



**TOWN OF WAREHAM  
54 MARION ROAD  
WAREHAM, MASSACHUSETTS 02571**

**TOWN CLERK**

**MAY 21, 2009**

**I hereby certify the following to be extracts of the minutes of the Annual Town Meeting convened on April 27, 2009, April 28, 2009, May 5, 2009, and ended on May 11, 2009:**

The Town Clerk arrived at Wareham High School at approximately 5:55 p.m. to insure that all was setup correctly before town meeting. Town Moderator John T. Donahue arrived at 6:50 p.m.

At approximately 7:05p.m. Town Moderator John T. Donahue stated, "I'm going to call the meeting to order and I am going to ask the Clerk to read the warrant." The Town Clerk stated the following:

**"COMMONWEALTH OF MASSACHUSETTS, PLYMOUTH, S.S. TO EITHER OF THE  
CONSTABLES OF THE TOWN OF WAREHAM: GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the legal voters of the Town qualified to vote in Town affairs to meet in **Precinct 1:** Wareham Town Hall, 54 Marion Road; **Precinct 2 and Precinct 3:** Onset VFW, 4 Gibbs Ball Park Road, Onset; **Precinct 4 and Precinct 5:** John W. Decas School, 760 Main Street, South Wareham; **Precinct 6:** Wareham Lodge of Elks, 2855 Cranberry Highway, East Wareham on Tuesday, April 7, 2009 at 8:00 o'clock a.m. for the election of Town officers designated in the official ballot, to be adjourned until Monday, April 27, 2009 at 7:00 o'clock p.m. in the High School Auditorium, 7 Viking Drive, Wareham, MA at which time the general business of the Town shall be transacted, and to act on the following articles:" The Moderator then stated that he would waive the reading of the articles as contained in the warrant. The Town Clerk continued, "You are hereby directed to serve this warrant by posting attested copies thereof on or before March 20, 2009 in at least one public place in each precinct within the town and by publishing a copy of the warrant by March 27, 2009. Hereof fail not and make sure due return of this warrant with your doings thereon to the Town Clerk at the time and place of said meeting. Given under our hands this Seventeenth day of March in the year 2009, Wareham Board of Selectmen." The Moderator stated, "In accordance with our home rule charter, let the record duly record that the town Constable on March 18, 2009 delivered copies of the warrant to the Moderator, the Chairman of the Finance Committee, the Chairman of the Planning Board, the Chairman of the Capital Planning Committee, the Chairman of the Personnel Board. Ladies and gentlemen would you please all rise, to my right, to your left, is the flag of the United States of America. Let us salute the Flag." The body then proceeded to pledge allegiance to the Flag. At the point, the Moderator stated, "Do we have a report of the Chairman of the Board of Selectmen?" Bruce Sauvageau, Chairman, rose and stated, "Mr. Moderator, I don't have any opening remarks at this time, other than I would like to welcome Mr. Cruz as a selectman to his first town meeting, and I hope you will welcome him warmly as well. Thank you." The Moderator stated, "Yes indeed, welcome Mr. Cruz, and is Benjamin Donahue in the audience? Benjamin, to my left, ladies and gentlemen I want to welcome our new Deputy Moderator to you, Mr. Benjamin Donahue. And let me state for the record there's no relation. Although I do like your last name, Benjamin. Do we have a report of the Chairman of the Finance Committee?" Mr. Paulsen rose and stated, "Thank you Mr. Moderator and thank you ladies and gentlemen for

being here this evening. It's wonderful to see you. I hope that I don't have to say the same thing in four or five days and the same venue. I think you know what I mean. There are two things that have resonated with me in terms of the town. One, at least in this point in time, one is that the first is that we have to deal with a budgetary crisis that in part has been brought on by significant increases in the rapid escalation of our benefits. Something has to be done about it. What's happening is that the benefit cost is going up like this and our ability to fund is going something like this, and the gap is widening. And so it's very clear when you look at the numbers, and I hope you do, that some action has to be taken. You can say well, what are we going to do? One of the things you can do is talk to your selectmen, talk to the interim town administrator and try to express your feelings as to where we stand and where we are headed. The other issues that I think is of importance and is somewhat related to that issue, is the stabilization fund. We are not building reserves in this town. We have about a hundred and fifty thousand dollars total in our reserves, in our stabilization fund. That's just inadequate. And I know or I suspect that everybody up here and everybody here, probably most of the people in the room here, would agree that we have to have money set aside for contingencies. And we haven't done it. And every year as far as I'm concerned has happened, has been, "well we'll do it next year." And next year comes and we push it off another year and we push it off again. My guess is that what will happen here later on is that somebody will get up and say you know we really agree with Mr. Paulsen, we should put the money aside; however, now's not the time. And every time I hear somebody say 'however' when they are talking with me my heart skips a beat, and at my age I don't want that to happen to often. I hope you can appreciate that. So with that said, again welcome, do your best to follow through with what we are talking about here, ask any questions that you think are appropriate and have a nice evening."

The Moderator then stated, "Ladies and gentlemen we are going to have a few changes in the procedures for this town meeting. One of the first changes is that we have some student tellers, along with our regular tellers. So first of all I'll introduce Mr. Gino Caretti. Where are you Gino? Right here one of our tellers, thank you for your service. Mr. Jack Silva, another one of our tellers. Now I want to introduce to you the student tellers. And do we have four or five? Okay, five, we were waiting on one. Kayla Vicino, would you please stand so everybody knows who you are; Andrew Cavicchi; Leanne MacDonald, Vickie Verrier, and Harold Irving. Now I will ask all of the tellers to please stand and raise your right hand and follow after me." The Moderator proceeded to swear in the tellers. He then stated, "And ladies and gentlemen a couple of other brief changes. We have two stationary microphones. They are located down here in the center. I'm going to ask all voters, all speakers who want to speak on any articles to please queue up behind either microphone and it doesn't matter which one and I will address each one of you in alternating fashion. Anyone who is in a wheelchair or incapable of standing for a prolonged period of time, please just indicate to one of the tellers that that's your condition and the tellers will notify me that you wish to speak and I will try to call you in an appropriate order. Sir for what reason do you stand?"

The speaker stated, "Mr. Moderator I did have a question for the Chairman of the Finance Committee for clarification. Is that okay?" The Moderator state, "It's not in order at this time. If there's an article on which your wish to speak on..." The speaker stated, "It actually had to do with his introduction." The Moderator stated, "Well, I'm not going to correct or question his introduction. He had the opportunity to do that. If there is an issue that comes under an appropriate article you can direct your comments to that issue and maybe if you seek clarification, you can do that at that time. Another change to the procedures this evening is that we have an electronic timer and I'm not sure if everyone can see it because it's not up there right now. I'm sorry, now it's on the bottom. Thank you, Matt. It was in the upper right hand corner and it appeared that there would be difficulty seeing the timer in the back of the auditorium; that is there for obvious reasons. We are going to try to maintain control of the debate throughout the meeting and I think it will be of assistance to everyone to know

how much time every speaker has remaining and of course the body can see that everybody is given an equal time. Hopefully we will be able to make some adjustments. We know that the main speaker, traditionally, the proponent of the article is traditionally given five minutes and each subsequent speaker can speak for two. So, Matt, are we going to be able to, okay, fine. Matt says we will be able to change that back and forth. Is someone taking photographs in the body? In the booth, okay you asked for permission. While I am on that subject, just to let everybody know, this is a legislative body under the laws of the Commonwealth of Massachusetts. Another words, this is not a governmental body under the definition of the open meeting law. So anybody requesting permission to hand out material or take photographs or take any other type of recording, whether they be audio or visual recordings must receive the permission of the Moderator. If not, those materials can be removed or anybody taking recordings can be asked to either stop recording or be removed from the body. So we've had problems with that in the past. I hope that we won't have any problems this evening. If we do, they will be dealt with on a case-by-case basis. For what reason do you rise?" The speaker stated, "Mr. Moderator I did want to speak to your comments on the handing out of materials, but I don't want to interrupt your presentation. I just want to make sure I get a chance to talk about that when you conclude. If right now is appropriate and I can be recognized, then that's fine." The Moderator stated, "Do you have a point of order?" The speaker stated, "It's a point of order." The Moderator asked, "State your point of order, please." The speaker stated, "I wanted to speak to your issue of the handing out of material and flyers having to be pre-approved by the town moderator. I think that for as long as I can remember which is probably not as long as some people here have been attending town meeting. The area outside of the hall has really been treated as if it was a public forum. In fact, it has been a public forum and that people that wish to whether their on one side or the other side of an article or whether they just wish to bring some information to enlighten the voters as to particular issues have used the areas outside the auditorium to do that and I think they have done that in exercising their right to free speech and their right to petition government. I have a serious issue with a pre-screening or prior restraint on materials and what content of the materials or flyers or handouts are going to take place outside of the auditorium." The Moderator responded, "You've stated your point of order. As I said this is a legislative body. The Moderator is responsible for regulating the decorum of the meeting. Some of the materials that are handed out are brought into this body for the purpose of influencing voters. I don't censor material, I don't edit for content, per se, it is my duty and responsibility to make sure that the body is not subjected to offensive, profane material, and we haven't had that. However, I do disagree with your point that that's been a traditional area for handing out materials. It has always been the custom and tradition of town meeting that the Moderator controls and the Moderator makes a very public declaration that all materials, all photographs, all visitors, all reporters request the permission to attend the meeting to be involved, to observed the meeting since their note registered voters of the town. So I consider that to be part of my duties as the Town Moderator. Thank you for your point of order. We are not going to have a debate on it. Thank you." The speaker (Margaret Ishihara) continued, "Thank you Mr. Moderator, but I will be following up on this with a request for an opinion from town counsel because I think you're incorrect." The Moderator stated, "Well, you are entitled to your opinion; as far as the tellers are concerned... Sir, for what reason do you stand?" The speaker stated, "I wish to appeal the ruling of the chair." The Moderator stated, "That's out of order at this time sir." The speaker (Mr. Baum) continued, "I have a point of information." The Moderator asked him to state his point of information, and he continued, "I would like ask the town counsel if my previous request for questioning the ruling of the chair is in order or not?" The Moderator asked, "Does Counsel want to comment? As Counsel doesn't have to, I can rule that you don't have to." Rich Bowen, town counsel, stated, "Thank you Mr. Moderator through you to the previous speaker. Chapter 39, Sections 14 and 15, provide a mechanism for members of the meeting to challenge determinations on votes made by the Moderator. Typically that's done through a challenge by seven persons who arise to question a count. That right of appeal relates to the matter of counting actual votes rather than procedural rulings made during the course of the meeting." The Moderator

