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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 15, 2005
7:00 p.m.

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P R O C E E D I N G S

THE MODERATOR: Would all Town Meeting Members please take your seats. I want to remind everyone that attendance is being published in the Falmouth Enterprise. I want to thank our friends at FCTV-13 for broadcasting Town Meeting live.

This evening our tellers in the First Division will be Mrs. Tashiro, in the Second Division Mr. Dufresne and in the Third Division Mr. Hampson. Our microphone carriers tonight will be one of our new Town Meeting Members: John Turner in the left-hand row. John was a Town Meeting Member at Falmouth High School, back when we were there together. So, it's good to see some folks from our class here at Town Meeting. And George Hampson will carry the mic for us tonight on the right-hand side of the auditorium.

Would all Town Meeting Members please rise for the establishment

of a quorum.

[Pause.]

THE MODERATOR: Mrs. Tashiro.

MRS. TASHIRO: 62.

THE MODERATOR: 62.

Mr. Dufresne.

MR. DUFRESNE: 85.

THE MODERATOR: 85.

Mr. Hampson.

MR. HAMPSON: 51.

THE MODERATOR: 51.

By a counted vote of 198 we have a quorum and I call the Town Meeting to order.

At this time, would all Town Meeting Members please rise for the Pledge of Allegiance.

[Pledge of Allegiance taken.]

THE MODERATOR: I'd like to introduce former selectman Edward Marks for the invocation.

MR. MARKS: Heavenly Father, may our meeting this evening not only be an exercise of care and concern for our community and its residents, but also an example of how a community can agree and disagree and still be a community. We ask you to watch over and protect our families, our community, our nation and our world. May your gift of peace become a reality for all. Amen.

[Amen.]

THE MODERATOR: Okay, we're going to finish what we started last night. Mr. Lowell.

George, can we have a mic for Mr. Lowell, please.

MR. LOWELL: Nick Lowell, Precinct 5. Mr. Moderator, last

night I made the motion to end the discussion about the cranberry bogs. But upon further reflection over the last 24 hours, I believe that it would be in the best interests of Town Meeting and the Town of Falmouth to allow further debate and allow for any further information to come out on this very important issue to the town. Therefore, I move reconsideration on Article 41.

MR. LATIMER: Mr. Moderator, Point of Order.

THE MODERATOR: Point of order, Mr. Latimer.

MR. LATIMER: Yes, you made it quite clear last night that when we were discussing these matters we were either/or, either 16 or 41. We discussed them both, we took a vote and -- on 16, and that was reconsidered.

THE MODERATOR: Sixteen was, that's correct.

MR. LATIMER: And it survived reconsideration. I would submit that those people who are proponents of Article 41 have had their reconsideration at the request of Ms. Augusta, and that therefore at this point in time this matter should be done for at least for this Town Meeting. Thank you.

THE MODERATOR: Okay. Article 16, after reviewing the tape this morning, was moved for reconsideration by Ms. Augusta and the motion failed on the floor. Article 41 did not have an independent motion for reconsideration.

You all know that I set a high standard for the reconsideration motion to even be allowed on the floor, and there are traditions in towns throughout the Commonwealth that some town meetings don't allow it at all. Some always allow it and allow it more than once. The standard practice within Town Meeting time is that reconsideration may be allowed, but allowed only once during a meeting. Because of the nature of and the breadth of this issue, and the fact that only two speakers outside of the presentation spoke on the issue last night, we do have the procedural

opening to reconsider on Article 41, not on Article 16, but on Article 41.

Mr. Lowell made the motion to close that debate last night and tonight he's making the motion to reconsider, and at this time I'm going to call for Town Meeting Members to decide whether or not to reconsider. It is a non-debatable motion but if there is another point of order, I'll take a question on a point of order.

MR. LATIMER: To complete the point of order that I'm making, that is because this was cast as an either/or, up or down, the two considered together, and because they are -

THE MODERATOR: The debate -

MR. LATIMER: - they are not compatible motions.

THE MODERATOR: The debate was considered together, there were two separate motions. I made that very clear.

MR. LATIMER: That is a technical argument that ignores the reality that we have already considered the issue.

THE MODERATOR: Okay, and I like technicalities.

MR. LATIMER: And the issue is either -

THE MODERATOR: As you know.

MR. LATIMER: - one or the other.

THE MODERATOR: Okay, Mr. Latimer, you're done, thank you. Your point is well taken, but I'm going to stand on the technicality that the motion to reconsider can be voted at this time.

Point of order.

MR. JONES: Douglas Jones, Precinct 2. You also made it very clear there was to be no debate between 16 and 41. This is now a change from that to allow debate between the vote on 16 and the vote on 41. If we reconsider it, we would then be debating in between -

THE MODERATOR: You know, I'm going to make a statement that I probably shouldn't make right now, and then we're going to take this vote without any further points of order. This issue is before this body

because the body that it should be before has not taken the appropriate action that it should, that it has the authority to, and that it has the moral responsibility to take.

Now, I'm going to allow this Town Meeting to choose whether or not to continue discussion, and if you choose not to, we will go back into the warrant with the next article. All those in favor of reconsideration, 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: 21.

THE MODERATOR: 21.

In the second division.

MR. DUFRESNE: 31.

THE MODERATOR: 31.

In the first division.

MRS. TASHIRO: 41.

THE MODERATOR: 41.

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

[Pause.]

THE MODERATOR: Division one.

MRS. TASHIRO: 15.

THE MODERATOR: 15.

Division three, Mr. Hampson.

MR. HAMPSON: 29.

THE MODERATOR: 29.

Division two.

MR. DUFRESNE: 54.

THE MODERATOR: 54. By a counted vote of 93 in favor and 98 opposed, the motion to reconsider does not pass.

We'll now go to Article 21 of the warrant. This was held by the Finance Committee. It's an indefinite postponement recommendation. However, we have a new main motion by the Finance Committee to be placed upon the floor for the Falmouth Police Federation contract. Madame Chairman for the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I move that the Town vote to transfer \$65,000 from Certified Free Cash to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of Article 21 as printed in the warrant booklet. And may I explain quickly?

THE MODERATOR: Yes, you may.

CHAIRMAN LEMOINE: This particular Police union settled their contract some time either over the weekend or on Monday. Finance Committee re-voted the article yesterday between 6:00 and 7:00 during our meeting before Town Meeting started and we voted in favor of this article for \$65,000. That of course only represents the two percent increase for last year. This year's two percent increase was already budgeted in the Town Accountant's budget; you voted on it in April.

THE MODERATOR: Okay, the main motion is as printed with the sum of \$65,000 from Certified Free Cash. Any discussion on Article 21? 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 23, this was held by Ms. McElroy. Madame Chairman for

the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I move Article 23 as recommended.

THE MODERATOR: Okay, as recommended. Ms. McElroy. John could we get a mic.

MS. MCELROY: Thank you. Margo McElroy, Precinct one. Basically it's a question. We voted several contracts earlier with two percent raises. Now these are a raise or a promotion by reclassification and these positions, I believe, and correct me if I'm wrong, Mr. Whritenour or Ms. Harper, have step increases, which may be two percent or greater. In - and I'll try to cover several - all of these articles, 23, 24, we're looking at 6.9 to 15 percent increases. That's nice. At the lowest of each of these ranges, we're looking at in Article 23 15 percent increases and in Article 24, 14.5, 7, 7, 6.9. Those are nice raises and I think everyone should have a living wage but if these are first year raises and then the step increases, it doesn't seem fair compared to what we're giving the classified people in two percent. And so I'm hoping somebody can tell me the rationale behind this.

