out at you, you know, because – but I can't talk well. But you know there have been a number of economic factors that have come together that have hurt the ability of all of the towns in our region to fund services.

Falmouth is in extremely good financial shape, and I think it's just a matter at this point of having the economy turn around, and really that's about as simple as it is at this point. With the economic slowdown, local receipts have been down. State aid has decreased by over 2 million over the last three years; that's coming up now. In addition to that, the Free Cash is down. It's just more of an economic cyclical pattern, really.

THE MODERATOR: Okay. Any further comments in general on the capital process? Ms. LeMoine.

CHAIRMAN LEMOINE: I feel obligated to explain to Town Meeting that this was a really tough Town Meeting for the Finance Committee to prepare for. We are guesstimating right now, based on the Administrator's estimates of the numbers and the revenues that will come in, that the Fiscal Year '06 budget, if everything is funded according to how it was funded last year, when we start to put the budget together, we're going to be approximately \$800,000 in the hole and looking to make cuts. Or, the plan right now stands at using another \$500,000 from the Stabilization Fund. And we approximately figure that we'll come up with 300,000 either in additional state aid or from other sources. But those other sources are not guaranteed at this time.

That was what the Finance Committee faced in terms of our conversations with the Administrator and it was also presented to the Selectmen way back in September.

With that in mind, the Finance Committee approached the department heads as they went out and asked not just with respect to what's on this capital budget in Article 30 in front of you,

but with respect to every article in this warrant that involves money. The subcommittees asked the department heads, "Can this expense wait one year? Can the project be delayed approximately one year?" Some of the department heads said, "Absolutely not" and some of them said it wasn't going to be done until summer anyway, so in April you'll have a better handle on how things are going.

To our administrator's credit, many of the department heads' budgets for this capital improvement plan had already been sliced and diced, as they would refer to it, to a level that they considered they couldn't operate doing their daily – performing their daily tasks without the amounts we recommended here. But that's what we were faced with.

We're looking seriously at an \$800,000 projected shortfall for the Fiscal Year 2006 budget which we will not be voting on as Town Meeting Members until April. We're going to all start working on it probably in the next couple of weeks, the department heads and the Finance Committee and the Selectmen, to find those additional sources that we need to make up the \$300,000 that we think we can make up. The other \$500,000, as I already said, is projected to come from the Stabilization Fund. Which will reduce the Stabilization Fund.

Assuming you vote everything we've recommended tonight in this warrant, it will reduce the Stabilization fund after April Town Meeting to one-half of its present level. Which doesn't leave much, if anything, for a rainy day. And if our projections are off at all, it'll be worse.

With that said, does anyone have any questions for me?

THE MODERATOR: Okay, questions on the capital budget process? Okay, hearing none, let's get into the capital budget. Number one, Road Maintenance. Major resurfacing of Town roads including drainage.

Number two, Sidewalks. Construction and upgrade of town wide sidewalk system.

Number three, Bridge Maintenance. Provides for emergency repairs and maintenance to town owned bridges.

Number four, Vehicles & Equipment. Highway Division, Water Division and Sewer Division.

Number five, Coastal Drainage. Funds the Coastal Drainage Program to mitigate

runoff from the Town's roads into coastal ponds.

Number six, The National Pollution Discharge Elimination System.

Number seven, Building Maintenance. Number eight, Poor House/Lawrence Academy. Exterior repair and paint on the Poor House, purchase of windows and clapboard for Lawrence Academy.

Utilities Division for Water, number nine. Utility mains, Routine maintenance and upgrades of water and sewer lines.

Number ten, Meters. Replacing old meters that do not register properly which results in revenue loss.

MR. PINTO: Mr. Moderator.

THE MODERATOR: Yes, microphone.

MR. PINTO: Greg Pinto, Precinct 9. I'd like to know if anyone can tell me about how much a parking meter costs.

THE MODERATOR: These are water meters, utility meters.

MR. PINTO: All right. My apologies.

THE MODERATOR: Yes, we'll get there later.

Number 11, Fixtures/Conservation kits. Funding is left from the last two Capital budgets, so the recommendation is zero on that.

Utilities Division-Wastewater. Disposal system repair. The second year of a five year program to replace aluminum irrigation with polyethylene.

Collection system repair. A study of force mains identified several isolation valves that need replacement. Waterproof coating to manholes will be done.

Under Assessors, number 14, Revaluation. Under Police Department, 15 cruisers. The old cruisers will be auctioned when replaced.

Under Fire Department, 16, Deputy Chief vehicle. Number 17, Mechanic vehicle with a plow. Number 18, Ambulance.

Under Information Technology, IT PC Upgrades. IT Printer Upgrades. IT

Networking. Police MDT Upgrade.

Under Geographic Information System. Plain metric update/flyover.

Under Town Clerk: Archiving.

Under the Recreation Department: Facilities maintenance.

Under Natural Resources: Land Management. A 4x4 Truck, number 27.

Under School Department, number 28, Facilities Maintenance.

Harbormaster, number 29, Electronics and radios.

Any further discussion on Article 30, the Capital budget as recommended by the Finance Committee? Hearing none, the question will come on the main motion. All those in favor, signify by saying, "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it and I declare a two-thirds majority; this is unanimous.

Because we transferred a half a million dollars from the Stabilization Fund, this required a two-thirds majority vote tonight. In some cases, we don't need a two-thirds if we don't make that transfer.

Article 31, to see if the Town will vote to appropriate \$575,000 from the sewer aeration system project account for the removal and disposal of sludge from the wastewater aeration lagoons at the Town's Wastewater Treatment Facility. Madame Chairman for the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I move Article 31 as recommended.

THE MODERATOR: As recommended. Mr. Hampson held this.

MR. HAMPSON: I'll release the hold on 31. I'm interested in the next one.

THE MODERATOR: Okay. Any further discussion on Article 31? Hearing none, the question will come on the main motion. All those in favor, signify by saying, "Aye".

[Aye.,]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 32, to see if the Town will vote to appropriate a sum of \$575,000 from the Nutrient Management Fund provided by the United States Air Force Center for Environmental Excellence for the preparation of a Comprehensive Wastewater Nutrient Management Plan. Madame Chairman for the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I move Article 32 as recommended.

THE MODERATOR: As recommended. Mr. Hampson.

MR. HAMPSON: George Hampson, Precinct 5. Being involved with our original wastewater treatment facility that we presently have, I find it very important for Town Meeting Members and the general audience to keep track of our wastewater upgrade and there are certain groups that have the occasion to have this presented to them, but not Town Meeting at large. So, I was hoping that Amy Lowell would come forward and just briefly tell us what this means and where we go from here. And I think it should be done for every Town Meeting because this is a monstrous issue and it's a very important one. Thank you.