stated, “So ladies and gentlemen regarding the tellers, there will be a pair of tellers assigned to each section of the body. We had a very informative meeting last week with their high school teacher, Mr. St. Julien. I really look forward to working with the students this evening and to make this part of the tradition of the annual town meeting. Each pair of tellers will go, starting on the selectmen side, row by row and they will count individually and when they agree on the count on each row, then they will proceed to the next row, and hope that will provide for an accurate count and to instill some confidence in the body as to the integrity of the count. And I have been reminded by the Clerk, everybody who came through the checkers this evening was given a voters slip or a voter card, and I will remind all of the tellers that if I take a hand count, first of all, from my point of view, everyone has to hold their card up, and I will try to make a determination as to the count. If there is a question on the count then I will ask the tellers to go to their assigned section, count each card being held. If you simply raise your hand without a card you won’t be counted. So please keep that in mind. This indicates that you are a registered voter and therefore you are entitled to the right to vote in this legislative body. So why don’t we try that technique by having the tellers take a quorum count. Please everybody hold your card up. The pairs of tellers can come down. The tellers in the center will please count the finance committee who are seated here at the table. And our senior tellers don’t forget to count your votes please. Not high school seniors but our adult tellers. And just to remind everybody we have a minimum requirement of one hundred and fifty voters to conduct any business over \$5,000 dollars and a minimum requirement of one hundred voters to debate any other business under \$5,000 dollars. And Ms. Silva and I instructed the high school tellers to take their time, make sure that their accurate. We’re in no hurry to get the vote correct.” The Moderator asked for the quorum count by sections at approximately 7:30 p.m. and total voters in the hall were two hundred and fifty-six. The Moderator stated that we have two hundred and fifty-six voters in the body and at this point in time we can conduct all business before us. The Moderator stated, “Just a few comments on procedural matters. This meeting is concerned with discussing and voting upon those issues contained in the published warrant for this meeting. This meeting will be governed by the laws of the Commonwealth of Massachusetts, the Wareham Home Rule Charter, the By-Laws of the Town of Wareham, Robert’s Rules of Order, town meeting tradition and my rulings. For clarification, a few rules of the meeting are as follows:

1. First of all to be recognized by the Moderator, I went over this earlier, please queue up at one of the microphones. If you are in a wheelchair or unable to stand for a long period of time let a teller know and I will make sure you are recognized.
2. Moving the question is a procedure to cut off debate. To make such a motion one must be recognized by the Moderator. No one will be allowed to move the question at the end of a speech. And finally no motion for moving the question will be in order until the Moderator determines that all sides have had a fair opportunity to be heard.

I did, with the help of the Town Administrator, thank you, prepare a three-page outline of town meeting entitled Town Meeting in a Nutshell. It is available outside; you can review that for the procedures for making other types of motions. Finally, we must remember that this is a deliberate body whose function is to debate issues and to decide those issues by a vote. There is no place in the meeting for discussions of personalities and no such discussions will be allowed. At this point I will entertain a motion to limit debate to five minutes to the proponent of the article and to two minutes to each subsequent speaker. I heard a second. This requires a two thirds vote to pass. However, be advised this motion maybe overridden by a majority at anytime during this meeting in order to extend time to any speaker so requesting an extension of

time. All in favor please indicate by saying aye; all opposed. It passes by the two-thirds majority. Also, I remind you that this body has accepted the provision of Massachusetts General Laws, Chapter 39, Section 15, which provides that whenever a two thirds vote is required by statute such a vote maybe declared as such by the Moderator, without a count, and be recorded by the Clerk upon such declaration, provided however that if seven or more voters doubt the vote, they must stand and ask for a count to be taken and that needs to be done immediately after the count in question. Sir, for what reason do you rise?"

The speaker rose and stated, "Point of information, Mr. Moderator. John Decas, 16 Winship, relative to the rules that you've already introduced, when there are two lines standing at each microphone and a person moves the question in one microphone and yet there are people standing at the other microphone who were up before the person who made that motion, how do you intend to handle that?" The Moderator stated, "As tradition of town meeting, first of all I would make a determination to whether or not enough discussion has taken place on the subject. If not, and if there are people standing at either microphone who haven't spoken on the issue, I will usually declare that those remaining standing will have an opportunity to speak and then we will move the question." Mr. Decas continued, "If somebody wishes, who's not standing in line to make a point of order or a point of information, how do you go about doing that? Do you yell it out, stand up or what?" The Moderator stated, "First of all they should stand; obviously, if there is some distance from a microphone and don't think they can get to a microphone quick enough, they should say in a loud enough voice for me to hear 'point of order' and I'll give them an opportunity to come down to the microphone and state their point of order or their question or privilege." Mr. Decas stated, "In the letter that you wrote that appeared in the courier this week, you talked about another new rule, which I don't think you mentioned here tonight the consent calendar rule. Is that in play or not in play?" The Moderator stated, "It's in play. I haven't gotten there yet and I will explain it in a moment." Mr. Decas stated, "Can I ask a question on it?" The Moderator responded, "Why don't we wait until we get to it? Go ahead, ask your question." Mr. Decas stated, "Well, I'm just wondering what law exist that would allow you, as I understand it, you would do the bundling of these articles. If that's correct, my question is, how can you take one third of this warrant, because you estimate there may be as many as twenty articles, and put them in a category where no debate is allowed?" The Moderator stated, "I'll explain that. I will explain that." Mr. Decas stated, "Okay, one final point, in agreement with previous speakers, and I don't think the law relates, I think your wrong when you say that putting out pamphlets on the outside is not a tradition of this meeting. I've been coming to this meeting for fifty years. I can guarantee you that that's a tradition." The Moderator stated, "I didn't say it wasn't a tradition." Mr. Decas continued, "Well it's not governed by law. Certainly as far as I can tell you govern what goes on inside not outside." The Moderator stated, "That's been addressed. Thank you very much. Okay, getting to my next point ladies and gentlemen and that is the subject of the consent calendar, which is timely. All though this is a new concept to the Wareham town meeting, be assured that this procedure is frequently used in probably most communities in Massachusetts, and I hope this will become a tradition in the town of Wareham. Just parenthetically I state that both the Board of Selectmen and the Finance Committee have agreed and approved the principal, although there maybe some differences on the particulars. I'll try to explain this and if people have questions, certainly feel free, because this is new to all of us. The intent of the consent calendar is to move for favorable action on multiple articles included in one motion without debate. Now how this will work, and I have a list of articles for your consideration. This is not my ruling, this is not a fiat, I am not a dictator; you will make the decision. So what I will do is go through the list, and you have your warrant in front of you, so I'll take the time to identify the article, the page in the warrant, and I haven't talked to the IT person, so it may be putting him on the spot, but Matt if you could go through the motions, display the motions, as I declare the articles. Hopefully we can all see what is involved here. So as I go through the list and I'll go through