THE MODERATOR: Ms. Harper.

MS. HARPER: If I could have the slide for this article, please. I'll start with Article 23; that's the technical administrative and management staff. These two positions are both fairly new positions to the Town. There's a position within the Personnel Department, a principal office assistant, and a principal office assistant in the Legal Department. At the time both of these jobs were created, the job descriptions were fairly conservative to give the departments some time to get a sense of what the actual demand of the positions are. We've taken that time, and both positions are currently working to a higher level, and the demand for the responsibility of those positions are higher. We've taken the time to review those job descriptions, rewrite them as an

accurate reflection of the duties of the position, and if we were to fill those positions at this time, we would seek the qualifications that are reflected in the new job description.

There is a rating instrument and a process that is used to come to the job range that you see, and what you're seeing underneath each of the positions under Principal Office Assistant for the Legal Department, that's the range of the salary within a seven step system. That \$17.29 is a step one; a step seven would be the \$22.56, and that's the range for each of those positions. That position would be deleted, with a new range beginning at \$19.00 and ending at \$25.95 at the end of step seven for that position.

I know that each of the departments would be prepared to speak on either one of these articles if you need more information on Article 23, and I'm not sure, Mr. Moderator, if you'd like me to go right on to the next article or wait for -

THE MODERATOR: Well, we'll wait until we get to that one. Is there any further discussion on these two positions? 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 24, Madame Chairman for the main motion.

MS. LEMOINE: Mr. Moderator, I move Article 24 as recommended.

THE MODERATOR: Twenty-four as recommended. Discussion on 24?

MS. BORDEN: I held that.

THE MODERATOR: Okay, could we have a microphone back there?

MS. BORDEN: Meg Borden, Precinct 7. I support Article 24.

I support reclassification of Town positions. But as an individual Town

employee and a member of the union that represents the DPW and the Library staff, I feel compelled to speak on this topic. You might recall that I stood up here five years ago and raised the same issue: the piecemeal approach to reclassification creates pay inequity across Town departments.

If you were to compare positions with similar qualifications from one Town department to another, the level of compensation is not the same. For example, the majority of the Town's library workers are compensated at a Grade four and some are even a Grade two. Now, if you require assistance at Town Hall, that Town employee that helps you is most likely being compensated at a level of pay that is two or three grades above the Town employee working at the library. This is pay inequity.

Salaries of Town employees used to be published in the Annual Town Report. Now it remains a big secret that some Town employees are being compensated at a higher rate for a position requiring the same level of responsibility, experience, skill and education.

I do not believe that this inequity is intentional or a result of favoritism. Instead, this inequity is just an unfortunate result of the current process of position reclassification. As it is now, some department heads suggest positions for reclassification and some unions fairly bargain for reclassification. The current method of reclassification can be both arbitrary and adversarial.

I believe that in this Town we have a common goal of assisting the community. Town-wide position classification should be a cooperative effort so that it is fair and just. The remedy that I seek is for the Board of Selectmen to establish a Personnel Committee to review position classifications and made recommendations to the Personnel Director and the Town Administrators and to ultimately bring a plan for Town-wide position reclassifications back to Town Meeting.

And, as a result, I would like to amend this article, if that's

possible through the Moderator.

THE MODERATOR: Well, let's hear what the amendment is, see if it's within the scope.

MS. BORDEN: I would like to add to this article at the end, _In addition, the Board of Selectmen will appoint a Personnel Review Committee for the sole purpose of reviewing the Town's Position Classification Plan._

[Pause.]

THE MODERATOR: I'm going to say that the establishment, particularly under the jurisdiction of the Selectmen of a committee, is out of the scope. It is within the power of the Board of Selectmen to appoint committees as they see fit. If we had an article recommending that we do that - that they do that as a separate article, that would be within the scope of its own article. But I think it's out of the scope when we're sitting here looking at specific reclassifications to try to direct the Board of Selectmen to exercise a particular authority that they have outside of this appropriation.

MS. BORDEN: I would welcome any suggestions of any other way of putting that together. I reviewed Town Reports over the past ten years and I brought this up five years ago and I think it's just creating a huge imbalance across the Town and I would like to see something done, and I would like to see it done in a cooperative method, rather than sort of individual departments bringing up piecemeal classifications. Thanks.

THE MODERATOR: Mr. Whritenour, do you want the mic?

MR. WHRITENOUR: I can sincerely appreciate the concerns of the member of the Town Library staff. I would point out, though, that first of all the classifications don't occur in a piecemeal fashion. The one in front of you is the largest bargaining unit in the Town and it is part of a comprehensive process across Town departments. The Library has chosen to adopt a collective bargaining association that is independent

from this group, and they negotiate directly with the Town for the wages, for the reclassifications, for the working conditions. I know in this current round of negotiations there were many different issues and items that came up: the Sunday hours for the library. And the thing that I would say is that we're, you know, more than absolutely happy within the context of collective bargaining, which this is a collective bargaining issue, to sit down with any members of these groups and discuss those pay equity issues.

I think that this Town Meeting, as well as this Board of Selectmen and the Finance Committee, should stand proud of its efforts to address the internal equity issues throughout these Town departments over the past several years. We've done equity studies for the non-aligned people that don't have collective bargaining. We're doing them here for the major bargaining units. We do them in the public safety and we're happy to do them with the Library. The time to do it is not on the Town Meeting floor, though, when you have a collective bargaining association.

This is something we're happy to work with these folks and deal with, but I think that this Town Meeting has always had a strong stand on those equity in pay issues and I'd like to sit down with these folks and look at some hard numbers, and then, you know, we'll see where we stand in the overall bargaining process.

THE MODERATOR: Further discussion on Article 24? Mr.
Freeman.

Oh, We've got to get a microphone up there, George.
There must be a big test at the high school tomorrow.

MR. FREEMAN: Okay. I have a question just on one item that's on here. And that's the last item, for assistant assessor administrator, Assessor's Grade 9 going to Grade 10. Now, the question that I have is that in a Special Town Meeting of April of '94, Article 13, we created

that new position of the Property Lister, which was a field position at \$32,975. Now, I assume that was an annual salary, that's an assumption. My question really is: if you take a look at what the switch is to the Administrative Clerk, there's a very little difference, of a dollar an hour in the whole range, low end to high end. How do you come up with \$18,240, which is what is requested here?

And the other part of this is: if we already have, and I believe we have, an assistant or Administrative Clerk for the Assessor's Office in place -

THE MODERATOR: Mr. Freeman, are you talking about Article 25?

MR. FREEMAN: Oh, I'm sorry, Article 24. Assistant Assessor.

THE MODERATOR: Okay.

MR. FREEMAN: Grade 9. Going to Grade 10. We already have an Assistant Assessor to the Administrator in the Assessing Department at Grade 10; do we need two? I'm asking you the question and you can pass it on to whoever you feel can answer it.

THE MODERATOR: Mr. Dufresne?

MR. DUFRESNE: Are we discussing 24 or 25?