THE MODERATOR: Ms. Lowell.

MS. LOWELL: Amy Lowell, Town Wastewater Superintendent. I'll give a brief summary of where we are in response to the question. The Town is about 80 percent of the way through our wastewater treatment facility upgrade project. That project is progressing quite well, I think, and when it starts up it's going to be a dramatic improvement in the effluent from our existing wastewater treatment plant.

The article that you have before you is a follow-on to a smaller scale wastewater planning process that the Town's been going through for the last year, covering the Maravista and upper Davis Straights and West Falmouth Harbor parts of town. And one of the recommendations of that planning process was that the next phase of wastewater planning for the Town be much more – be a larger scale process that covered a larger area of town at once. So, the article you have before you has two parts. It's a planning project and it also funds a hydro geologic analysis of several sites in

Falmouth for potential treated wastewater discharge.

On the planning end, this offers a coordinated approach for all of East Falmouth watersheds. The watersheds to all the coastal ponds from Little Pond east to Waquoit Bay. This plan will analyze wastewater flows and overall nutrient loads to each – within each of those watersheds to those ponds and evaluate options for how to handle those flows and loads, and then will provide a plan, a recommended plan for handling those flows and loads in each of those watersheds. The plan will most likely be phased. We're not going to be able to implement everything we're talking about doing at once.

The timing of this is quite important. We're expecting some water quality – key water quality reports from the Massachusetts Estuaries Project in the near future, and starting this process this winter will allow us to prepare for and then act on those water quality reports.

Note also that we're proposing that this be paid for by the – through the AFCEE Nutrient Mitigation Funding. And, in summary, it's an important next step in the Town's wastewater planning process and I strongly encourage you to support it.

Be glad to answer any other questions.

THE MODERATOR: Further discussion on Article 32? Mr. Ayres.

MR. AYRES: Through you, Mr. Moderator, to Ms. Lowell. I've brought this subject up before with the Town Planner and others. A number of Town Meetings ago, the subject of accessory apartments came up and we passed a bylaw, and the bylaw as it presently stands regarding accessory apartments requires anyone that wants to put in an accessory apartment in their dwelling to not only attach the existing structure but also the accessory apartment to a new denitrifying onsite system. In helping draft that bylaw, at least having some input into it a couple of years ago, I didn't realize that some – and, the statistic might be slightly off – some 75 to 90 percent of all homes in the Town of Falmouth either lie in a Coastal Pond Overlay District or a Water Recharge District, and I really think, after reflecting on this for some time, that it's a very restrictive clause vis-a-vis encouraging people to put accessory apartments in their dwellings, which are absolutely needed to make more units available.

What my question is, after this long diatribe, will you be looking at the accessory apartment issue vis-a-vis the demand for putting in denitrifying systems? Personally, I think the bylaw should be liberalized, allowing people – it's not like a thousand people are running down to Town Hall a year to put in an accessory apartment and I think the bylaw should be liberalized, possibly excluding the demand to put in denitrifying systems. Are you going to look at that?

THE MODERATOR: Ms. Lowell.

MS. LOWELL: That's a very specific and small part of the overall issue, which is nutrient management in East Falmouth. We will not be sewerage all of town. We will be looking through this planning process at a wide range of ways, methods of managing nutrients within each watershed. One of the methods of managing nutrients within the watersheds that will continue to be evaluated and used as part of the long-term program is denitrifying septic systems. If the Planning Board changes those rules, we can look at that with them over time. But that specific issue that you're raising is not on the table for this larger plan.

THE MODERATOR: Okay. Any further discussion on Article 32? Hearing none, the question will come on the main motion, Article 32 as recommended. All those in favor, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 34, to see if the Town will vote to borrow the sum of \$753,750 for the purpose of funding the design and permitting of a new water source permit. Madame Chairman for the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I move Article 34 as recommended.

THE MODERATOR: As recommended. This was held by Ms. Robb.

MS. ROBB: Thank you. Alison Robb, Precinct 1. Is there going to be an explanation of this or shall I just ask my question?

THE MODERATOR: Well, you held the article, so if you want to ask a question.

MS. ROBB: No presentation, okay. Well, I wondered at the end of reading these three paragraphs: isn't it the same water that would come from the new wells, coming from the same aquifer as all the other wells in Falmouth; how do you know that there will be enough water for all our uses for build out and beyond? That's one question. And another is: should we not implement water saving regulations right now for build out and beyond?

THE MODERATOR: Who's going to respond to that?

Ms. Harper, do you want the floor?

MS. HARPER: I can take a stab at the two questions, but I can note that the Water Utilities Manager, Ray Jack, is teaching a course this evening. He does have a presentation but he will not be back until nine o'clock this evening. So, I can start with the answer to the first question. The first question is won't that water come from the same aquifer, and the answer is yes. It is the same aquifer. It's a sole source aquifer.

And your second was a statement regarding water protection measures and conservation efforts. The Town does have a substantial water conservation plan and you voted that in part this evening regarding the Conservation kits of the Water Department. There are a variety of measures that the Town is taking on regarding water conservation, including the xerascaping of Town Hall. Most importantly, they are capital improvements to the water system to mitigate dead end mains and bleeder lines and make capital improvements to the infrastructure. I'm sorry, I didn't realize you couldn't all hear me. So that those efforts are ongoing. The Selectmen voted that plan two years ago and it is being implemented.

THE MODERATOR: Ms. Valiela.

MS. VALIELA: Just to add to Town Meeting's information about the water supply. We have to go back to the mid-1980's. The area where the Ashumet Valley well is now, there actually were four other well sites that were identified; some of them even had pump tests. None of those well sites could be developed because with the Ashumet well we discovered – that was the first evidence of the plume from the base.

We had also done some exploration for soils and an adequate aquifer characteristics

north of Route 151, and we had several sites in there that had not had five day pump tests, but had had a one day pump test, enough to know that we did have water capabilities there as well. Then we had two decades of the issues with the base and so we're really just now getting back to the water supply capabilities of the town. And that's what this article accomplishes.

THE MODERATOR: Further discussion on Article 34? Hearing none, the question will come on the main motion. All those in favor, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No."

[None opposed.]

THE MODERATOR: The Ayes have it unanimous and I declare a two-thirds majority. Article 36, to see if the Town will vote to appropriate \$30,000 for the purposes of conducting an organization study of the Department of Public Works. The Finance Committee's recommendation on this was indefinite postponement. Mr. Clarkson held the article; would you like to make a positive motion?