slowly, so we can all be on the proverbially same page here. If any seven voters don't want any article on the list, simply stand and I will take the article off the list. It's that simple. The articles that I've chosen for your consideration are articles that have been voted unanimously by the Board of Selectmen and unanimously by the Finance Committee. If there is even one negative vote by either body, either the Board or the FinCom, I have not included that for your consideration on the consent list. The intent is try to get through, what I've termed 'not controversial articles', probably better described as routine articles or housekeeping articles that appear on the town meeting warrant year-after-year-after-year, with some modifications. Now having said that there are some articles on the consent calendar that may not appear year-after-year-after-year but are certainly house-keeping articles that the Selectmen and the Finance Committee collectively agree should be taken care of. So just to work into this, if you turn to article one, which is on page one of your warrant, and probably this is the best example of how a consent calendar would work, this simply calls to choose the following elected officers who were in fact elected on April 7, 2009. Arguably, it's a done deal. I can't remember in my thirty years of attending town meeting where this article was ever debated. So I would ask that for your consideration, Article number two, which is on pages one and two, which simply authorizes the Selectmen and/or the Town Administrator to enter into contracts, again a routine article; Article number three on page two, to authorize the town treasurer and the collector to enter into a compensating balance agreement or agreements, and I should probably point out at this time, going back to article one, you can see as printed in the warrant favorable action, 5-0-0 by the Board of Selectmen; favorable action 8-0-0 by the Finance Committee, likewise with article two, likewise with article three; Article four on page three, to act upon the reports of the Selectmen and the school committee as required by statute and upon any other report from officers and committees as deemed expedient, favorable action 5-0-0, favorable action 5-0-0 and at the request of the Superintendent of the Schools, Dr. Rabinovitch, I am incorporating his written report, which was available outside and which will become part of this article; Article number five on page three, to fix the salary and the compensation of the Town Clerk and Town Moderator. I have been informed by the Finance Committee and please correct me if this has changed since the last time that we talked that these amounts are the same amounts as last year. Is that correct, affirmative; Article eight on page five. Of course I'm not putting the budget on the consent calendar. I think we want to discuss that a little bit. The bottom of page five, appropriation for monies for emergency medical services and salaries and wages and the general expense account with offset receipts in accordance with Massachusetts General Laws, Chapter 44, Section 53E, Selectmen favorable 5-0-0, Finance Committee favorable 8-0-0; Article nine that's on page six. Appropriate monies from the sewer betterment retained earnings account, sewer enterprise fund retained earnings account and wastewater enterprise revenue in accordance with Massachusetts General Laws, Chapter 44, Section 53F1/2, to defray operating and capital expenses of the Water Pollution Control Enterprise Fund for fiscal year 2010; Selectmen 5-0-0; FinCom 8-0-0; Article ten and now there are going to be a number of revolving fund articles. I didn't count them but there are probably ten or more. Starting with article number ten on page seven, which is the recreation department revolving fund not to exceed one hundred twenty thousand dollars; article eleven on page seven, the recycling revolving fund not to exceed fifty thousand dollars. Article twelve on page eight, the shellfish revolving fund not to exceed twenty thousand dollars, Selectmen 5-0-0, Finance Committee 8-0-0; Article thirteen, which is on pages eight and nine, the elderly disabled persons' transportation revolving fund not to exceed two hundred ten thousand dollars; Article fourteen, page nine, kindergarten revolving fund not to exceed one hundred ninety-five thousand dollars; Article fifteen, page ten, Special education revolving fund not to exceed five hundred thousand dollars; Article sixteen pages ten and eleven library revolving fund not to exceed ten thousand dollars. Now I don't have a Selectmen's vote on that. Could we have the microphone on the Selectmen's table, please?"

Bruce Sauvageau stated, "That's a typo, it was unanimous 5-0-0 favorable action." The Moderator stated, "Five zero, zero favorable action. Now is FinCom indicating any problems with that? FinCom is requesting that be stricken from the list. So I'll strike that from the list. They have a concern about language. So that's article sixteen; sixteen is off the list. Article number seventeen, page eleven, Senior Day Care Center revolving fund not to exceed two hundred thousand dollars; Article number eighteen, Elderly Disabled Educational and Social Programs revolving fund, not to exceed seven thousand, five hundred dollars; Article number twenty-four on page fifteen, to transfer twenty thousand dollars from the parking meter fund to the municipal maintenance line painting account in fiscal year 2009, Selectmen favorable action 5-0-0, FinCom 8-0-0; Article number twenty-five, page sixteen. transfer ten thousand dollars from the parking meter fund to the municipal maintenance line materials account in fiscal 2009; Article number twenty-six and I want to look at the language on this as displayed. Is it transfer, FinCom? Is this a transfer? I think we need to be specific as to what the article is moving either an appropriation or a transfer. Is it a transfer from the Waterway Improvement? FinCom I think its transfer from Waterway Improvement Funds, correct? All right take a minute. Counsel tells me that language is okay in either case. Article twenty-six, to appropriate and transfer twenty-five thousand dollars from the Waterways Improvement and Maintenance Fund to the Harbor & Beaches Maintenance Fund, 2009; Article number twenty-eight on page eighteen, raise and appropriate thirty thousand dollars to replace a boiler at the police station; Selectmen 5-0-0, FinCom 9-0-0; Article number twenty-nine, raise and appropriate seventy-five thousand dollars to replace a boiler in the Multi-Service Center, again Selectmen 5-0-0; FinCom 9-0-0; Article thirty, page nineteen. Point of order, state your point of order please." The speaker rose and asked why these are separate from the budget? The Moderator stated, "Well, revolving funds, first of all, are self-sustaining. They bring in revenues of their own and they are limited to how they can spend in any given year. If there's an excess, then the decision is to put that back into the general fund. The question is these are to raise and appropriate as opposed to transfer, I believe the answer is because these are capital expenditures, so therefore they require a separate motion because they are not part of a regular line item which is usually salaries and equipment. These are capital expenditures. State your point of order please." The speaker (Mr. Decas) stated, "You've already broken your own rules Mr. Moderator. This person should be up here using the microphone." The Moderator stated, "I think she understood your point." The speaker stated "My apologies. September McCarthy, Cannonberry Way; my question is, are not capital expenditures part of the budget?" The Moderator stated, "As I explained, first of all their capital expenditures. They typically have their own article because there outside the normal operating expenses of a given department." Ms. McCarthy stated, "Then I would object to including these in a group passing without being made part of the budget discussion or considered as part of that." The Moderator stated "Well if six other people join you I'll take them off the list. Okay, Article 29 is off the list, and twenty-eight. We can certainly debate them. Ma'am, for what reason do you stand? Ma'am, would you please take off your hat when you're addressing the body." The speaker stated, "I'm Barbara White, I live at 11 Regent and I sorry, I must have missed a piece of how this was going and so I would like to ask the body's indulgence in asking a point of information. I know that the figure that is included in Article 11 for the Recycling Revolving fund is incorrect and it was incorrect up on the screen. So I would like to respectfully request that perhaps we could revisit that and we could not include it in the group." The Moderator stated, "Well, we could do that. Can I verify it through the FinCom that the motion is incorrect, the motion is incorrect? We don't even have to have anybody stand; I'll take it off, number eleven. Number eleven, correct? Okay, that's off the list. All right where am I, Article Thirty, raise and appropriate sixteen thousand dollars to replace a roof at the EMS building. Sir, for what reason do you rise?" The speaker stated, "Mr. Moderator I have a question on one of the articles." The Moderator stated, "Please remove your hat when addressing the body, thank you." The speaker stated, "Can I address a previous article?"