THE MODERATOR: The last item on 24.

MR. FREEMAN: The last item on 24, Assistant Assessor, Grade 9.

MR. DUFRESNE: Thank you for clarification.

THE MODERATOR: Mr. Latimer, did you have a response to the question on that or you wanted to speak in general?

MR. LATIMER: I wanted to speak on this article.

THE MODERATOR: Okay, let me see if we can get a response to Mr. Freeman and then I'll put you up next. Ms. Harper.

MS. HARPER: These are - there are two separate positions. There are two Assistant Assessors with two distinct responsibilities. This Assistant Assessor will be responsible for the day to day operations of the department, in terms of the administration of the department. The

Assistant Assessor for Real Estate is responsible for the real estate portion of the job duties.

MR. FREEMAN: Both being Grade 10?

MS. HARPER: Yes.

THE MODERATOR: Mr. Bailey, did you want to respond to that as well? Mr. Freeman, if you could just pass that mic over there to Mr. Bailey.

MR. FREEMAN: Surely.

MR. BAILEY: Thank you. There are two distinct positions here. They are different grades; I can't remember what the appraisal position is, but there is no \$18,000 appropriation with Article 24. Right. They are two distinct positions and this position is up for reclassification.

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

MR. LATIMER: Thank you. Richard Latimer, Precinct 2. I just want to get back to Ms. Borden's point very briefly. I know this is - appointing committees is well beyond the scope of this article, but this article is specifically directed to reclassification of positions, which is a function that in part involves the Selectman's Office and the Town Administrator. So I would - since Ms. Borden asked for some help, I would suggest an amendment which simply says that the Selectmen and the Town Administrator shall look into developing more equitable ways of reclassifying positions across the Town labor force without getting into how they do it. Thank you.

THE MODERATOR: Okay, a motion to amend the article to ask the Board of Selectmen to look at equity issues?

MR. LATIMER: More equitable ways of reclassifying positions throughout the Town labor force.

[Pause.]

MS. FLYNN: Mr. Moderator.

THE MODERATOR: Yes, Ms. Flynn.

MS. FLYNN: Thank you, Mr. Moderator. Mary Pat Flynn, Precinct 6. It seems to me, and Town Counsel perhaps might correct me, that these reclassifications are the result of a negotiated agreement with the Collective Bargaining Unit, which is AFSCME. So it seems to me that Town Meeting's role here is not to dispute the reclassifications themselves, but rather to appropriate the funding that would accomplish the reclassification rather than deal with the classifications individually.

MS. HARPER: Mr. Moderator.

THE MODERATOR: Ms. Harper.

MS. HARPER: Just as a follow-along, I wanted to dispel any notions that this is a scattered approach that isn't a very consistent process. Up on the screen, you can see a few points of information. This is the subject of a collective bargaining agreement with the AFSCME unit, which consists of approximately 90 positions. Sixty-five of the positions were revised in this year; they were previously revised in 2000. Thirty-nine of the updated positions were determined by management that they were of significance to warrant a review under the classifications process, which includes a committee comprised of the Personnel Director, myself and two members of the Collective Bargaining Unit, and those switch out if there are members of the unit that have a conflict related to the positions that are being reviewed, and we report to the Town Administrator. Of those 39 positions that were reviewed, 17 of them qualified under the process for an increase. And I just repeat that it is a joint labor management process that is a very streamlined approach. Not every person's position that is reviewed is upgraded, which often leads to some dissatisfaction, but overall it is a very consistent process that works well.

THE MODERATOR: Okay. We've got this amendment to ask the Selectmen to look at this equity issue. So let's - is there any

discussion on Mr. Latimer's amendment first and then we'll vote that and go back to the classification itself.

Dr. Antonucci.

DR. ANTONUCCI: Robert Antonucci, Precinct 6. I would vote against that amendment. It goes back to what I said last night. I think we're getting into an area that is not legally our responsibility. The Selectmen, under the statute, is the board of record for collective bargaining. They have the sole responsibility. We should not be dictating to them. What we need to do is either say Yes or No to the reclassification plan. The process is dictated by the collective bargaining agreement. I would hate to put a noose around their neck that is going to be a legal issue for them down the road. If we want to have a different way of doing this, we should file an article and ask the Selectmen to consider it. But, under the statutes, the Board of Selectmen is the agent of record and they have the sole responsibility to negotiate that contract, not Town Meeting. And I don't want to be part of a legal challenge on something that really is minuscule at this point.

So I would vote against the amendment and vote for the article.

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

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

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

Further discussion on the main motion? Mr. Lynch.

MR. LYNCH: Kevin Lynch, Precinct 3. I just have one question. Who actually makes the final decision on what gets upgraded? I think you kind of touched on it, but is it the Selectmen or the Town

Administrator?

MS. HARPER: The committee recommends to the Town Administrator.

THE MODERATOR: Okay, further discussion? Ms. McElroy.

MS. MCELROY: Thank you. Okay, for some of us who are a little slower on personnel issues, I think the answer to my question for the previous article has now become clear. And perhaps we could avoid this problem in the future if it were presented in a more clear way. It looks like this is one collective where I was concerned that the earlier union only got two percent and these people were getting 16 percent or 14 percent. It's actually now clear that people are getting 16 percent because they're the same people and that this is one collective bargaining agreement that has been presented to us in two pieces, and that apparently the two percent - is this correct?-- was - Joanne, you're shaking your head - was the bump to the step increases, and then in addition to the bump to the steps, the contract reclassifies a certain number of people who fall under that contract, is that what we're looking at?

THE MODERATOR: Ms. Lemoine.

MS. LEMOINE: I want you to remember as a group the bargaining agreements that you accepted and approved earlier, the two percents, those are cost of living increases that are negotiated between the unions and our department head and staff. The positions we're talking about in Article 24 are the 100 percent best and most appropriate way that this Town could be reviewing positions. It's why they're all pooled as one article, it's why Finance Committee approved them.

They're following through on a process that essentially attempts to review, and perhaps does not, I don't know, but the process is supposed to be that every Town position gets reviewed approximately every five years. I think it used to be every three years when I first started on the Finance Committee.

These positions, these reviews were part of a five year review process. This is absolutely the best way for any position in Town to be upgraded or reclassified. Some of these people are going to be getting their two percent cost of living increases per year that have been negotiated and a step increase. But I want to be really careful to point out that you're assuming a 17 percent increase in a salary, and something even I only learned last year is that - and I'm going to wing it, I'm not telling you these are the exact numbers - but that last position Mr. Freeman was asking about has let's say the base salary right now is 17.41 as a grade nine. If that person becomes a grade 10, it goes to the lowest step, the next dollar figure higher than \$17.41. So conceivably he could be getting \$1.21 an hour raise if he were on the minimum. But most of these people go from whatever lever they're at, at their current level, only to the next higher dollar amount, could be a lower step on the next - at the next grade level. It could be a two cent an hour raise. And that's why individually we don't break it out by employee every single time because the calculations are kind of all over the place depending on where the employee currently sits on the steps.

The steps are based on longevity. The step raises, other than the reclassifications, you vote on in April as part of the budget because we know they're coming, we know we have to pay them, that they've been there for five years and they're entitled to that raise. The only thing you vote in the contract negotiations earlier were the cost of living increases. These are the raises and upgrades based on the five year review of every town position. Okay? Does that help?