MR. CLARKSON: Mr. Moderator, Troy Clarkson, Precinct 5. I'd like to make a motion that we move the article as printed.

THE MODERATOR: Okay, and funding source?

MR. CLARKSON: Free Cash.

THE MODERATOR: Certified Free Cash. Article 36 as printed from Certified Free Cash. Mr. Clarkson.

MR. CLARKSON: Okay, as most of you folks know, the Board of Selectmen the last couple years has had a goal-setting retreat that we've had in which we've tried to shape the goals for the Board for the coming year. One of the things we talked about in our last meeting, which was in concert with the proposal last year of the upgrades of several of the managers in the Department of Public Works, was taking a look at the whole department and how we can provide services better for the Town. Could we combine divisions? Do we need new divisions? What can we do to provide better services to the Town.

And, you might remember that several years ago we did that with the Police Department, and Town Meeting appropriated money to look at a way to provide better services from the Police Department. And out of that we added a new captain, we added a sergeant, we added a couple patrolmen; the net result was a better service delivery to the people of Falmouth from the police department.

And the thought of the Board of Selectmen was the last time the DPW was reorganized was 30 or 40 years ago, so our thought was we need to look at the way we provide the services to the people of Falmouth, see if we can do it better. Maybe it's combining divisions, maybe we create a new division, we don't know.

Some of what we heard from the Finance Committee was, well, the administration can do that. Well, Bob and Heather definitely are capable of providing that service to us, and they are definitely capable of looking at that critically and seeing how we can do the job better. But, quite frankly, they don't have the time. I mean, they could do the job and it would take a lot longer than it would a professional consultant to provide us with the information that we need to modernize and create a better DPW.

And I need to tell you that we've met with the management of the DPW and they agree with this 100 percent. They want to provide a DPW that's modernized, that provides the best services possible.

So, this is not a lot of money. This will result in a Department of Public Works that provides better services, that's more efficient, and I think will – as we talked about in our meetings with them – will bring the DPW into the 21st Century.

So, I urge your support of this. I think it helps us move along and modernize the Department in this town that has the largest budget and provides the most services.

THE MODERATOR: Mr. Kalize. And then Ms. Harper.

MR. KALIZE: Mr. Moderator. Mr. Clarkson, I hate to disagree with you, because I normally don't, but in this case here, please give me the \$30,000 to do some drainage. We're very capable of reorganizing ourselves. I go to the explanation: the Town has many capable individuals

and department heads that could work on the reorganization.

And I speak for Mr. Owen and other people within the town: we can look at ourselves, we don't need a third party consultant to tell us what to do when we're very active with a lot of associations that can give us guidance. If we're doing something wrong, we put questionnaires out and see if we can improve our services. But I certainly could use the \$30,000 to improve some of your drainages on some of your streets. So, I'd vote – if you'll vote indefinite postponement. Thank you.

THE MODERATOR: Ms. Harper.

MS. HARPER: First of all, you have to know what a struggle it is to try and speak in any way on behalf of the Town Administrator who's worked very hard on this and many of the issues that you've heard about tonight. And I don't attempt to speak for him in any way, but I do want to provide some thought from our department.

If you do want an organizational hierarchy, a grid, that shows the existing departments with public works recommended personnel for each of those divisions, we certainly can give that to you. That isn't something that we find. And it's not that it's too much work for us to do, we certainly can do an organizational study of the public works department along with the very capable and talented public works managers that we have.

What we're looking for is a not a top-down organizational study, but we reflect back on the strategic planning work of the Board of Selectmen where this emerged, discussing all of the range of issues relating to the Town, all of them linking back to public works. From wastewater to energy, to facilities maintenance, to land management, how we deliver our waste management, the drainage issues, the structural issues. There are so many complex matters that are not distinctly assigned within the town or the Department of Public Works that we are relying in many ways on committees and volunteer personnel to support us, which serves this community so well and we hope will continue to serve the community. But we need to begin to respond in a holistic manner to all of the issues that are confronting us.

A consultant will not only serve sort of as a sounding board and a professional advisor,

but will be a facilitator of communication through all levels of the department from the gentlemen that work at the waste management facility that take your fees on a weekly basis or manage the swap shop, or any of the places that you work with the Public Works Department.

We need to take a look at the way that we deliver services to our community to determine whether we're doing it the most efficient way. I think there's a great deal of benefit to spending a short amount of money to help us continue to provide services to the community.

The one thing that we did learn, talking with the Public Works managers, is that we haven't taken a real look at the structure of the Department of Public Works for more than 30 years. And if you look back, the way that this community has grown, the services that we provide, I think it's time to take a little bit of a step back and work with the Department to move forward for the next 30 years.

THE MODERATOR: Mr. Dufresne.

MR. DUFRESNE: Adrian Dufresne speaking as a member of the Finance Committee. The Finance Committee again concurs that we have some very capable professional leaders in the Department of Public Works. Mr. Owen, Mr. Kalize, Mr. Lyons, and Brian from the Parks Division I believe are very capable professional people. We have sitting up on the stage two very expensive town leaders for which we've put in their hands the administration of day to day activities. We have five selectmen sitting up on the stage that by charter are the Department of Public Works.

We can spend \$30,000 and have a study. The Town has done it over the years. I was here when we had the last \$30,000 – or the last Department of Public Works study and we consolidated a lot of departments and we created what is now a very efficient operation which needs probably some direction, but I think they have it in the capable leaders that we have at the present time.

If you want to spend \$30,000 and put it in a drawer and say, "Okay, we looked at it and – but I don't think we can implement it because we can't afford it." And it will just be another \$30,000 investment in somebody in the drawer in Town Hall. Thank you.

THE MODERATOR: Ms. Harper and then Mr. Murphy.

MS. HARPER: Not to shut off any of the Town Meeting discussion, but there is one other bit of information and I think it's important for Town Meeting to consider. When we did receive a presentation by the Public Works Department looking at what a reasonable assignment of personnel to each of those divisions might be currently, they're proposing an addition of 25 positions to the Department of Public Works. And throughout the Department.

THE MODERATOR: Mr. Murphy.

MR. MURPHY: Fellow Town Meeting Members, Mr. Dufresne notably let you understand that the Board of Selectmen acts as the DPW Commissioners. This article is on behalf of the Board of Selectmen. We've looked at the DPW and at our retreat it was the number one issue that we thought that yes, we have some wonderful, dedicated, solid employees in this town. However, as in every department in any company or town, occasionally you need to take a top to bottom look at those organizations and make sure that they're operating properly and all on the same page.