The Moderator stated, "Which one?" The speaker stated, "Article number five." The Moderator stated, "State your name for the record please." The speaker stated, "I'm Bill Heaney, Madison Street." The Moderator stated, "You wish to question that?" Mr. Heaney stated, "I wish to question it as part of the group. It is a money article and I have a question regarding the clerk's salary as it relates to the furlough program." The Moderator stated, "Are there six other individuals to join the speaker? All right, it's off the list, article number five. Where was I, article thirty? Raise and appropriate sixteen thousand dollars to replace a roof at the EMS building; Article number thirty-four, which is on page twenty-two is to authorize the community events committee to expend fifty-six thousand, six hundred fifty dollars. For what reason do you rise?" The speaker stated, "Mr. Moderator, Nancy Miller from 6 Riplah Road. My understanding was we were asking article twenty-eight, twenty-nine and thirty to be removed from the list because they are capital expenditures and they should be discussed." The Moderator stated, "I heard twenty-eighty and twenty-nine. Does six people want to join the speaker for article number thirty? Okay, it's off the list. Article number forty-three, which is on page twenty-nine. I said article number thirty-four. I didn't hear anybody standing, I didn't see anybody standing. The previous speaker spoke about another article. Are they standing for article number thirty-four or article forty-three? I'm being asked to withhold it, to take it off the list because the number is incorrect. So I'll take it off the list, it just makes it easy. Sir, for what reason do you rise?" The speaker stated, "Stanley Andrews, Cranberry Highway. I wish the Moderator would make it more clear which ones are being eliminated, which ones are we doing. I am so confused I don't know which ones are what. Because you keep turning around, you keep talking to somebody else. After it's finished you should address us and tell us, this will have on the list, this will not. I still don't know if twenty-eight, twenty-nine, thirty-five, whatever. We're bouncing back and forth just like a yo-yo." The Moderator stated, "Well Sir like I said this is the first time we are going through this, so I'm sure it will become easier in the future. In answer to your question, article number five, article number eleven, article number sixteen, article number twenty-eight, article number twenty-nine, article number thirty and article number thirty-four, so far, are off the list. Did I omit one? No, okay, article number forty-three, page twenty-nine, this is to correct the age requirement in Division II, Article I, of the bylaws of the Town of Wareham, from twenty years to twenty-one years. Article number forty-four is on page thirty. Oh I'm sorry, article forty-three. I'm sorry, I can't hear you Ma'am." The speaker stated, "September McCarthy, Cannonberry Way. Your article there states that it is unlawful for anyone who has attained the age of twenty to consume." The Moderator stated, "If you look at the bottom Ma'am. I think it's a simple change because twenty-one is incorrect, excuse me twenty, I'll confuse this more. Twenty is incorrect, Ma'am." The speaker thought it should say 'has not attained the age of twenty-one. The Moderator stated that he disagreed. He stated, "Please, let's try to keep this simple. It says it is unlawful for a person who has attained the age of twenty-one years to consume or have in his possession alcoholic beverages on public highways, including vehicles or public places of the town of Wareham. It's very simple, it's trying to correct the age from twenty to twenty-one, which is what the statute should say. Now, if seven people want to stand and debate this, I'll take it off the list. It's off the list. Okay, article number forty-four, page thirty; this is to change the name of the Wareham Counsel on Aging to the Wareham Counsel on Aging and Social Services; Selectmen 5-0-0; FinCom 8-0-1. Okay that's what I have on my list. Ladies and gentlemen, would anybody like to add any articles?" A speaker rose with a point of order and the Moderator asked him to state his point of order. The speaker stated, "Point of information, actually, John Decas, 16 Winship. I have two or three questions as to how to proceed on this. Article Four, which I think is on the list, am I correct." The Moderator stated, "That's correct." Mr. Decas continued, "That calls for reports from any committee that any one person may ask for and I'm just wondering why that's being taken away from anybody who may wish to ask a question of any particular committee and so therefore, I don't think it belongs on there even with or without seven people getting up and stating their position on it." The

Moderator stated, "I'm sorry, do you have any other point to make?" Mr. Decas stated, "Yeah, I have two or three others; how about folks who come here tomorrow night or come here next week because they were unable to be here tonight, and then come to find out that certain articles have been taken away from them that they wish to address at town meeting. Is there anything built into this marvelous system which will allow them to be given some consideration?" The Moderator stated, "Yes, this marvelous system accommodates reconsideration of any article." Mr. Decas stated, "Any individual article?" The Moderator stated, "Yes." Mr. Decas stated, "At anytime? I'm just wondering where the efficiency is coming from here, if you can do that and go through what we are going through tonight and you take away the right of a single person to ask for a simple explanation on any article whether it's a boiler or any of these others that we voted on, it just seems to me that your going to be depriving some citizens who attend this meeting who want to address those particular issues, even if it's just for information, not because they want to get up and convince this body to one thing or another but would like to at least have an explanation. It just seems to me that your taking this away from them and I don't think that's fair and I just think you ought to reconsider this whole process. It's very complicated. It doesn't make any sense and the amount of time we've spent already on this thing, we could have wiped out about all of these articles that are on that list very easily." The Moderator stated, "Sir, for what reason do you rise?" The speaker (Mr. Paulsen) stated, "Excuse me Mr. Moderator. Article three in the warrant it suggest that it's for fiscal year 2009 but in the material that we received from counsel it refers to Fiscal year 2010 and so what I think we are going to have to do is perhaps remove that from the consent agreement." The Moderator stated, "If it's incorrect I will take it off." Mr. Paulsen stated, "But in the warrant it says 2009." The Moderator stated, "The motion says 2010, so it is correct. Thank you for pointing that out. Okay Ladies and Gentlemen, I'm going to ask for a motion to suspend the rules to allow articles number one, two, three, four, eight, nine, ten, twelve, thirteen, fourteen, fifteen, seventeen, eighteen, twenty-four, twenty-five, twenty-six, and forty-four to be taken out of order and to adopt said articles without debate. Motion made and seconded. All those in favor, please indicate by saying aye. All those opposed. It passes by a majority vote. So that brings us to article number five. Is there a motion?" After the motion was read, Mr. William Heaney rose and stated, "My name is Bill Heaney, 7 Madison Street; through you Mr. Moderator to the Town Administrator. There is a furlough program in place at the moment for at least ten Fridays and with that furlough program is a cut in pay for each of the town individuals and my question is does this position participate in this reduction in pay?" The Moderator stated, "Mr. Sanguinet to answer the question." Mr. Sanguinet rose and stated, "The furlough program is for fiscal year 2009 and has no affect on this article, and yes the Town Clerk is participating voluntarily. However, she is only taking five days." Mr. Heaney stated, "Mr. Moderator I would like to amend this article to include the Town Clerk position if there is a furlough program in place for the year 2010 that this position also be included in that furlough program for the exact same number days." The Moderator stated, "Could I have that in writing please and put your name and address on it. I'd have to take a look at that and I am going to discuss that with counsel because of the issue of the elected nature of the office." The Moderator asked, "How are my student tellers doing, everything going okay. Thumbs up, okay. Counsel's prepared to rule. Would you like to do that now or would you like to wait until the written articles up here Counsel? We've reviewed the article Counsel is prepared to address." Town Counsel, Rich Bowen, stated, "Mr. Moderator through you to the meeting. The motion is to amend by including the language to include all elected positions in any furlough program if one exists. The issue with that is that under Chapter 41, Section 108, the salary of elected officials is set by this meeting so the motion as presented does not offer a number. It's indefinite as to the amount that would be changed as a result of acting on the wishes as expressed in this. So absent of changing the current number to a specific number this proposed amendment would not affect the numbers that are on the board and would not achieve the result that the maker of the motion wishes." The Moderator asked for any other discussion and

stated that the Town Clerk wished to address the body. Town Clerk Mary Ann Silva rose and stated, "Actually when the furlough program was discussed I met with John Sanguinet and the reason why we agreed to the five days was cause on July first he's giving five days back to the union personnel, and because he cannot give me time that is why we agreed on the five day furlough. On top of that we also sell or we do the passports and we receive twenty-five dollars for each passport that we process. That money is put into a gift account. The last time I checked on it there was twenty-seven hundred dollars in it. It was agreed that John would use that to supplement my salary if need be. So you understand that we worked something out because the unions get back time, and he can't give me time." The Moderator then stated, "Any other discussion. The vote comes on the amendment to include all elected position in any furlough program if one exists. All those in favor of the amendment please indicate by saying aye, all those opposed. The motion is lost, which now becomes the main motion as originally moved on article five, which is on the screen. Any discussion? All those in favor, please indicate by saying aye, all those opposed. Now, Ladies and Gentlemen, before we get to the budget, I apologize that I got ahead of myself. I also had a proposed negative consent calendar. If you would turn to Articles fifty-six, fifty-seven and fifty-eight in the back of your warrant, which begins on page thirty-five. These three articles are all related to one another and they essentially address a proposed resort mixed use overlay district. The petitioner called me, I believe, went before the Selectmen and before the Planning Board and has asked for further study on these three articles. Also, if you would turn to article number forty-eight. It starts on page thirty-one and goes over to page thirty-two. I spoke with the petitioner prior to the beginning of the meeting and I believe we are in agreement that the original Charter has the correct printing in it and evidently when the Charter was reprinted, probably after we ran out of the original copies and more copies were printed. Can you hear me? The language was incorrectly printed. However, because the original charter is correct, we agreed that there is no need to make this change. So I would ask for a suspension of the rules to take articles number fifty-six, fifty-seven, and fifty-eight, I should back up also and article forty-eight, for further study in one motion without debate." Several people moved the motion and seconded the motion. The Moderator then stated, "State your point of order please." The speaker stated, "Point of order, my name is Anthi Frangiadis, 16 Barrett Way. Articles fifty-six, fifty-seven and fifty-eight require a report of the Planning Board prior to any vote by town meeting." The Moderator stated, "Not for a negative vote." Ms. Frangiadis stated, "My understanding was for further study." The Moderator stated, "Which is a negative vote. State your point of order Ma'am." The speaker stated, "I'm not clear on what we're voting on. You're saying a negative vote meaning we're voting these down. The Moderator stated, "Further Study on articles number forty-eight, fifty-six, fifty-seven and fifty-eight." The speaker stated, "That's not negative though. Is it?" The Moderator stated, "According to Parliamentary procedure, further study or indefinite postponement is a negative vote. State your point of order please." Speaker, Anthi Frangiadis, stated, "Mr. Moderator through you to town counsel, my understanding is that state statute requires a report from the Planning Board regardless of the vote on any zoning amendment." The Moderator stated, "Do you want to rule on that counsel?" Rich Bowen, town counsel, stated, "If the action that's going to be take is negative in character and a vote for further study is negative in character, then no report is required. If you adopted an article without a report then it would be rejected by the Attorney General and that would constitute negative action. However, since you would be taking negative action, no report of the Planning Board would be required in those circumstances." The speaker said, "Thank you." The Moderator then stated, "For what reason do you rise, Sir?" The speaker stated, "George Barrett, Chairman of the Planning Board. Just for the record, the Planning Board held a public hearing on these articles this evening and we recommend further study." The Moderator continued, "So just to repeat everyone so that we know where we are, so that we're clear, I will entertain a motion to take articles forty-eight, fifty-six, fifty-seven by suspending the rules out of order and vote further study in one motion without debate." It was moved and