MS. MCELROY: Yes.

THE MODERATOR: Good, thank you, Ms. Lemoine. Mr. Marks.

MR. MARKS: [no microphone - inaudible]

THE MODERATOR: Okay, we're going to vote, we're going to vote. We're ready.

All those in favor of Article 24, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: It's unanimous.

Article 25. Ms. Lemoine for the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I move Article 25 as recommended.

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

MR. FREEMAN: I withdraw the hold.

THE MODERATOR: He withdraws the hold. Is there any further discussion on Article 25? Mr. Rhodes.

MR. RHODES: Scoba Rhodes, Precinct 8. In April, we passed a budget. The position Property Assessor Grade 8 I assume was in the budget, because it says delete the position, so I'm assuming the position was there and we funded it in April. We are now lowering that to a Grade 7. Since we're lowering it to a Grade 7 and spending less money on the position, why do we need \$18,000 to fund it?

THE MODERATOR: Good question. I asked the same thing during my warrant review. Ms. Lemoine, or Mr. Bailey. Mr. Bailey, do you want to address that?

MR. BAILEY: Dave Bailey, Director of Assessing. That position was not funded last spring. We knew we were going to phase out that position just prior to Town Meeting but we didn't know what steps we were going to take to replace it. We knew we needed an administrative person in there. After reviewing over the course of the summer, we decided on this particular position and we came back to fund it at this point in time. So, that position had been funded in the Fiscal 2005 budget. Our budget was reduced by the amount that that position had been funded by, so we don't have the money. If we did, we wouldn't come back

and ask for it again.

THE MODERATOR: Okay. Further discussion on Article 25. Hearing none, the question will come on the main motion as recommended. All those in favor, signify by saying, Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The ayes have it by a majority. Article 26, Madame Chairman for the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I move Article 26 as recommended.

THE MODERATOR: 26 as recommended. This is to transfer - what's that?

FROM THE FLOOR: [Inaudible]

THE MODERATOR: Yes. This is \$30,000 from Certified Free Cash for the DPW organizational study. Microphone here.

MR. RODRIGUEZ: My name is Ramon Rodriguez, I'm from Precinct 7. It's my understanding at last year's Town Meeting that the same request was made, and was rejected by the Town Members for the organizational study of DPW. The DPW department director, Mr. William Owens -

THE MODERATOR: Excuse me, could you speak into the microphone a little more -

MR. RODRIGUEZ: The DPW department director Mr. Owens implied that they could do the exact study itself without the cost to the taxpayer. Therefore, I will ask the Town Meeting Members to reject this article and allow the department of DPW to do their own self study at no additional cost and submit those findings to the Town Selectmen for review, implementation and support.

I also feel that \$30,000 could be used for other areas, for like

schools, money for school books, things of that nature. I just think that's a waste of \$30,000 to do this type of study at the present time.

THE MODERATOR: Okay. Mr. Whritenour.

MR. WHRITENOUR: Thank you, Mr. Moderator. I wanted to give you a little bit of an update and somewhat of a very brief background on this study and a status report. This was a matter that we discussed at the last Town Meeting and we've got a couple of slides up there and I want to recall that we did all agree to postpone this article from the last Town Meeting to allow the Department of Public Works to conduct their own internal analysis which is a process that I think the Board of Selectmen have supported wholeheartedly and were moving through that process.

A couple of statistics just to show you where the areas of concern are. I think with the Department of Public Works, next to the School Department, easily the Town's largest department. It includes the Administration division, Engineering, Highway Department, the Forest and Parks division, all of our Solid Waste, Water division, Wastewater division, Facilities Maintenance, very fast-growing department. There's approximately 97 full-time employees that work for that Department. And please, let me just state those are 97 of probably some of the hardest working town employees in our town, and that is a far-flung organization and they do great work, some of the division heads in that department have just been with the Town their entire careers, and they get a great deal done.

The fact, though, is that this department has an annual operating budget - now, this does not include any of the debt which, for public works in this town is substantial. Just the Operating Budget - and, plus, without any employee benefits at all in there, which is again millions - the budget just for operating is \$10,598,112. So, it's more than ten and a half million dollars of annual operating expenditures each and every year. If we can take a look at the next slide.

We are working I think very closely the goal is with the management of the Department of Public Works and Mr. Owen, and we had asked the Department last year, again, to conduct a staffing and reorganization plan for the Department. And I have that plan here. It has been completed. It has been submitted to the Board of Selectmen. It is a tremendous amount of solid staff work that went into this report.

To give you a sense of a couple of the issues involved there, of those 97 positions, this organization plan impacts approximately 71 percent of those positions. Incorporated in this plan over the next seven years is a request for 41 new full-time positions in the Department of Public Works. In addition to those positions, there's 28 positions that are proposed to be classified for upgrades. And the impact in terms of the actual cost that you can calculate out based on the numbers you've seen: 41 new jobs, 28 classifications.

In order to get us what we need to be such a far-flung department and get all of those tasks done, the impact on the capital end of it in terms of the additional equipment, trucks, everything that we need, has not been calculated yet. I think that that would be additional cost. Just the sheer dollars in terms of the salaries for those new positions would require, you know, Proposition 2 ½ overrides of a magnitude that has really never been contemplated in this community.

I think the key thing is is that we've got a great piece of work here. We've got a dynamite Public Works department with very hard-working people in it that's doing a good job for the town, but the funding and economies behind this expansion program right now I think are a little in question in terms of the Town's affordability and how best to move forward and implement the program that calls for 41 new jobs. I mean, where do you prioritize and start and things of this nature, and how are we really going to get that done? And I think that this really gets

to the idea of the study that right now, you know, I'm telling you that we really need to bring in an outside consultant. Not to work independently but to work jointly with the management of the department, With the Board of Selectmen, with the Town's administration to examine the organization of this Department and not just simply add to each of the individual divisions such that we have an independent agency capable of a super mission under every one of those divisions, but to investigate the issue of whether it's possible to achieve some horizontal integration among the various divisions and achieve an economy of scale to use that, you know, \$11 million plus to spread ourselves even further.

And, you know, this is the type of thing the management of the DPW is working extremely hard, they're doing a great job. What we'd like to do for this town and for this Town Meeting is not just come in with every year, "Well, we need to increase this, we need to increase this." What we'd like to do is try to build a better mousetrap, try to provide some better services for you if we can. And I think to just say something shouldn't be studied and we should just look at it internally and have business as usual I think is selling the Town a little bit short. And, like I say, my issue has always been to be inclusive in these processes, to involve everyone, to have the operations open, to involve the managers, Mr. Owen, Mr. Calize, they've done a great job. But honestly, I'd like to report to you on a little more detail of how we move forward. And that's why we're asking for the money. We'd asked for it last year, but again, pulled back in order to let the self-analysis occur. But I think in order to get the full value out of that analysis we really need to take it to the next level and we'll be reporting back to you. And with 11 million at stake, I think the 30,000 is a fairly, you know, high value type of an issue.

THE MODERATOR: Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6. I hope everybody votes for this money. I can't tell you all the expenses of the DPW. I can

tell you the expense and the problems we have in the solid waste. We are wasting money up there. This \$30,000 will be paid for if we have management at our waste facility department we don't have now within months. I - excuse me, the stick-ums don't work here.