This is not to hurt anybody, this is to help people. If you provide us the tools, I surely as a selectman will tell you I won't put that in the drawer, I will take a look at it and see how to implement that. There's some opportunities there to share some resources so that we don't have to continue to outlay. Maybe we can do a lot more with a lot less. But maybe we can't. This is an opportunity. And we're asking you the Town Meeting to provide us that tool to be able to analyze this department. Thank you.

THE MODERATOR: Ms. Lowell and then Ms. Abbot and then Ms. Gregg.

MR. LOWELL: Vicki Lowell, Precinct 1. Consultants can be very, very good and they can sometimes be very disappointing. Do you think is \$30,000 enough of a budget to get a really good study and are there examples of other towns that you have had success with consultants? Are there ones that specialize the DPW issues? And how much have you had a chance to look into that? Because it can be very beneficial to have an outside view; it also can be – it's a risk, because sometimes they just aren't too useful. So, your confidence level that consultants are out there that would be very helpful would help me make my decision.

THE MODERATOR: Ms. Harper.

MS. HARPER: Yes, we have investigated the potential for consultants to perform this type of work and there are specialty firms that look at just this kind of a product. The key in a successful consultant is the scope of services that's outlined at the point of engagement. And if we have a clear idea of what we need from that, and we do, 30,000 will cover the needs of the town for the study.

THE MODERATOR: Ms. Abbot.

MS. ABBOTT: Jane Abbott, Precinct 7. I'd like to support the request for the \$30,000. Much as I admire many people who work for the DPW, I think it's very hard to look at yourselves in a way that would really accomplish what the Selectmen hope to do, a study of the department as it exists and what it could be. I think an outside consultant in this case would be valuable and I support the request for \$30,000.

THE MODERATOR: Ms. Gregg.

MS. GREGG: Virginia Gregg, Precinct 1 and also the chairman of the Solid Waste Advisory Committee, and I'm speaking for the committee now. We feel that this reorganization is long overdue. One example that we have noticed in our years working out at the Waste Management Facility is that the Waste Management Facility is supervised by the Highway Department. Now, back in the days when we buried all of our trash in a hole in the ground, it made sense to have the men who ran the heavy equipment supervise the dump. But it doesn't make any sense any longer. Everything that goes there now is sorted and it's removed for disposal in another place, and everything that goes on out there is regulated by federal and state laws that are constantly changing. And it's just – it needs to be supervised by someone who can keep up with that.

The DPW is the second largest department in Falmouth, second to the School Department, and their total budget is more than \$7 million a year. Compared to that and the savings that might be realized by a reorganization, this \$30,000 seems like money well spent.

THE MODERATOR: Okay, the gentleman behind Ms. Gregg.

MR. NETTO: Mike Netto, Precinct 9. Through you, Mr. Moderator, I have a

question. Have Mr. Owens or Mr. Kalize or any other managers in the Department been given the opportunity to perform any kind of organization study in house to this date? I don't know who it should be directed to.

THE MODERATOR: Ms. Harper. And then Mr. Kalize, if you want to comment.

MS. HARPER: Yes, the department managers have met with the Chairman of the Board of Selectmen and another member of the Board of Selectmen, with the personnel director, the Town Administrator and myself on two occasions. And, at the second meeting, we did receive a presentation from the Public Works Department and that had contributions from all of the division managers. And that's where we received a hierarchian chart adding 25 new positions to the Department of Public Works.

MR. NETTO: Okay, thank you, that was my question.

THE MODERATOR: Mr. Kalize. Right behind you, there. Microphone right behind you.

MR. KALIZE: Mr. Moderator, ladies and gentlemen. Oh, yes, during our looking at ourselves, we did reorganize, and one position that would be in that 25 – and the 25 is not overnight, it's spread out over 10 years that we would accomplish every time you added to our inventory, you're adding work. And you did that tonight with the Odd Fellows facility. However, we'll take care of it.

As far as the solid waste, when we looked at the organization, there will either be a Solid Waste Division or a deputy to the Director of Public Works handling all the solid waste issues from the Waste Management Facility, Upper Cape Regional Transfer Station and the curbside collection.

Also to let you know: we don't do this in a vacuum. We looked at Yarmouth, we looked at Barnstable, the other two big towns that have similar organizations, because we're all under the Association of Public Works nationally. And the organization that you presently have, it fits in across the country. Its job descriptions have to be re-written, we need more people in Parks, more people in Highway. We're taking more roads. So, yes, we did look at ourselves and we looked at others to come to the idea that we need to be re-organized and we laid out a road map to do that.

THE MODERATOR: Ms. Harper.

MS. HARPER: I don't think we disagree at all on the outcome. We all disagree on the process. And the department managers would be key, and an important part of any process to evaluate that. And in fact the role that we view as most important would be as an advisor and a communication instrument among all the departments and through to help the Board of Selectmen evaluate all of the departments and how that ultimately may shape for the future.

THE MODERATOR: Okay, any further discussion on Article 36? Ms. Gregg, something new?

MS. GREGG: I have a question. Would a re-organization of the DPW have to – would a change in the Town Charter be required?

THE MODERATOR: It depends on what kind of changes you're asking for. Not unless you're changing the highest level of administration. I mean, the Town Charter doesn't have a department by department breakdown. Ms. Valiela.

MS. VALIELA: I would say that the change would be reflected in the positions that are brought to Town Meeting. And obviously if new positions were created by the Charter, that requires a vote of four of the five selectmen to create the position. So, the expression of any change in organization would come through that vote and the Board of Selectmen and Town Meeting approval of the position.

THE MODERATOR: Mr. Herbst.

MR. HERBST: Ralph Herbst, Precinct 8. When Proposition 2 ½ was passed, I don't know, 15 years ago or so, there were seven positions eliminated from the Department of Public Works. People who were working for the Town and they were cut. Two Town Meetings ago we tried to eliminate those positions administratively because they were open positions but unfilled and unfunded. This body turned down that elimination of those positions and those positions are still on the books and they're still unfilled.

Now, tonight I heard Mr. Clarkson say that the department chairpersons were in favor, I think I heard him say this, in favor of this study. And then I hear Mr. Kalize stand up and say, "No, thank you, we can do it alone, and I want the \$30,000 to fix sewers – drainage, anything." So, I don't

understand that position, the fact that I hear the Selectman saying one thing and the representative from the department chairpersons saying something else. So, I need that reconciled.

I agree that \$30,000 is not a great deal of money. But, if you stop and think about how this town has grown and the number of roads that we've added and the number of people that are here since Proposition 2½ was passed and we eliminated seven jobs and we haven't added them yet, it's obvious that the Town has to add resources to the Department of Public Works. So I ask someone sitting up there to explain to me why Mr Clarkson says that the department chairpersons are in favor of this and Mr. Kalize says they're not.