seconded by several members of the body. The Moderator then called the vote, "Discussion, all those in favor please indicate by saying aye." It was unanimous. The Moderator then stated, "Now some of the other business that I skipped over, and we'll get to the budget quickly. Just some quick announcements, as usual, no parking in the fire lanes outside. You are subject to be towed. We need to get emergency vehicles in and out of the area. Please turn off your cellular telephones and your pagers. And I have to take a role call on department heads, so very quickly: Administration, Animal Control, Board of Assessors, Accountant, Building Department/Zoning Officer, Town Clerk, Collector/Treasurer, Community and Economic Development, Conservation, Counsel on Aging, Data Processing, Emergency Medical Services, Harbormaster/Shellfish, Board of Health, Inspectional Services, Library, Municipal Maintenance/Water Pollution Control, Planning Department, Police Department, Procurement/Purchasing, Recreation Department, Board of Selectmen, School Department and one final item, before we go to the budget, I would ask the body for a moment of silence for the following individuals: Mr. John Wylde, former member of the Board of Selectmen, Former Finance Committee member, and the voice of the Wareham Gatemen. Margaret Pena-Russell, wife of Irving Russell and aide to Congressmen Barney Frank and an active individual in our community. Mr. Chris Semple, who if you were at the Wareham Fire District meeting, had a plaque dedicated in his name for his decades of service to the Wareham Fire District, and last but certainly not least, Edie Dumoulin, who was probably an active participant in the town meeting process of at least fifteen years, probably close to twenty years, who loved this community dearly; who was active in the Onset Protective League that was in turn active in holding candidates' night and pre-town meeting discussions and probably most of us would remember her as being a very staunch and proud supporter of the Wareham Free Library. She spent countless hours there in support of the library and in one of my conversations with Ted Dumoulin, whose here, Ted, and I hope I don't embarrass you, she considered the Wareham Free Library the pearl of the Town of Wareham. So I just ask you all to reflect upon all of these individuals and the contributions that they made to this community." The body honored these individuals with a moment of silence. The Moderator stated, "Thank you."

The Moderator continued, "Article number six." Mr. Paulsen rose and stated, "Thank you Mr. Moderator." Mr. Paulsen read the motion and the Town Moderator recognized the Interim Town Administrator, John Sanguinet. He stated, "Mr. Town Administrator would you like the (floor). Let me ask the FinCom, would you defer your five minutes to Mr. Sanguinet as the proponent of the article? Is five minutes enough Mr. Sanguinet?" Mr. Sanguinet rose and stated, "I'll try and keep my comments within the five minutes. Mr. Moderator." The Moderator stated that he had the floor. Mr. Sanguinet stated, "Thank you. Just a quick up date on what's happening in town right now as I previously stated. Can I have the next slide please? Fiscal Year 2009 has been very rocky since day one. Declining revenues and our local receipts continue to slow, as well as state aide reduced by the Governor, have made it a very difficult spring for myself and the staff. In February the Governor cut our local aide for fiscal year 2009 by close to two hundred and ninety-four thousand dollars. In addition to that, Matt can you go back one screen. In addition to that our local receipts have not increased or not have come in as anticipated; this caused me to make some tough decisions on the 2009 budget. I've ultimately frozen most budgets without approval from myself on all expenditures. Most staff is taking ten furlough days as previously indicated. Most of the unions are and I've worked out arrangements with certain departments to keep staff in place, as well as again controlling expenditures. Matt, go to the next screen. Two thousand ten is a little clearer, it's balanced. This is the Governor's house one budget. This is the budget that the Governor came out with in January. Estimated receipts are three hundred twenty-two thousand dollars below what they were in fiscal 09'. This reduction is based on the slowing economy. Our motor vehicle excise is not coming in. Permits are not being taken out. It's difficult to get loans, so it's more difficult for people to do additions to their homes and build new

homes. It incorporates the one point one million dollars of SBA money the town will be receiving the final payment for the high school. It also reallocates the debt payment for the high school debt. The Legislature, the House and Senate, have not acted on their budgets yet. It's my understanding that these budgets may be less than the what the Governor proposed but at this time we have no clear picture to what these budgets are going to obtain and on July one, hopefully, the Legislature and the Governor will sign a budget for fiscal year twenty-ten and we'll be able to act further in the fall on these items. As I stated, we'll deal with state aide changes in the fall. Anticipating some of the questions, the SBA money and the high school debt were reallocated or reused in the budget as follows: there was a nine hundred and seventy-six thousand dollar increase in the town budget and the school budget combined. There are on time articles totaling three hundred thirty-five thousand dollars. The Upper Cape increase was a hundred and fifty-seven thousand dollars. The snow and ice deficit for fiscal year 2009 was four hundred ninety-three thousand dollars. This is an increase of two hundred seventy-one thousand dollars of what we had already budgeted in fiscal 09'. State and county charges, the state gives us local receipts on our cherry sheet, they also take money away from us, increased by two hundred and fifty-one thousand dollars. In addition, you reduce the deficit that we dealt with in the fall of four hundred and eighty thousand dollars and the reduction in the revenues of one million four-hundred and ninety-two thousand dollars offsets the SBA funds and the high school debt dollars. Next screen. The revenues, all budgets are predicated on what your revenues are and then you build your expenditures off of those numbers. The receipts in Wareham have increased since 1998 by fifty percent, property taxes have increased by seventy-five percent, state aide has increased by twenty percent and local receipts have increased by twenty-two percent during that same time period. However, between fiscal year 08' to fiscal year 10', our local receipts are down twenty-nine percent during that time period. These are the receipts that we get through motor vehicle excise, permits, interest on investments and other things. The next three slides, I apologize, are graphs and I'm not sure if town meeting can see those." The Moderator asked to have the lights dimmed on the stage in order to see the screen showing the graphs. Mr. Sanguinet continued, "As you can see our tax levy has increased regularly. That's a product of proposition two and a half with an annual increase of two and a half percent per year in new growth. We saw large increases in our new growth due to the mall. It was the largest and final increase of seven hundred and fifty-two thousand dollars in new growth. You can go to the next slide. As you can see from this slide state aide fluctuates as the economy fluctuates. We have not seen a constant increase, we've not seen a constant decrease, but when there are decreases this is the fund we rely on heavily to offset our budget, and when there's a significant cut like there was this year, we see tightening of our belts and trying to control the budget process a little bit better, and finally local receipts. Again this is very much significant of the economy. We've seen increases since 89' but in the last three years we've seen declines in these but the budget estimates have not followed up until this year. Ironically expenditures during the fiscal years 89' to 2010 have also increased at approximately fifty percent for that same entire period. Town expenditures have increased thirty-six percent. School expenditures have increased approximately forty percent. Fixed cost, however, which the Chairman of the Finance Committee mentioned in his opening statement, have increased a hundred and eighty-five percent during that time period, with health insurance increasing by a hundred and fifty-two percent. This is something that the town is trying to get a control on and I'll be working with all personnel to adjust or work on these numbers. The 2010 budget, operating budget, actually decreases by one point eight-three percent. The Municipal budget increases by four, which includes a legal increase of seventy-eight percent to better show our legal expenditures, as well as the snow and ice account, by a hundred and ten percent, to again better reflect what the town spends on snow and ice removal each year. The school budget increased by one percent and debt service decreased by almost sixty-two percent. This was the payoff of the high school bond. The final item is a breakout of where our money is spent and as you can see more than fifty percent of our town operating budget is spent on the school