I don't think people - and I didn't understand, really, that in a two week period in September 12th through the 29th we had 3,623 vehicles enter the Waste Management Facility. That's a lot. And just remember that we went months, many months, with no stickers, which we lost many, many, up to I would say close to oh, \$100,000, because we didn't print them.

Last Town Meeting we voted \$9,000 for a computer, and a computer program for the Waste Management Facility. They have a computer now and a computer program. The computer - and I don't know how many years old it is, Lynn could probably tell you, but it's five or six I believe - and we have a program for it that can only work if you have scales. We don't have scales. Scales will cost \$50,000 if we want to use the program. This is the kind of management that we have which isn't up to date.

We have to get a review by an outside firm or an outside person to save us money. We need to make that facility pay for itself, which it could do very easily, if not be profitable. Thank you. THE MODERATOR: Further discussion on the organizational study funding? Mr. Herbst.

MR. HERBST: Ralph Herbst, Precinct 8. Since I've been a Town Meeting Member I've been advocating that we add positions to the Department of Public Works because positions were cut years ago when Proposition 2 ½ was adopted, and the Town Meeting has refused to do that. This is a study that will, I think, solidify the fact that this town needs more people in the DPW.

Mr. Owen is asking for 41 new full-time positions. That just gives you an idea of how internally the DPW feels they are understaffed.

We eliminated I believe it was five positions when Proposition 2 ½ was passed years ago. Now, because the town has grown, because we have more roads, we have more parks, we have so many more obligations that we have laid on the DPW that now this is the deficit that they feel they have.

So, my position is that I encourage you, if you pass this article, that when the report comes out and they say that we need some or all of this, that you be prepared to fund it. Thank you.

THE MODERATOR: Ms. Gregg, did you still want the floor? Any further discussion? Okay, hearing none, the question will come on the main motion as recommended. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it by a majority.

Article 27 was held by Mr. Shearer. Madame Chairman for the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I move Article 27 as recommended.

THE MODERATOR: Okay, as recommended. Mr. Shearer, you want to withdraw your hold?

MR. SHEARER: I withdraw it.

THE MODERATOR: Okay, any further discussion on Article 27? 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 29. Madame Chairman for the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I move Article 29 as

recommended.

THE MODERATOR: Okay, as recommended. This was \$7,000 from Certified Free Cash for mailing beach and dump stickers.

Who held this one? Okay. Can we get a microphone -- George, could we get a mic?

MS. TOBEY: Linda Tobey, Precinct 4. I held this Article because I thought there was a contradictory -- there were a couple of contradictory terms in here. It's about the stickers and how they would like \$7,000 to -- in order to mail the stickers out to people. It's expected to enhance revenues.

Now, I don't quite understand the reasoning behind this. Right now, people go -- I went to the Town Hall, I brought in proof that I live in the Town, and I got my dump sticker. It didn't cost the Town anything. I -- they gained revenue from me because I paid for my sticker.

It seems to me a contradiction that we're going to ask for \$7,000 so we can now mail out the stickers to people, so we're going to need to first show a gain of \$7,000 just to cover the expense of mailing them out. And the other piece is, I think that we want to be sure that the people who get the dump stickers are residents or own property in the Town, so we would need proof of residence when they come to get their sticker. I don't see how those -- that's going to be accomplished by mailing them out. I just think -- maybe there are problems I'm not aware of as far as the stickers go. But, to me, the system that we have right now brings in a good deal of revenue and we are sure that the people who get the stickers own property in the town, thank you.

THE MODERATOR: Mr. Whritenour.

MR. WHRITENOUR: First of all, I want to thank you for those questions. Those -- it sounds like you're one of the people in our task force. We've been working for about two years, now, studying this entire

sticker issue and it's big business. And it's big business for this town. And all of those types of concerns that were kind of the concerns that we had started with when we embarked on this process. As you know we've, in recent years, updated the various fees in town and they are a significant portion of the Town's overall budget.

What this article represents is a modernization of the system that we have for delivering those stickers out to the local residents. And I view this as a major improvement in the way that we deliver the stickers. Right now, you know, we have a situation that, you know, we require folks to actually come in to the business, to have extremely long lines to do this for the beach, you know, right around the beginning of the beach season. It's extremely inconvenient for the public. It creates long lines and it also -- we are at the point now that in Town Hall that they're so inundated that -- with the three people in the office that there's, you know, not enough people to collect all the revenues by having everyone line up in town, so this is one of the benefits of having the mail-in program is we'll eliminate the need for some new staff.

And one thing that we've done is focused on the customer service aspect of how the stickers go out, and we've developed a system that would handle all of the renewals through a mail-in program that provides the adequate proof of the residency that folks send in to us.

And it's a similar program -- we didn't really re-invent the wheel. There's communities across the Cape and the Commonwealth that have moved to the plan for the mail-in. And it actually, you know, shows that the stickers, you know, sell better, and it's very positively reported on by the local residents. And this has been part of, again, a couple of year program that we've done at highlighting how the stickers are sold and making improvements. And this is the last piece of it. Some of the steps that we've already taken is that for instance on the transfer station stickers, we've consolidated those sales in the Town Hall

facility because they were just absolutely unable, at the Waste Management Facility, to sell the stickers and manage the flow of traffic coming in and to check people for what they were bringing into the facility. The result was tremendous amount of solid waste was brought in without stickers or without paying the normal amount that's due.

We've sold at Town Hall in the period of two months the same amount of stickers that are sold at the Waste Management Facility for approximately one year. We've really updated the way that we're handling the overall system, and with the hundreds of thousands of dollars in sticker fees that are at stake, this \$7,000 represents a very small percentage of that. And what we feel that will definitely happen is more people will purchase the stickers through the mail than will come in through the Town Hall. And that way we'll easily recoup this money back and it'll be a boon to the town.

The residents I feel will respond extremely positively to the customer service improvements that we're making and I think it'll make things easier all around.

THE MODERATOR: Mr. Ayres, and then Dr. Antonucci.

MR. AYRES: Dean Ayres, Precinct 7. I'm glad this came up for review. I was going to hold it myself. I'm adamantly opposed to this request for \$7,000.

I don't know what the history has been as far as fees in this Town are concerned. I've been a Town Meeting Member for quite a long time and I can never remember -- and correct me if I'm wrong -- the subject of fees coming up in Town Meeting and being discussed in an open and informative manner.

THE MODERATOR: It's the legal role of the Board of Selectmen to do that in a public forum.

MR. AYRES: That is written in the charter?

THE MODERATOR: It's in the statute, correct? The bylaw.

MR. AYRES: So they have the sole authority --

THE MODERATOR: Fee setting authority.

MR. AYRES: -- to set fees.

THE MODERATOR: That is correct.

MR. AYRES: To me, these fees seem very much like a tax, and very clearly to me it's a taxation without representation. If this was years ago, we'd have most of the people in this town throwing tea into Falmouth Harbor. I'm going to --

MR. DUFRESNE: Point of order.

MR. AYRES: I really think this -- the fees ought to be discussed in an open --

THE MODERATOR: They are posted on the agenda for the Board of Selectmen and there's a hearing, I usually watch it on T.V. and say, "Oh, oh, they raised them again." But it is a public forum that the Selectmen have. It is posted and you are more than welcome to attend that Selectman's Meeting and voice your concern on the actual fee. The question here is whether or not those fees go into the General Fund.