THE MODERATOR: Mr. Clarkson.

MR. CLARKSON: That sub-committee that was spoken about, about the chairman of the Board of Selectmen and other selectmen to work with those issues, I'm the other selectman that was on that. And I can tell you that George and I, George Kalize and I, have worked very closely together over the last 12 years.

My impression from those meetings was that all of the division heads and the department head, Mr. Owen, were in favor of taking a look at the operations of the DPW and how we could do a better job. I guess tonight George has a different view of that and I regret that, but I'll tell you, what we want to do, what my impression was from those meetings, and I didn't get a sense that anyone disagreed, was that we wanted to look at the operations of the Department of Public Works, how they did their job today -- as I've said before to you a few minutes ago, it's the same organization as the Department had 30 or 40 years ago -- and how we could do a better job.

Ahmed was in on those meetings as well. Bob and Heather were there. I think that's what we talked about, that's what we believe tonight, and that's why we think this is a good amount to spend to take a look, as I said before like we did with the Police Department, you know, 7, 8, 10 years ago, and now we have a better operation there.

THE MODERATOR: Further discussion on Article 36? Microphone down here in the front and then Mr. Kalize.

MS. LICHTENSTEIN: Lesley Lichtenstein, Precinct 8. Only because I'm a teacher

and I work in a state school and periodically they do studies to reorganize us and they pay people big bucks to come in and ask us what we think ought to be done and we tell them, and then they do what we say ought to be done, we could have used that money somewhere else. I'm in favor of letting the department heads have a year. If Mr. Kalize and Mr. Owens and the others want to work on this for a year and come up with something, give 'em a shot. And if what they come up with doesn't work, then bring it back to Town Meeting and try it. It's just that I've been the consultant route and I can tell you guys, who do they ask? Who's the consultant going to ask? He's going to talk to all the department heads and all the people that are working there.

Let's buy 'em all coffee and donuts, get 'em together and let 'em talk about it. And they'll come up with what they need to do.

FROM THE FLOOR: Question, question.

THE MODERATOR: Okay, Mr. Kalize and then Ms. Sears.

MR. KALIZE: Mr. Moderator, thank you. Troy, we're not in different directions. We agreed at the meetings we had that we had to look at ourselves or someone look at us, et cetera. What we disagreed to is spending \$30,000 to do it when we have a lot of other places to use that \$30,000 and that's what we disagreed to. We never agreed to the \$30,000. When we were questioned by the Finance Committee, we told the Finance Committee that we weren't behind it and I think that's one reason you see Indefinite Postponement. But no, we welcome people to look at us, we'll look at ourselves, and boy, give us six months and we'll present something fine to you and we'll present it to the voters of the town.

THE MODERATOR: Okay, Ms. Sears, did you want to speak? No. Okay, the question is going to come, then, on the main motion. Article 36 as printed from Certified Free Cash. All those in favor of Article 36, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[No.]

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

[Pause.]

THE MODERATOR: Mr. Hampson.

MR. HAMPSON: 25.

THE MODERATOR: 25.

Division one, Mrs. Tashiro.

MRS. TASHIRO: Seven.

THE MODERATOR: Seven.

Division two, Mr. Dufresne.

MR. DUFRESNE: 40.

THE MODERATOR: 40.

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

[Pause.]

THE MODERATOR: Mr. Hampson.

MR. HAMPSON: 32.

THE MODERATOR: 32.

Division 1, Mrs. Tashiro.

MRS. TASHIRO: 48.

THE MODERATOR: 48.

And Division two, Mr. Dufresne.

MR. DUFRESNE: 60.

THE MODERATOR: 60.

By a counted vote of 72 in favor and 140 opposed, Article 36 fails.

Article 37. This was the Town Classification Plan. Mr. Ferreira held this. He's asked to release his hold on 37 through I think it was 49. But we're going to go through each article one by one because they were held for the main motion.

Madame Chairman for the main motion on Article 37.

CHAIRMAN LEMOINE: Mr. Moderator, I move Article 37 as printed.

THE MODERATOR: As printed. Is there any further discussion on Article 37? Mr. Rhodes.

MR. RHODES: Scoba Rhodes, Precinct 8. Everyone here might be a lot brighter than me, but I have no idea what those numbers mean. Is there some way someone can tell us what the salary schedule is and what these people are going to, from? Thank you.

THE MODERATOR: Who's going to –

[Applause.]

THE MODERATOR: Okay, we'll just get an answer to the question. Ms. LeMoine or – who's going to answer this one? Heather, you want this?

MS. HARPER: Sure. If you just give me a moment to just turn to the page in my book, I'm having trouble reading them on the screen, as you may be.

[Pause.]

MS. HARPER: The first position on the list is Article 37, Chief Wastewater Plant Operator. This position and several of the others related to the Wastewater Treatment Plant are all subject to an agreement with the Collective Bargaining Unit, and assign those positions to the DPW Laborers District Counsel Union. They're originally proposed as non-aligned positions, but you'll see that they're being proposed as DPW Grade 14 for the Chief Wastewater Plant Operator, and that salary range actually drops from the original proposed \$50,398 to \$65,790, which is the bottom line, proposed to a salary range of \$48,000 to approximately \$62,000.

The Wastewater Plant Operator, that was originally a union position, that changes from a proposed DPW Grade 8, with a range of \$32,573 to \$41,621, to a DPW Grade 9: \$34,861 to \$44,470.

Article 39, Wastewater Lab Technician, that's a new position, originally proposed as a DPW Grade 10, is proposed as a DPW Grade 9. And I remind you these are all the subject of an agreement with the Collective Bargaining Union and they are a drop-down. That goes from a range of \$37,294 to \$47,590 to a range of \$34,861 to \$44,470.

All of the positions related to the Wastewater Treatment Plant are resultant of

fundamental changes with the new Wastewater Plant. A substantial licensing change is required, requiring training and testing of those employees and a requirement to obtain a more stringent licensing requirement. We worked very hard with the Wastewater Superintendent, Amy Lowell, and the union to come to an agreement that works to move us forward with that plant.

I can go through the rest of them if you'd like to at this time. Can you all see those? Would you like me to read through what those ranges are? And maybe just a little bit more of an explanation and the personnel director, we may put her on the spot this evening as well if you'd like more information. But all of those ranges have steps associated with them; there's a seven step range, and the incumbents of the personnel move through those ranges over the years of service that they have to the Town.

THE MODERATOR: Dr. Antonucci.