department, with the next largest piece being fixed costs. And that's all I have. Thank you, Mr. Moderator; thank you town meeting. And Mr. Moderator, for the record, my name is John Sanguinet, I am the interim town administrator and I live in Plymouth." The Moderator stated, "Okay Ladies and Gentlemen, after page four there are one, two pages, doubled sided, I am going to refer to those pages as they relate to the budget as A, and page A has the heading Fiscal Year 2008 Budget, Fiscal 2009 Town Administrator's Revised, 2010 Town Administrator's Budget, 2010 Finance Budget and to the left it says Wareham Operating Budget. Page B begins with the heading, Total General Fund. Page C, the first two lines are elections and registrations wages and elections and registrations expenses, and Page D begins with Veterans Services and expenses. Now Page A is simply a picture of where we are. That is the property taxes and other real estate taxes, intergovernmental transfers, which includes some school monies, State Aide and Offsets, Estimated Local Receipts and reimbursements, estimated local receipts, total WPC Administrative Fee and so on and so forth. It's really not until Page B at the top after total revenue that we are going to engage in a debate, discussion and a vote on our budget. So what I'm going to do, as I traditionally do, is read department by department and if any voter wants to ask questions, discuss, debate or amend any of those sections, please indicate by saying hold. I will mark that line item, we will get through the entire list and then I will go back to the first hold and begin debate. So we'll begin with Selectmen's wages, Selectmen's expenses (hold); Town Administrator's wages and expenses (hold), Personnel Services expenses; Finance Committee; Town Accountant Wages and Expenses (hold); Assessors Wages and Expenses; Re-evaluation; Recycling wages and expenses; Treasurers Wages and expenses; Town Collector Wages and Expenses; Legal Services (hold); Personnel Board; Data Processing Wages and Expenses; General Services Wages and Expenses; Audit; Communications; Engineering Wages and Expenses; Town Clerk Wages and Expenses; Elections and Registration Wages and Expenses; Town Meeting Wages and Expenses; Planning Board Expenses; Board of Appeals; Town Planning Wages and Expenses (hold); Conservation Commission; Public Building Wages and Expenses; Administrative Clerical Pool; ADA Coordinator; Commission on Disabilities; Police Wages and Expenses; Special Articles; Inspectional Services Wages and Expenses; Emergency Management Expenses; Animal Control Wages and Expenses; Shellfish/Harbormaster Wages and Expenses; Herring Commission Wages and Expenses; Municipal Maintenance/Public Buildings Wages and Expenses; No special Articles; Snow and Ice Expenses; Street lights general (hold); Counsel on Aging Wages and Expenses; Veterans Services Expenses; Board of Health Wages and Expenses; CEDA; Library Wages and Expenses; Recreation Department Wages and Expenses; Beach and Lifeguards Wages and Expenses; Historical District Commission; Historical Commission; Parking Attendants Wages and Expenses; Holiday Decoration lights; and those are the totals for departmental wages and departmental expenses. After that its education, local schools; fixed costs; employee benefits; fixed costs on debt and principal; employee benefits and other fixed costs (hold).

The Moderator then recognized a gentleman at the microphone and stated that he had the floor. The speaker stated, "Actually Mr. Moderator I'm more interested in the first page, Bob Brady from Spectacle Pond Terrace. I'd like to start at the very top of page A, as you refer. Just to understand under the column FY 2009, Town Administrator's Revised Budget, there's a figure in there for growth of seven hundred fifty-two thousand and eight hundred twelve. We voted in October/November for six hundred, I recall, sixty-five, six sixty-five, and it was identified then after the fact that there was actually some additional growth monies. I would like to hear through you Mr. Moderator either of the Administrator and/or the Finance Committee that extra eighty some odd thousand dollars, how that now is being used in our new tax base levy versus, I believe, any additional monies such as that should end up as free cash at the end of this fiscal year not start our new tax base higher." The Moderator stated, "Mr. Sanguinet to answer the question." John Sanguinet stated, "The seven hundred fifty-two thousand dollars remains un-appropriated,

it does not carry into free cash. It's brought forward as part of the levy limit calculations by DOR and by the Assessors Office. It has not been appropriated and just gets carried forward there's no accounting procedure to use that money at this time." The Moderator asked, "Does that become part of the levy limit, Mr. Sanguinet?" Mr. Sanguinet stated, "Yes it does for 2010." The Moderator then recognized a lady to his left at the microphone. The speaker stated, "Michelle Langford, 5 Emma Lane, I just have a question about the change in the numbers for the Selectmen's wages and expenses. They seem to be pretty big." The Moderator stated, "Mr. Sanguinet to answer the question." Mr. Sanguinet stated, "John Sanguinet, interim Town Administrator, Town of Plymouth. In the fall we moved monies out of the Selectmen's budget to fund my salary as interim, as well as to offset the cost of the buy out for the previous Town Administrator. This is putting that money back into the Selectmen's budget where it belongs so that we can fund the assistant's position to the Board of Selectmen and the Town Administrator. This position is responsible for assisting the TA in Town Meeting preparation, budget preparation, personnel and purchasing issues. Currently all these items are handled by the TA's office and it reallocates money as it should have been appropriated originally." Ms. Langford stated, "I really don't understand, but okay." The Moderator recognized a gentleman to his right at the microphone. The speaker stated, "Jeff Swett, 204 Cromesett Road, I'd like to make an amendment." The Moderator stated, "Go ahead." Mr. Swett stated, "I move the town vote to amend the motion on Article Six by reducing Selectmen's wages by fifty thousand and adding fifty thousand to the reserve fund." The Moderator asked for the motion in writing and stated he heard a second and asked the proponent to bring it to the stage so the Clerk could have it for her records. The Moderator stated, "You have the floor." Mr. Swett stated, "Mr. Moderator, Ladies and Gentlemen, I intend for this to be the first of three amendments to the budget, with all of them designed to increase the dollars in our reserve fund. I had initially hoped to recommend putting the money into the stabilization account but the latest developments in the state aide to Wareham that we can expect this year make that inappropriate. The House Ways and Means Committee has voted to reduce the state aide to Wareham proposed by the Governor by almost five hundred thousand. While this is not the final word on the subject, it strongly suggests the revenue numbers used in the budget before us will go down. With respect to this specific amendment, you should be aware that cutting the Selectmen's wages by fifty thousand will not result in anybody being laid off but will reduce that amount to a level consistent with spending earlier in this decade and appropriate to the difficult financial times in which we find ourselves. I urge you to vote yes on this amendment which will increase the Finance Committees resources to respond to reductions in our state aide and other unanticipated financial events. Thank you." The Moderator stated, "Ma'am, are you standing to speak on this amendment or ...?" The speaker stated not the amendment just made. The Moderator asked, "Did I hear a second on the amendment? Second. Discussion on the amendment; okay, anybody who wants to discuss the amendment please come down to either microphone and then we'll move on. Ma'am, are you for the next line item? Just hold your place. Mr. Selectmen." Mr. Sauvageau stated, "Thank you Mr. Moderator. Yes that's right it will not lay anybody off. But it's going to absolutely prevent us from hiring critical resources that this town administrator and the two administrative people in our office desperately need. They're working more than full time. Mr. Sanguinet is doing triple duty. He needs the help. That administrative function would relieve a great deal of pressure and stress of the two administrators we have in our office as well. What good is a reserve fund if our town can't operate? The Town Administration is one of the vital functions of management of this organization of this business and if you will not provide the critical resources that he and others need then a reserve is a useless enterprise because we'll just be pulling money out of there." The Moderator stated, "You have the floor, Sir. Please direct your comments to the amendment, thank you." Mr. Sauvageau stated, "Thank you Mr. Moderator. So I would urge you to defeat this amendment. We simply need these resources simply to operate at a basic function, and that was the purpose and intent of the change in the budget line item." The Moderator

recognized a gentleman to his left at the microphone. The speaker stated, "Dan Goodchild, Parkwood, I guess I should stand further back. I just, I would like to ask the Finance Committee what their general consensus is as to this amendment. Is it a positive thing, is it a negative thing or is it a neutral thing? Can anybody speak to that?" The Moderator stated, "They can if they so desire. They are not compelled to. To answer the question, you have the floor." The Chairman of the Finance Committee, Mr. Paulsen, stated, "To answer the question, we obviously haven't had a chance to have a vote of here so it's hard for me to, or for us to respond to the question, which is a legitimate one. I would say our general demeanor, as you might expect, is to try and get as much money in the reserves, into the stabilization fund as possible. As to whether or not this is the way to do it or not, I really can't and won't comment on what my associates might or might not do given that we're not in a formal session for the Finance Committee." Mr. Goodchild stated, "May I respond to that?" The Moderator stated, "You may comment on the amendment. We're not having a debate here between two parties." Mr. Goodchild stated, "Absolutely. You guys can talk amongst yourself if you want. I'm kidding. It is my opinion when I was on the Finance Committee that a reserve fund is always a good idea and makes us look better when we need money. It helps our bond rating, etc., etc. I know anyone of these the Finance Committee can speak too, so I would urge positive consideration. Thank you."