So, whether or not you want to free up \$7,000 of free cash to mail these stickers out, that's the question that we're debating now.

Dr. Antonucci. Mr. Dufresne.

MR. DUFRESNE: Are we discussing 29?

THE MODERATOR: We have been for quite a while.

[Laughter.]

THE MODERATOR: Anybody else want to talk on 29?

MR. DUFRESNE: Well, the thing is, we're talking 29; 29 asks for some money to mail out some bills. We're not talking about fees.

THE MODERATOR: The stickers, stickers.

MR. DUFRESNE: Right, but we're talking about mailing money. We're not talking about setting the fees.

THE MODERATOR: Exactly. That's why I told him that --

MR. DUFRESNE: That's why I called point of order.

THE MODERATOR: Okay. Mr. DeWitt and then Mr. Ayres.

MR. DEWITT: Ed DeWitt, Precinct 1. I think these are great programs that the Town tries out to spend a little to make a little extra money and ultimately save us all taxes. But I think this is also the kind of thing that we pass and we never hear about again. And I think this is a great thing for like the Watchman of the Warrant or something similar to come back to us in a year and tell us whether this \$7,000 actually brought in the extra revenue that we're expecting. Thank you.

THE MODERATOR: Joe, can you put that on your to-do list?
Thank you.

Mr. Netto. The other Mr. Netto. Make sure your Dad tells us how this works out, will you?

MR. NETTO: Will do. Mike Netto, Precinct 9. Through you to the Town Administrator. Has this Task Force entertained the idea of putting some type of form on the Town's web page so that residents could go to the web page, download the form in a PDF format, mail it in, save the 37 cents or however much a stamp is nowadays and save us some money There?

MR. WHRITENOUR: Yes, we will be working through the website as well, and we have done that in the past. What we need at this point, though, is to get the additional volume. The only problem with the web stickers is that right now, today, in 2005, it's inadequate to generate the levels of volume that we need. So that it has to be done in conjunction with the mail-in program.

MR. NETTO: No, I agree with the mail-in. I'm just saying just to offer it for, you know, more methods. Thanks.

THE MODERATOR: Okay. Mr. Ayres.

FROM THE FLOOR: Question.

MR. AYRES: Dean Ayres, again, Precinct 7. With all due respect to Mr. Dufresne who loves to call Point of Order on me, it seems.

[Laughter.]

MR. AYRES: It's been going on for years, Andy.

What I'd like to say is in a roundabout way this is about fees. A lot of us are offended that the Board of Selectmen is coming to us and asking us for \$7,000 to send out a mailing to people in Town who don't even know what the fees are, generally. The dump fees were voted in January 1 of 2005. The notice didn't make it down to the dump until April of this year. The people are coming in there ready to cut the heads off of those poor guys down there. We need to get some clarity on what these fees are before there's any mailing that goes out.

You're going to be sending out \$7,000 worth of mailings if this passes and you're going to be sending them to working people, to elderly people, to everybody in town that knows nothing about what the fees are for, how much they are and where the dough is going.

I'd like to make an amendment if it's possible.

THE MODERATOR: If it's within the scope.

MR. AYRES: I would like to recommend that the \$7,000 comes out of the raised money -- the fees that were invoked --

THE MODERATOR: In essence that's what this does. Those fees go into the General Fund. The General Fund then gives us what we call Certified Free Cash. After it's Certified, transferring the \$7,000 in essence is that money.

MR. AYRES: I don't want to see Town Meeting vote \$7,000; I want that money to come out of the revenues that come in with the increased fees voted in January 1.

THE MODERATOR: That's what I'm saying: those fees are what creates the Certified Free Cash which is where you're getting the money to fund this article.

Ms. Grant and then Ms. Gregg.

MS. GRANT: I was on the committee that

helped come up with this amount, and the 7,000 is just for postage and we don't mail them to anybody. We're merging the two databases of the people that got beach stickers and the people that got dump stickers already, so it's a renewal process. We're not just mailing them to anybody, because our assumption is if you have one, you probably want another one. And we're doing it in the January time frame when they're not so busy in the tax office. And it has nothing to do with fees, it's just postage. And all the work, you know, merging the databases and deciding who to give it to and stuffing all those envelopes comes out of the Town employees, and when the mailing comes back in, they'll put the stickers in an envelope and send them back out. It's just postage, that's all it is.

THE MODERATOR: Ms. Gregg.

FROM THE FLOOR: Question.

THE MODERATOR: Okay, hold on, let's go. I think we've got all the issues out on this one. Ms. Gregg.

MS. GREGG: Virginia Gregg, Precinct 1.

THE MODERATOR: Is the mic on or maybe you have to hold it a little closer?

MS. GREGG: Please, what?

THE MODERATOR: Yeah, it's on, I can hear you back here, but a little bit louder.

MS. GREGG: Precinct 1 and chairman of the Solid Waste Advisory Committee. At our last meeting, we discussed this very issue and said that we were going to try to prepare an information sheet to go out with the stickers or with the applications for stickers for the dump with the current fees and all of that kind of information in it. So, that sounds like it's what Mr. Ayres wants.

FROM THE FLOOR: Question, question.

THE MODERATOR: Ms. Jewett. Let's make this quick. You can

understand, here, that we're beating this one to death.

MS. JEWETT: Katherine Jewett, Precinct 5. I just have a question of clarification. People who don't get this in the mail, they can still go to Town Hall?

THE MODERATOR: Yes.

MS. JEWETT: They can still get the stickers?

THE MODERATOR: Yes.

MS. JEWETT: So anybody who doesn't get the information can go by the same way they've always been doing it and then next year they'll get a mailing is that correct?

MR. WHRITENOUR: Yes.

MS. JEWETT: Okay.

MR. WHRITENOUR: And hopefully the line will be shorter.

MS. JEWETT: Hopefully. Okay, thank you.

THE MODERATOR: Okay, anything new? Is it new? And it deals with \$7,000 for mailing expenses? Okay, microphone down here to my left. And then Mr. Dick, if it's new.

MR. LEWIS: It's on, isn't it?

THE MODERATOR: Okay, let's go.

MR. LEWIS: Wayne Lewis, Precinct 7.

THE MODERATOR: Come on, let's let him speak so we can get this over with.

MR. LEWIS: Last spring when I went to the Town Hall and got my dump sticker, I was told that in the year 2006 that they were going to go to a two year sticker. So, has that been canceled out and this is going to be a one year mailing?

MR. WHRITENOUR: No, we'll still do the two year stickers. That's going to stay the same. This is not a sticker issue. We're not revamping the stickers and everything. It's always been a two year sticker. What we're going to do is we're going to deliver them I think a little better.

THE MODERATOR: Okay. Last one, Mr. Dick and then we're going to vote.

MR. DICK: Mr. Moderator, Henry Dick, Precinct 8. We can't spend 15 minutes on cranberry bogs, but we can sure spend a half-hour on \$7,000. I move the question.

THE MODERATOR: Okay. Okay, we're going to vote on the article, by the call of the Chair. Article 29, all those in favor of the appropriation as recommended, signify by saying, Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The Ayes have it by a majority. Article 32, Madame Chairman for the main motion.