DR. ANTONUCCI: Bob Antonucci, Precinct 6. Just as a reminder, at the Spring Town meeting I presented a petition article because the DPW staff wanted an upgrade or reclassification. We at that time convinced them that it would be best if it was handled by the administration, which they've done. We said they should look at or have a comprehensive review of all the positions. So I think Articles 37 through 49 does that, and I really want to commend them for taking a good look at it, I think it's fair, I think it provides equity, and when you do a reclassification, you've got two issues: one is by contract, but for the exempt employees it's left to the Town Administrator and the Selectmen. And I know that they did follow up on the last town meeting; they did what they said they were going to do. And I thank them for that. And you'll see some of those dollar amounts there that aren't great, but I think it puts the jobs and positions where the responsibilities now match the compensation.

THE MODERATOR: Okay. Any further discussion? Ms. O'Connell.

MS. O'CONNELL: Yes, Mr. Moderator. Maureen O'Connell, Precinct 4. To follow up on Mr. Rhodes' comments, may I request that in the future when we are voting on these types of articles that involve steps and money and salaries and so on, that we are provided with the numbers so that we can make an informed decision. Not only that, but there are a lot of folks here that cannot read these numbers as posted. Thank you.

THE MODERATOR: Okay, any further discussion? Mr. Johnson. And then Mr. Herbst.

MR. JOHNSON: [No microphone:] Leonard Johnson, Precinct 5. [Inaudible.]

THE MODERATOR: No, let's get the mic first, please.

MR. JOHNSON: Leonard Johnson, Precinct 5. Following on the comments of the previous speaker, I suggest that these numbers are very hard to understand as they are presented. I applaud that they are indeed being presented to us. Why aren't they in the Town Report or some other place where we can see them in their entirety for the whole town and not just a few that come up every now and then? Thank you.

THE MODERATOR: Okay. Mr. Herbst.

MR. HERBST: Ralph Herbst, Precinct 8. Mr. Moderator, is there a procedure where you could accept a motion to vote on all of these articles from 37 through 49?

THE MODERATOR: No, we're going to have to just go through my rapidly reading them off one by one.

MR. HERBST: Thank you.

THE MODERATOR: Although I'm allowing the discussion to include all of them so we can kind of get that part out of the way. Any further discussion on Article 37? Hearing none, the question will come on the main motion as printed. All those in favor, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[No.]

THE MODERATOR: The Ayes have it by a majority.

Article 38, Madame Chairman.

CHAIRMAN LEMOINE: Mr. Moderator, I move Article 38 as printed.

THE MODERATOR: As printed. Any discussion on Article 38? Hearing none, the question will come on the main motion. All those in favor, signify by saying, "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 39, Madame Chairman.

CHAIRMAN LEMOINE: Mr. Moderator, I move Article 39 as printed.

THE MODERATOR: As printed. Is there any discussion on Article 39? Hearing none, the question will come on the main motion. All those in favor, signify by saying, "Aye."

[Aye.]

THE MODERATOR: All those opposed, "No."

[None opposed.]

THE MODERATOR: The Ayes have it unanimous. Article 40,
Madame Chairman.

CHAIRMAN LEMOINE: Mr. Moderator, I move Article 40 as printed.

THE MODERATOR: As printed. Is there any discussion on Article 40? Hearing none, the question will come on the main motion as printed. All those in favor, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Madame Chairman, Article 41.

CHAIRMAN LEMOINE: Mr. Moderator, I move Article 41 as recommended.

THE MODERATOR: As recommended. This is transferring \$1,119 from Certified Free Cash for the Town Engineer. All those in favor of Article 41, signify by saying "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 42, Madame Chairman.

CHAIRMAN LEMOINE: I move Article 42 as recommended.

THE MODERATOR: As recommended, transferring \$457 from Certified Free Cash to the Superintendent of Highways. All those in favor of Article 42 as recommended signify by saying "Aye".

[Aye.]

THE MODERATOR: All those opposed?

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Madame Chairman, Article 43.

CHAIRMAN LEMOINE: I move Article 43 as recommended.

THE MODERATOR: As recommended. This is transferring \$457 from Certified Free Cash for the Superintendent of Parks. All those in favor of Article 43 as recommend signify by saying "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 44, Madame Chairman.

CHAIRMAN LEMOINE: I move article 44 as recommended.

THE MODERATOR: As recommended. This is to transfer \$2,076 from Certified Free Cash for the Assistant Town Administrator. All those in favor of Article 44 as recommended signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Madame Chairman, Article 45.

CHAIRMAN LEMOINE: I move Article 45 as recommended.

THE MODERATOR: As recommended. This is to transfer \$265 from Certified Free Cash for a Facilities Maintenance Coordinator. Ms. Suplat.

MS. SUPLAT: Mr. Moderator, on all the other increases, it has been one grade at a time, or some of them have been a similar grade, on a grade 6 on one of the previous articles. I'm wondering why this one is jumping two grades and I'm wondering about the M classification is non-aligned management? I'm wondering if this position is part of the ASME union as is currently this person is employed.

THE MODERATOR: Ms. Harper.

MS. HARPER: Those are actually two excellent questions. The answer to the first question about the increase, and it is a fairly substantial increase; we don't often see positions jumping from one to two grades. This does move from a Grade 6 to a Grade 8 but it's a very fundamental reason. We have added the number of employees that this position manages and that increases the scale of that grade for that position, and that's a very fundamental part of the process that we use to grade positions.

The second question is that yes, it is rated using the technical administrative management process, but it is covered under the Collective Bargaining Agreement and is classified in a separate group of employees in the AFSCME Bargaining Unit which our department manages, and that would include the DNR position and some of the other department manager positions that are in the AFSCME unit.

THE MODERATOR: Okay, any further discussion on Article 45? Hearing none, the question will come on the main motion as recommended. All those in favor, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 46, Madame Chairman.

CHAIRMAN LEMOINE: I move Article 46 as printed.

THE MODERATOR: As printed. All those in favor, signify by saying "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Madame Chairman, Article 47.

CHAIRMAN LEMOINE: Mr. Moderator, I move the Town vote to transfer \$339 from Certified Free Cash to be expended under the jurisdiction of the Town Administrator for the purposes of Article 47.

THE MODERATOR: Okay, we have a positive motion on Article 47. Any discussion?

Yes, Madame Chairman.

CHAIRMAN LEMOINE: Town Meeting Members, the Finance Committee changed its recommendation after meeting with the Town Administrator and the Director of Assessing, who explained the changes in detail. This upgrade was also reviewed and recommended by the Town's Personnel Director. Since the proper reviews have been completed, the Finance Committee recommends the article as originally printed. An addition, the employee's already performing the duties of a Grade 9 and should be paid accordingly.