The Moderator then recognized a member of the Selectmen. The speaker, Jane Donahue, stated, "Thank you Mr. Moderator. Ladies and Gentlemen, as a member of the Finance Committee I would have to remind the body I feel compelled that a reserve fund is a little different than a stabilization fund and reserve fund is supposed to be used for unforeseen expenditures. It's for transfers for unforeseen expenditures. If we wind up, where I think we probably will wind up, and where I think the Interim Town Administrator has pretty much advised us. In a situation where we need to make cuts in other positions a little bit of money in the reserve account is not going to help us. It's not an unforeseen expenditure if it's something that we have to pay for anyway. The other thing and I think that on some occasions we may have, we've tried very hard not use the reserve fund for anything other than unforeseen expenditures. On the other argument that was brought up by Mr. Sauvageau, we have put so much more on to the plate of the interim Town Administrator and losing three positions that use to support the town administrator, a purchasing agent, a personnel/human resources person and the woman who used to, the position that used to be the Board of Selectmen's Administrative Assistant. Those three positions are all gone and we have the interim town administrator, so by trying to put this money in the budget, it looks like the figure has gone up a little bit but actually it's gone down. So I would urge you to not support this amendment and vote against this amendment and leave the fifty thousand dollars in the budget. Thank you." The Moderator asked, "Any other discussion on the amendment; lady to my left." The speaker stated, "Barbara White, 11 Regent Ave., and it's a point of information. Mr. Moderator I'm curious to know how much use the Board of Selectmen or the Selectmen's Office has made or attempted to make of interns and also the senior tax work-off program to help alleviate the workload that goes through that office." The Moderator stated, "To answer the question. Can we get some sound please on the Selectmen's table." "Selectmen Bruce Sauvageau stated, "Thank you, thank you Mr. Moderator." The Moderator stated, "Please don't bang the microphone." Mr. Sauvageau continued, "I'm sorry, excuse me, next time I use my head. I guess the issue is mutually exclusive; there are many responsibilities that these tasks are going to have in place that we need an absolute professional for liability reasons, confidentiality reasons, and interns are always a good idea, so is senior work-offs. We tried that. We're going to try everything we can for additional help but there are certain key responsibilities in town government we cannot discharge to interns, and so while it's an admiral idea, and we will take advantage of that and other aspects, we simply cannot in the vital functions that were just mentioned." The Moderator stated, "Gentleman to my left." The speaker stated,

“Steve Curry, Rose Point, question on hiring the person for the assistant. I know the current interim administrator as been there for approximately nine months. Has the Board gone out to bid for a new, I hate to say bid, but publicized for a new town administrator in those nine months?” The Moderator stated, “To answer the question.” Mr. Sauvageau rose and stated, “Bid is alright. No, we have not submitted RFP’s at this time. We will immediately after town meeting, if that is the consensus of the Board, and I’ll make that recommendation after town meeting at the first Board of Selectmen meeting after town meeting. So there are many positions that we’re attempting to fill as we speak; CEDA Director, a permanent Town Administrator, Accountant, Planning, and those are all in the works, as we speak right now. Mr. Curry continued, “Also, I know that I believe the interim town administrator took over as town administrator there is a contract that if he was not to get the job, he would move back into his old position. So would you be hiring a person for that position and then say in six months he may not be the lucky candidate, we lose the position for his, I hate to say down grading, but so he goes back into his position, are we going to be paying more for unemployment for laying off as we just hired?” The Moderator stated, “To answer the question.” Mr. Sauvageau stated, “I’m uncomfortable answering that question.” The Moderator stated, “Well we are not going to have a debate on it then.” Mr. Sauvageau stated, “I won’t answer, I’m sorry it’s no disrespect. It’s a hiring issue.” The Moderator stated, “You are not compelled to answer the question, any other discussion on the amendment? Hearing none, we are voting on the amendment to reduce the selectmen’s wages by \$50,000 dollars and adding \$50,000 dollars to the reserve fund. All in favor to the amendment please indicate by saying aye, all those opposed. The article is lost (majority vote). Do seven voters doubt the vote? Okay tellers it’s time to do your duty. All those in favor of the amendment please hold up your voting slip and keep it held until you are counted. I remind our tellers do not count any vote unless you see a yellow card, no raised hands, yellow cards only.” The Moderator asked for the count, it was 18, 39 and 30. Total vote is 87 for the amendment. The Moderator stated, “All those opposed to the amendment please hold up your yellow cards, keep it held until you have been counted. Tellers please I remind you do not count any vote unless the voter is holding a yellow card in their hand.” The Moderator asked for the count, it was 28, 73 and 45 form a total of 146 against. The Moderator announced, “Eighty-seven votes in the affirmative, one hundred forty-six votes in the negative. The amendment is lost. Ma’am, you have the floor.” The speaker stated, “Michelle Rose, 6 Cottage Street, I have a question about the budget. I want to know if in the bylaws or in the charter if there is any specific date that the budget has to be passed.” The Moderator stated, “That’s what we are doing. If I understand your question correctly Ma’am that is what we are doing right now.” Ms. Rose stated, “No, I’m asking you, I’m asking you does it have to be tonight, can it be a week from tonight, can it be a month from tonight, can it be three months from tonight? I know the budget starts July 1<sup>st</sup>, but I want to know is there a specific date that the budget has to be passed.” The Moderator stated, “I’m probably going to divide that question.” Ms. Rose stated, “The state budget is not passed. Nobody knows what is going to be in the final state budget. We’re voting on a budget when we really don’t know specifically the money that’s going to be coming from the state. The state doesn’t know.” The Moderator stated it was understood. Mr. Rose stated, “So what I want to know is why is it tonight that we have to pass this budget or next week that we have to pass the budget. The Moderator stated, “Mr. Sanguinet to answer the question.” Mr. Sanguinet rose and stated, “To my understanding the requirement is that the budget has to be balanced when approved by town meeting. There is no requirement as to when the town meeting votes that budget, but the budget has to be balanced as of July 1. This budget with the numbers presented with the uncertainty of the state using the Governor’s numbers is balanced.” Ms. Rose stated, “The state itself has not approved their budget and they probably won’t approve the budget until July 1<sup>st</sup>. So why does this town have to approve its budget without all of the pertinent information people need to vote on it?” Mr. Sanguinet stated, “Because the state budget will not be approved until after July 1. Our budget needs to be balanced on July 1. Yes.” Ms. Rose stated, “But you

don't know that for sure. You don't know when that state budget is going to be balanced." Mr. Sanguinet stated, "No one does." Ms. Rose stated, "That's right, but we're going ahead with a budget without knowing what's going to happen." Mr. Sanguinet stated, "We have traditionally done this in the past." The Moderator stated, "Hold up, we are not having a discussion here." Mr. Sanguinet stated, "I apologize, Mr. Moderator." The Moderator stated, "That's alright. I really don't think this discussion is really going to get us very far, Ma'am, in so much as this is a problem that every town meeting in the Commonwealth of Massachusetts faces, and we've gone through this year in and year out. These are the best guesses of our Finance Committee, our Town Administrator; our Board of Selectmen. They need to bring in a balanced budget. If there are surpluses in the budget, and I don't mean to cut anybody short, there's always the possibility of coming back to a special town meeting and making amendments and adjustments to budget. But the fundamental issue is the town meeting must pass a balanced budget based on all the information that's known as of the time of town meeting. We really don't know for example what the estimated receipts are going to be. We're making an estimate to what are estimated receipts are going to be. Now likewise for other revenue streams, so I understand your concern about this process, Ma'am but I think everybody's making a good faith effort." Ms. Rose stated, "And so who decides when town meeting is going to be held? Is that in the charter?" The Moderator stated, "Well first of all Ma'am, that is the creature of the statute. The statutes, Massachusetts General Laws, and I don't know if counsel is looking up specific statutory reference; but Massachusetts Statutes requires that the annual town meeting takes place in the spring, and I'm sure there's a definition of spring, sometime between February and May. But we're required to call our town meeting. If the legislature wants to change the laws as to when spring town meeting conducts it business and votes on a budget, so be it. But until then we are statute bound to conduct this business." Ms. Rose stated, "It says in the spring, it doesn't say specifically when." The Moderator stated, "I think there's a definition. Counsel would you like to edify me and this body?" Rich Bowen, Town Counsel, rose and stated, "Mr. Moderator through you to the previous speaker, there's an interplay of several laws involved in your question. First of all, Chapter 39, Section 9, requires that the annual town meeting be held in the months of March, April or May. It defers as well to Charter and Bylaw, and your Charter and By-laws set the time for meetings at section 2-3, which says time of meeting and it refers to the third Monday in April in your bylaws. So that's one requirement that your dealing with so you don't have to worry about the definition of spring, it's been defined for you. The next thread in your question deals with when you vote to adopt a budget. Chapter 44 requires that you make a, it's not expressed that way, but make a good faith effort at balancing your budget by the close of business on June 30<sup>th</sup> of 2009. In the best of circumstances, at any spring town meeting, the vote on the budget is the product of hard work and educated guessing. Typically the Legislature does not have local aide estimates in place by the time that most communities have their annual town meeting to set their budget. The result of that is that in some communities, out of necessity, and other communities, such as Wareham, where you by Charter and bylaw have a town meeting in the fall. At that point the actual state numbers are in and the budget is adjusted to reflect the reality of whatever it is the legislature ends up voting. So to sum up, you are required to make an effort at adopting a balanced budget by the close of business on June 30<sup>th</sup>. It does not actually have to be balanced; it should be balanced at sometime in the fall. The most important date in the calendar is the date by which you send your tax rate for approval to the Department of Revenue. You must have a balanced budget by that date and typically that date can be November through December in the fall. I'm sorry it was a tedious answer but there you are."