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

THE MODERATOR: Okay, this is \$85,000 from the Reserve Waterways Appropriation Fund for the Megansett Harbor Boat Ramp. Mr. Hampson.

MR. HAMPSON: Mr. Moderator, my name is George Hampson, Precinct 5. I held this because there were some people in Megansett that were concerned about the expansion of the boat ramp. And I don't know, I don't recognize these people. If there's anybody here in Megansett that wishes to speak, let us know. I would like to speak on the article, Mr. Moderator.

THE MODERATOR: Okay.

MR. HAMPSON: The ramp at Megansett is deplorable. It's a safety hazard at present. There's two layers of asphalt which are coming loose and beneath those two layers of asphalt is gravel. Also, the end of the ramp is approximately a 12 inch drop, which means small trailers can get hooked onto that and when you pull out too fast you can leave your

axle and your tires behind, which is often done. As far as conservation is concerned, I did an examination to make sure there's no eelgrass in that area, so the Conservation Commission can know that that has been done, and I saved you some money on that.

So, it has to be done. It's a deplorable state and I just fear for somebody falling on the ramp because of the holes that are presently there. And it's going to be a hard thing to go through another winter that way. So I wish you would vote for this, thank you.

THE MODERATOR: Okay, any further discussion on Article 32?
Mr. Freeman.

MR. FREEMAN: I'm curious and I'm sure a lot of other people are curious: \$85,000 is going to be appropriated from the Reserve Waterways Appropriation Fund? I'd like to find where does that income come from for the Reserve Appropriation Fund, Waterway Appropriation Fund?

THE MODERATOR: Mr. Netto.

MR. FREEMAN: Don't tell me it's cranberries.

MR. NETTO: Yeah, I can tell you, Mr. Freeman, it comes from when I pay my boat excise tax. It comes from those of us that have moorings in the Town of Falmouth that pay our moorings. And now I understand a dollar a foot? Is that correct? You guys whacked us with another fee.

[Laughter.]

MR. NETTO: Mr. Ayres is not all wrong. Don't worry, I think Mr. Ayres and I will both be there, remember to call me.

Yes, Mr. Freeman, this money comes from those of us that have boats. The Waterways Committee gets 50 percent if I'm -- how much, Carol? Oh, okay, well, I think it's 50 percent of all money that's spent, half of it goes into the General Fund and the other half goes into this. So, this \$85,000 is coming from those of us that own those big yachts around town.

THE MODERATOR: Okay, any further discussion on Article 32? 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 36, Madame Chairman for the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I move Article 36 as recommended, substituting the words "Land Bank" on line 2 with "Community Preservation Fund".

THE MODERATOR: Okay. This was held by Mr. Boyer. Mr. Boyer.

MR. BOYER: Mr. Moderator, Peter Boyer, Precinct 5. In this case, I would like to address you as the Chairman of the Community Preservation Committee for a legal requirement, really, that we collectively are learning about in terms of administering the Community Preservation Act. And so I would like to ask to amend this motion so that after the word "expended" we insert the words "as approved by the Community Preservation Committee at its meeting on November 10th, 2005_". That formally puts on record that in fact the Community Preservation Committee, which must recommend all appropriations from the Community Preservation Fund, be on record as recommending this particular expense from the Fund, thank you.

THE MODERATOR: Okay, the amendment is to insert the words "as approved by the Community Preservation Committee at its meeting on November 10th, 2005_". Any discussion on the amendment? Hearing none, the question will come on the amendment. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 38, Madame Chairman for the main motion.

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

THE MODERATOR: Okay, this is to transfer \$75,000 from the Overlay Surplus Fund for partial funding of the 2006 revaluation. Mr. Freeman, you held this?

MR. FREEMAN: Thank you, Mr. Moderator. I have two questions, here. First of all, it indicates they were asking for \$75,000 for the purpose of partial funding of the 2006 revaluation. My first question is: what was our cost last year, since this is done every year? Was it as much? Was it less? And it's only indicating partial; that's why I'd like to know what it was last year as compared to what's being asked for now.

MR. BAILEY: Dave Bailey, Director of Assessing. These funds go into an account that's been maintained by the Town since sometime in the '80's when a tri-annual revaluation started. We have to revalue property every year. Every third year we are re-certified by the state, as we always have been. That fund allows us to update our computer software, it allows us to hire consultants to do personal property and commercial property valuations. There's no reason to think that that 75 won't be sufficient to fund the entire process. I don't know that I

chose the word "partial" in that, but we feel that 75,000 will be sufficient to fund the entire project.

MR. FREEMAN: Thank you. My question is what was it this past year? Do you have the number?

MR. BAILEY: We didn't use that fund this past year. We did everything in-house this past year. In the last tri-annual revaluation I believe we spent around 70 -- between 70 and 80 thousand dollars.

MR. FREEMAN: The same approximate.

MR. BAILEY: Approximately the same.

MR. FREEMAN: Very good, thank you.

The other part is my assessed value on my property went up 70 percent from '04 up to '06. Even with the reduced tax rate, my taxes increased over 22 percent on my house. There is a bill going up before the legislature which I'm sure Mr. Whritenour's not too happy about, and what that is is they're going to try and get the assessed values on homes for people over 65 to be frozen to the level of whenever that bill passes. That could put a deep cut into what our budgeted income is going to be from real estate values.

I'm just bringing this up as a point because that's something that's going on before the floor right now.

THE MODERATOR: Okay. Anything further about this appropriation?

MR. FREEMAN: No. That's been answered.

THE MODERATOR: Further discussion? All those in favor of Article 38 as recommended signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

Article 39. Madame Chairman for the main motion.

CHAIRMAN LEMOINE: Mr. Moderator, I move that the Town vote Article 39 as printed, to be effective Fiscal Year 2007.

THE MODERATOR: Okay. The main motion here includes the effective Fiscal 2007 wording which was not in your printed recommendation. 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. Mr. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN HERBST: I recommend that the Town vote Article 40 as printed.

THE MODERATOR: Okay, the main motion is the recommendation. Mr. Mustafa, you held this article?

MR. MUSTAFA: Yes, Mr. Moderator. My question is this, and I know you all watched our meetings that we had relative to the speed bumps in Woods Hole. There happens to be a speed bump on Hummingbird Hill. Now they're asking us to accept it. Once you accept this road, you're accepting that speed bump that is there, which is going to open Pandora's Box and everybody in town is going to want to have a speed bump. As a matter of fact, I'd like to have a couple in front of my house. But that's out of the question.

The point is that what I would strongly suggest, and the reason I'm bringing it out is I'd like to get things on the record. What I'm strongly suggesting now is that that bump either be removed or fixed to come in compliance with the federal regulation and Mass. General Laws that require the hump to have certain characteristics to it, certain

parameters. If that is done, then I would say you'd be all well and good in doing it. However, the bump was put in illegally and if you accept it you're accepting and opening Pandora's Box.

THE MODERATOR: Mr. Young.

MR. YOUNG: Yes, Mr. Moderator, Robert Young, Precinct 5. I was at several of those Selectmen meetings regarding the speed humps and Mr. Mustafa made a good point. Those speed humps were put in illegally. Those speed humps were put in with no public notice. Those speed humps should be removed. We should not accept a road with an illegal speed hump, giving the Town some potential legal liability if somebody gets hurt up there. Thank you.