THE MODERATOR: Okay, any further discussion on Article 47? Hearing none, the question will come on the main motion. All those in favor signify by saying "Aye".

[Aye.]

THE MODERATOR: All those opposed "No".

[No.]

THE MODERATOR: The Ayes have it by a majority.

Article 48. Madame Chairman for the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I move Article 48 as recommended.

THE MODERATOR: As recommended. This is to transfer \$495 from Certified Free Cash for the Office Manager/Licensing -Administration. Any discussion on Article 48? Hearing none, the question will come on the main motion. All those in favor, signify by saying "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous. Article 49,
Madame Chairman.

CHAIRMAN LEMOINE: I move Article 49 as printed.

THE MODERATOR: As printed. Article 49. Any discussion? Hearing none, the question will come on the main motion. All those in favor, signify by saying "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous. By a call of the chair, this meeting will be adjourned for 15 minutes. There's refreshments downstairs. And we'll come back and finish up the last six.

[Whereupon, Town Meeting recessed.]

[Whereupon, Town Meeting resumed.]

THE MODERATOR: Okay, here we go, folks. Establish our quorum. Andy says hit the gavel. Okay, here we go. Would all Town Meeting Members please stand and the tellers return a quorum count.

[Pause.]

THE MODERATOR: Division three, Mr. Hampson.

MR HAMPSON: 56.

THE MODERATOR: 56.

Division one, Mrs. Tashiro.

MRS. TASHIRO: 54.

THE MODERATOR: 54.

And Division two, Mr. Dufresne.

MR. DUFRESNE: 90.

THE MODERATOR: 90.

By a counted vote of 200, we have a quorum and we're back in session.

Article 50. This was held by Mr. Johnson. The Finance Committee recommendation, this is the AFSCME contract, is indefinite postponement. Mr. Johnson, do you have a position motion?

MR. JOHNSON: Mr. Moderator, I did not hold this to make a motion. I held the article to make a request to the Town Administration.

THE MODERATOR: Okay, so then the Finance Committee will make the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I recommend indefinite postponement of Article 50.

THE MODERATOR: Okay, the main motion is indefinite postponement.

Mr. Johnson.

MR. JOHNSON: Mr. Moderator, I held this article as I said to make a request to the Town Administration. I have made similar requests before because I am an advocate of full financial disclosure. After all, the Town activities are a public enterprise.

At the time I held the Article 50, I was not aware that the Finance Committee would be holding two subsequent articles in this section of the warrant. I look forward to the discussion of those articles. In the interest of full disclosure to Town Meeting members and taxpayers of the town, when agreement is reached between the town and one of the various unions representing a group of town employees, I urge the town administration to release the broad terms of the agreement to the public. This is public information.

As Town Meeting members, we are asked to support funding articles without the

necessary information to make informed decisions. The discussion on the previous articles I think was certainly a step in the right direction. By withholding information about wage settlements, step increases and salaries, the town administration might be giving the impression that there is something to hide. There should be nothing to hide. Why can't this information be disclosed fully in the town annual report or some other place? After all, in a democracy the foundation of good government is an informed public, thank you.

THE MODERATOR: Okay, any further discussion on Article 50? Hearing none, the question will come on the main motion of indefinite postponement. All those in favor, signify by saying, "Aye"

[Aye.]

THE MODERATOR: All those opposed, "No"

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 52. Madame Chairman.

CHAIRMAN LEMOINE: Mr. Moderator, I move that the Town vote to transfer \$15,180 from Certified Free Cash to be appropriately distributed by the Town Accountant for the purposes of Article 52.

THE MODERATOR: Okay, main motion: transfer \$15,180 from Certified Free Cash for the purposes of Article 52. Is there any discussion on Article 52? Mr. Johnson.

MR. JOHNSON: Leonard Johnson, Precinct 5. This shouldn't be pulling teeth, my friends. What's the explanation for this amount of money? Has an agreement been reached? What's going on?

MS. HARPER: There is an agreement --

THE MODERATOR: Ms. Harper.

MS. HARPER: -- reached with the library members of the Laborer's District Counsel. That agreement is comprised of a variety of issues, primarily wages. The wage settlement with this unit is two percent in fiscal 2005, a two percent increase in 2006, and in 2007 we have an increase of two percent July 1 and an additional two percent January 1. That is about a seven percent

increase over the life of the contract.

In addition, one of the major items that the Town and the library union discussed was an increase in Sunday hours for the main public library and that's where we spent most of our time working and we are both satisfied with an arrangement that will allow us to use both outside labor as well as staff in the library unit.

THE MODERATOR: Okay. Any further discussion on Article 52? Hearing none, the question will come on the main motion. All those in favor, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[No.]

THE MODERATOR: The Ayes have it by a majority.

Article 56. Madame Chairman for the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I move that the Town vote to transfer \$66,996 from Certified Free Cash to be appropriately distributed by the Town Accountant for the purposes of Article 56.

THE MODERATOR: Okay, you've all heard the main motion. Discussion? Ms. LeMoine.

MS. LEMOINE: This contract was also settled in the last week. That's why you don't have any information in the warrant. We can't print it until the contracts are ratified by the local unions. And, as I said, I don't know the exact terms of the contract settlement, so I will defer those questions to Heather.

THE MODERATOR: Ms. Harper.

MS. HARPER: This group is in fact a group of employees that is not represented by a collective bargaining agreement. They are the technical/administrative and management personnel. Those positions have historically followed the wage settlement pattern of all the other units. Having one union settled with the pattern that I just described, the Town Administration proposes that those non-aligned employees receive the same wage pattern with the two percent, two percent and then a

split of two percent in the third year for seven percent over the life of – for the next three years.

THE MODERATOR: Okay, any further discussion on Article 56? Hearing none – oh, to my right.

MS. JEWETT: Catherine Jewett, Precinct 5. I've received a lot of handouts to go along with this warrant booklet and so I would think that maybe in the future that we could actually just get a piece of paper telling us the explanation because we've certainly got enough pieces of paper to go in our booklets now. I don't see why one more to explain what we're voting on would harm anything. Thank you.

THE MODERATOR: Okay, any further discussion on Article 56? Hearing none, the question will come on the main motion: \$66,996 from Certified Free Cash. All those in favor, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 57. Madame Chairman for the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I move the Town vote to transfer \$159,913 from Certified Free Cash to be expended under the jurisdiction of the Town Administrator for the purposes of Article 57.

THE MODERATOR: Okay, this is the Workers Compensation Trust Fund, 159,913. Ms. LeMoine.

MS. LEMOINE: Yes, by way of explanation, the actual audit for last year arrived yesterday morning. The figure jumped from \$75,000, which was the original estimate that the administrator provided to the Selectmen and the Finance Committee, and the real number just happened to come in at \$159,913. We have to pay it. It represents last year's expenses, for lack of a better word.