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Yes, Richard Latimer, Precinct 2. I'm also a member of the Planning Board. I don't speak for the Planning Board on this particular article, though.

THE MODERATOR: Folks.

MR. LATIMER: I do look at this particular road, Hummingbird Hill Road, is not a throughway, it is not a road that serves the public for any kind of important access. It is simply what was once a subdivision road, isolated from the main Road. I wouldn't take it simply because there's no real good public purpose in taking the road. However, on the issue of speed bumps, that's the kind of road where a speed bump is acceptable where it is not a road that the public routinely relies on, it's not a road where the ambulances have to travel to get to other places or where the fire trucks have to travel to get to other places or where commuters have to travel.

It's simply what is and should remain a private road, but it's been the policy of this town to accept these roads so I don't think it's any different from others that we've accepted. But as far as the speed bump issue goes, that's quite different from let's say Quissett Avenue or School Street in Woods Hole, which are necessary access roads for hundreds

of commuters to the institutions in Woods Hole and are necessary roadways for our fire apparatus, our police and our ambulance apparatus. So I don't think that that's really much of an issue on this particular taking. Thank you.

THE MODERATOR: Mr. Netto. Mr. Boyer, I'll put you on the list.

MR. NETTO: Joe Netto, Precinct 9. I'd like to make an amendment to Article 40. I totally agree with Mr. Mustafa. Anytime anyone, individual or group, puts the Town's liability at stake, those are our tax dollars that pay those decisions. And my amendment is very simple: that Humming Hill Road be deleted from Article 40. The people -- and I hope you support it and we pass it that way. If the people are sincere, they remove the speed bump or whatever you want to call it, and come back to see us in the spring.

So that's my amendment, Mr. Moderator, that we delete Humming Hill Road from the article.

THE MODERATOR: Mr. Duffy, do you want to share that?

MR. DUFFY: I'd like to make something clear here. This is an article to correct a mistake from an article two years ago. The work has already been done. If there's a speed bump in that road, it's because we put it there. We are trying to clarify the betterment procedure so that we can collect, now, from all of the people on these roads who got a brand new road, and who petitioned to have a brand new road put in. This is really not about speed bumps, this is about betterments.

MR. NETTO: Question, then, Mr. Moderator, to Mr. Duffy.

THE MODERATOR: Mr. Netto.

MR. NETTO: The Falmouth DPW installed the speed bump on Humming Hill Road, is that what you're saying? You just said we put it there. Who did? Who's we?

MR. DUFFY: I don't know who put it there, but the road has

been done. It was done -- it was authorized by this Town Meeting two years ago.

MR. NETTO: Correct. But somebody put a speed bump there, and you said we put it, we as the Town of Falmouth, and now you're telling me you don't know who "we" is. I will still keep my amendment on the floor --

MR. DUFFY: Anybody from the DPW, can they answer his question? Who put it there? I don't know.

MR. NETTO: We have mysterious people putting speed bumps in the Town of Falmouth.

THE MODERATOR: Things that go bump in the night.

[Laughter.]

THE MODERATOR: Mr. Gonsalves, do you know who put the speed bump out there?

MR. GONSALVES: Pat Gonsalves, Precinct 6. That speed bump was put on Hummingbird Hill per order of Bill Owen, the DPW Director of the Town of Falmouth. And the contractor was Lawrence Lynch Corp. of Falmouth, who I work for.

THE MODERATOR: Okay. Thank you very much. Mr. Netto.

MR. NETTO: Well, that's even more simple. If we put it there, we can take it up. And I will keep my amendment on the article. That seems to be a little bit of what we call common sense, I think.

THE MODERATOR: Okay, there is an amendment here to remove Hummingbird Hill Road from the main motion. So in essence you're not going to be able to do your betterment collection on this. Is there any further discussion on the amendment? Mr. Boyer.

MR. BOYER: Mr. Moderator, Peter Boyer, Precinct 5. I hate to belabor the point, but what this means is that the money that the Town has already spent to fix the road cannot then be collected under the betterment program from those residents. So I would argue against the

amendment. The work has been done, speed bump aside. The work has been done, the betterment program has been established in order to recoup the cost of doing the repairs and upgrade of the roads, and that's spread over X years, and so this really is a method of clarifying that in fact these roads are subject to that betterment, because we did the work.

THE MODERATOR: Mr. Netto.

MR. NETTO: So you want me to vote, then, to prove that two wrongs make a right. Thank you.

THE MODERATOR: Okay, the question is to remove Hummingbird Hill Road. Anything on the amendment? Ms. Poole, do you have something on the amendment of removing Hummingbird Hill Road?

MS. POOLE: [No microphone: inaudible].

THE MODERATOR: No, this is the amendment, whether or not we're going to take this road off and give them a free road.

Mr. Ayres, do you have something on the amendment? Okay, the question will come on the amendment. All those in favor of removing Hummingbird Hill Road, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, NO.

[No.]

THE MODERATOR: It is the opinion of the Chair that the No's have it. The question is now back to the main motion of these three roads. Any further discussion? Mr. Dufresne.

MR. DUFRESNE: Adriane Dufresne, Precinct 2. I always have a concern with once an admission of something, we assume the liability, and if Mr. Mustafa is correct -- and I don't know whether he is or not -- to my knowledge we've only allowed in private developments speed bumps. And I hate to make speed bumps the issue of the night. But once we admit that something may or may not be drawn or constructed correctly, the Town of Falmouth then becomes liable for anything that happens. If you banged

the bottom of your car or -- I remember once the Department of Public Works had to replace the front wheel of my motorcycle. I came down Sippewissett Road and hit a bump that had already been reported, and they had to buy me a new wheel. So, I have a concern with what we've just done here tonight, and I want to get the money back, I agree with Mr. Boyer. I think the Town needs a lot of money. But I wish the Board of Selectmen and the Administrator and the powers that be look into are we assuming the liability of something that really shouldn't be there, and should it not be removed? And I'm including Sippewissett, the bump down in Megansett, I believe there's a speed bump in the road that goes down to Megansett Beach, and now I read there's one on Hummingbird Hill.

So, let's vote this article, but I think the people on the stage really should take a long, hard look at the policy of speed bumps in the Town and the liabilities that go along with it.

THE MODERATOR: Okay, the question will come on the main motion, Article 40 as recommended. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed No.

[No.]

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

Article 42, Madame Chairman.

CHAIRMAN LEMOINE: Mr. Moderator, I move that all articles considered in this Town Meeting be funded as voted, for a total of \$4,342,041.22.

THE MODERATOR: Okay, you've all heard the main motion: \$4,342,041.22. 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 our next annual Town Meeting.

CHAIRMAN MURPHY: Spring Annual Town Meeting will be on Monday, April the 3rd.

THE MODERATOR: April 3rd. Okay, Madame Chairman.

CHAIRMAN LEMOINE: Mr. Moderator, Ladies and Gentlemen, I move the November, 2005 Town Meeting be closed.

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

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous. We'll see you on April 3rd, seven o'clock.

[Whereupon, this meeting adjourned.]

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing transcript represents a complete, true and accurate transcription of my audiographic recordings taken in the November 2006 Falmouth Town Meeting to the best of my knowledge, skill and ability.

Carol P. Tinkham
Notary Public

My Commission Expires
May 14, 2010

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