THE MODERATOR: Okay, any discussion on Article 57? Hearing none, the question will come on the main motion. All those in favor, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 64. Madame Chairman for the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I move the Town vote to transfer \$17,676 from Certified Free Cash to be expended under the jurisdiction of the Town Administrator for the purposes of Article 64.

THE MODERATOR: Okay, you've all heard the main motion: \$17,676 from Certified Free Cash. Ms. LeMoine.

CHAIRMAN LEMOINE: Town Meeting Members, the Finance Committee changed its recommendation for the following reasons. Number one: if Town Meeting votes to indefinitely postpone this article tonight, then the Finance Committee cannot legally fund this article in the future with a Reserve Fund Transfer. Because the money has already been spent, there is currently a deficit balance in this account. If Town Meeting votes "No" tonight, the only future means of eliminating the deficit balance would be for the Town Administrator to apply to the state to allow the Town to add the deficit balance to the Town's property taxes. This process would be both time consuming and cumbersome. We need to vote in favor of this article as printed tonight to get the negative balance out of this account as soon as possible.

Reason number two: we have been assured that we will be informed of cost overruns in the future before the bills are actually paid.

THE MODERATOR: Okay. Any discussion on Article 64? Hearing none, the question will come on the main motion. This is \$17,676. All those in favor, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 68. The recommendation of the Board of Selectmen is indefinite postponement. This was held by Mr. Dick. Mr. Dick, would you like to put a positive motion on the floor?

MR. DICK: Mr. Moderator, I'm representing the Coonamessett Pond Association and the Cranberry Bog Preservation Group this evening. We held the motion in order for Mr. Smith to be able to address the petition article and we held the motion so that we could comment on it. I would like to yield the floor to Mr. Smith if he would care to comment on his petition article and then I would like to address it.

THE MODERATOR: Are you going to put a positive motion on the floor?

MR. DICK: In order to speak on it I will put a positive motion on the floor.

THE MODERATOR: Okay. So, as printed?

MR. DICK: As printed.

THE MODERATOR: As printed. Mr. Smith. Is Mr. Smith a Town Meeting Member?

MR. DICK: Yes, he is.

THE MODERATOR: Okay. I was just curious why he didn't hold the article.

MR. DICK: He wasn't sure of the procedure.

THE MODERATOR: Oh, okay. No problem. Mr. Smith.

MR. SMITH: He got to me first. I'm afflicted with Mr. Whritenour's problem, so if I start coughing, I apologize. We held this, we brought this up, it's a warrant article that was brought up by an association and we brought it up because we wanted to preserve the Lower Bogs as a cranberry bog rather than as an experiment or anything else.

Since then, we have gotten quite a response on this and we had a meeting and the members of the neighborhood association as well as those that signed it also was sort of the theme that "live to fight another day", would also like to – we can't withdraw it so we have to go with the Selectmen's recommendation. I do want to say that it was brought up in a way so that we

thought we could work with the Working Group and still have cranberry growing in the Lower Bogs. That's what the article is designed for. Hopefully we will in the future be able to, with the Working Group, work out some sort of a compromise. But at this time we also want to go with it looks like everybody else here.

MR. DICK: Okay, Mr. Moderator, may I now address the –

THE MODERATOR: Mr. Dick.

MR. DICK: Yes. The Pond Association recommended to the Working Group a smaller parcel be withdrawn for a demonstration project consistent with the concept that we should continue commercial cranberry growing on this parcel where feasible and where the bog could be safely operated. This article – I'm sorry, the proposal by the Working Group right now entails withdrawal of 30 percent of the Town bogs. Several of these bogs, for example the easternmost Flax Pond bog, are entirely isolated from the river, and they have proposed that if there is no bid for organic cranberry growing that this be returned – naturalized. However, there is no need to do this according to their own guidelines since this is obviously very distant from the river, it's not a flow-through bog.

Similarly, West Thompson bog is a bog that's completely isolated from the river and the same holds true.

At the same time, Don Liptack [sp?] of I believe it's called the Natural Resources – Natural Conservation Resources Service Center or something to that effect, an expert on berming that was hired in – brought in as a consultant, has stated clearly that the lower bog can be bermed, particularly the west side, to continue cranberry growing, and that is one of the most productive bogs in the whole system.

So, we are broadly sympathetic to Mr. Smith's article and we feel that this should be addressed carefully by the Selectmen. However, we also feel that the procedure that has been started, which is the Working Group finish its job and finish its report to the Selectmen and the Selectmen carefully consider those recommendations and the recommendations from public comment before they make a recommendation to this body. We feel that that should be continued so we were going to – having recommended – having moved this for – moved the motion, we're now going to recommend

indefinite postponement. Thank you very much.

THE MODERATOR: Okay, so they want you to vote "No" on Article 68 because we have a positive motion on the floor.

Is there any discussion on Article 68? Hearing none, the question will come on the main motion. The main motion is as printed, and they're asking for indefinite postponement so they want you to vote "No" on the main motion. All those in favor of Article 68, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[No.]

THE MODERATOR: The No's have it by a majority. The article fails.

Madame Chairman for the main motion on Article 69.

CHAIRMAN LEMOINE: Mr. Moderator, I move that all articles considered in this Town Meeting be funded as voted, for a total of \$4,597,314.

THE MODERATOR: Okay, you've all heard the main motion to fund all of the articles for \$4,597,314. Any discussion? Hearing none, the question will come on the main motion. All those in favor, signify by saying, "Aye".

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it unanimous. Mr. Chairman of the Board of Selectmen for notification of the Spring Town Meeting.

CHAIRMAN MUSTAFA: Spring Town Meeting will be April 11, 2005.

THE MODERATOR: Okay, April 11th will be our next town meeting.

Madame Chairman.

CHAIRMAN LEMOINE: Mr. Moderator, Ladies and Gentlemen, I move the November, 2004 Annual Town Meeting be closed.

THE MODERATOR: Okay, you've all heard the main motion to close the meeting.

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

[Aye.]

THE MODERATOR: All those opposed, "No".

[None opposed.]

THE MODERATOR: The Ayes have it and we're adjourned.

[Whereupon, Town Meeting adjourned.]

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE

I, Carol P. Tinkham, a Professional
Court Reporter and Notary Public in and for the

Commonwealth of Massachusetts, do hereby certify that the foregoing transcript represents a complete, true and accurate transcription of my audiographic recordings taken in Falmouth Town Meeting, November 9, 2004 to the best of my knowledge, skill and ability.

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

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