The Moderator stated, "Are we on Town Administrator wages/salary? Is that what the hold was on; for what reason do you rise." Mr. Goodchild was recognized and stated, "To speak on this article." The Moderator stated, "Well we are trying to go through the order." Mr. Goodchild stated, "It's just a quick

question.” The Moderator stated, “Ma’am, behind the gentleman, were you standing to speak on Town Administrator’s wages and expenses?” The speaker stated, “Yes I was.” The Moderator stated, “You have the floor.” The speaker stated, “Michelle Langford. 5 Emma Lane, I just have a question under town administrator expenses. They start out at seven thousand dollars, jump to twenty-seven thousand five hundred and fifty and then fall back to twenty-four thousand eight hundred and fifty. That’s a pretty big difference. What are they doing that cost so much?” The Moderator stated, “To answer the question.” The Interim Town Administrator, John Sanguinet stated, “The cell phones were taken out of each department’s budget and placed in this budget in the fall and that’s a practice that will continue; that’s about twenty thousand dollars.” Ms. Langford stated, “How many cell phones do you have?” The Moderator stated, “To answer the question?” Mr. Sanguinet stated, “I do not have that exact number with me right now.” The Moderator stated, “Ma’am, do you want to comment.” Ms. Langford stated, “I just seem to think that sounds like an awful lot of money for cell phones.” The Moderator stated, “Mr. Goodchild, do you have a question? Sir, are we going to maintain decorum in this body?” Mr. Goodchild stated, “I absolutely am.” The Moderator stated, “Please stand and address the body.” Mr. Goodchild stated, “Thank you Mr. Moderator, through you to the body. First of all let me apologize for the town administrator for wanting to subtract his fifty thousand dollars. It’s no reflection on you. I think you’re doing a job I sure as hell wouldn’t want to do and I think you deserve, I actually think you deserve a round of applause. You’re doing an impossible job. I think we should just pass the article and move on. Another words, I move the question.” The Moderator stated, “It’s out of order, Town accountant wages and expenses; revaluation; treasurer wages and expenses; legal services.” The speaker at the microphone stated, “Mr. Moderator, John Decas, 16 Winship, I have a lot of questions about this particular item, and every year when I look at it it’s really hard for this body to determine exactly how these monies are spent, and for me to ask these questions now; particularly as it relates to the previous year would be complicated and would take time. But what I would like to ask is how can I go about finding out the answer to a few questions that I have in my mind regarding this budget. What do I have a right to have in the way of information? I’d like to know for example how last years and previous years expenditures break down. How much on an issue by issue basis? How much is court costs, how much is legal costs, how much is lawyer costs. How much money have we appropriated, not only at this meeting, but at special town meetings, and how expenditures broken down case by case? And I’d also like to know how much each department contributes to this cost. Another words if town counsel is doing work for the Planning Board, the Selectmen, whoever, I’d like to have that broken down so that we know which departments are utilizing the legal department and how that breaks down. I’m just asking the question and I don’t want to delay this, how can I get that information tomorrow or the next day and whenever I choose to go to the town hall either get it fully, totally, and one question, what are our legal fees on an hourly basis to our town attorney?” The Moderator recognized a member of the Board of Selectmen to answer the question. Brenda Eckstrom rose and stated, “Thank you Mr. Moderator. All legal bills or all payments to anything are public records. You can do a public records request and get a copy of any of the legal bills and there broken down according to the court case or what was done, a small description on whether it was attending a court hearing or paper work written for it whatever.” The Moderator stated, “Madam Finance Committee do you rise to answer the question?” She stated she did, and the Moderator told her she had the floor. Mrs. Donahue stated, “I appreciate the previous speaker. Yes you could do a freedom of information act and get the paperwork. It would be voluminous and take days to go through. It’s an ongoing project that the Finance Committee is working on. I appreciate the concerns of this body. We had hoped to have that information up on the website and it will be within the next week or so when I can get someone to look over my shoulder concur. It’s not quite as specific as what you asked for, so if you would like to give me information. We’re in progress on trying to get control of this. Currently, I don’t believe the departments are charged for their own legal bills. We have a lump sum item

on the budget that refers to legal bills. We are trying to get some kind of control on it. There isn't a quick answer but we are trying to break it out by department and identify causes and concerns of that. So if you want to get me a list of what you're looking for I will work with our figures to see what we can do on that." The Moderator stated, "Madame Selectmen do you rise to answer the question?" Ms. Donahue stated, "I did, Mr. Moderator, if I could." The Moderator stated the speaker had the floor. Ms. Donahue continued, "I would like to first of all commend the Finance Committee for the fine job they have done in sorting through a mountain of paperwork that we requested and got from our legal counsel from the different legal counsels that we have. I would also like to say that this budget line item that's in the budget this year, the two hundred fifty thousand dollars, comes much closer to addressing the true cost of what our legal fees, and I know that's been a matter of concern to the previous speaker as well. So again I commend the Finance Committee for the job that they've done in reviewing this, I think they've come up with some interesting answers and some answers that we felt were pretty much a lot of the answers that we had known all along. A lot of the land use issues are a third of the budget and I think it's addressed in the Finance Committee Chair's letter and again just thank you to the Finance Committee for both researching it and for increasing the budget line to reflect a more accurate cost. Thank you." The Moderator recognized the gentleman to his right. The speaker stated, "I'd like to make an amendment." The Moderator asked him to state his amendment. The speaker stated, "Jeff Swett, 204 Cromesett Road. I move the town vote to amend the motion for Article Six by reducing legal services one hundred thousand and adding one hundred thousand to the reserve fund." The Moderator stated, "I have that in writing, you have the floor. Is there a second? I heard a second." Mr. Swett stated, "For many years Wareham has budgeted a hundred and ten to a hundred and fifteen thousand dollars for legal services, and when required would come back to the Finance Committee or town meeting for more. This fiscal year we approved a budget of a hundred and fifty thousand and according to the good work done by the Finance Committee we have already spent that amount and more, including eleven thousand dollars on last fall's town meeting. The proposed budget takes that one hundred and forty thousand and raises it to two hundred and fifty thousand, which reduces funds for other town services and reduces the need for town leadership to come back to the Finance Committee and town meeting to obtain approval for more funds. This amendment still raises the legal services budget by ten thousand dollars to a hundred and fifty thousand and does not tie the hands of town management. It just means that the Finance Committee and town meeting will continue to play a role in the approval of additional funds beyond that already considerable amount. I urge you to vote yes on the amendment, which increases the accountability of town leaders for the spending of our valuable tax dollars on legal expenses. Thank you."

The Moderator recognized a member of the selectmen and asked for volume on the speaker for the Board of Selectmen. Mr. Sauvageau rose and stated, "I urge you to vote down the amendment. Look the money we're talking about, the increase in this line item doesn't truly reflect as of yet what we have been experiencing in legal budgets but it's a step in the right direction. It is difficult for the Finance Committee to do their job when it comes time for transfers because they need to find and allocate money equitably because they get lots of transfer requests. This is merely an attempt to reflect a truer accounting for a line item expense that can never be predicted, why, because lawsuits happen. We get sued all the time. We get sued for decisions that we make. Planning Board, Con Com, Zoning, Board of Health, Board of Selectmen, there is constant litigation and it's very difficult for us to plan that number. However, it has always been the opinion of this selectman, the majority of the board of selectmen, and I believe the Finance Committee, if I can be bold enough to speak for them, that under funding this line item is far more problematic than trying to reflect the true figure. If we don't fund this and the legal fees are what we presume they may be, we're just going back to the Finance Committee for a reserve fund transfer anyway. We should be

eliminating that. We should try and be more disciplined in the way we finance our government and operate our government. This is one of those unwieldy line items like snow and ice. You can't predict the weather, at least not in New England. Thank you." The Moderator recognized Robert Brousseau. Mr. Brousseau stated, "Bob Brousseau, Jefferson Shores, I know that legal costs are certainly something you cannot get your hands around in many instances, but I look at fiscal year 2008 we had a hundred and fifteen thousand dollars in legal costs is that the actual amount that was expended in fiscal year 2008 or is it closer to the two hundred and fifty thousand dollars that is requested in the town administrator's budget? The Moderator stated, "To answer the question; FinCom to answer the question." Mrs. Donahue stated, "Fiscal Year 2008 according to the figures that were paid out by the town ledger was two hundred. I am still trying to reconcile numbers absent a town accountant to work through these numbers with me. There's a discrepancy but was paid out with the town ledger. The amount paid out by the town ledger was approximately two hundred twenty-eight thousand dollars. The amount of bills that I have seen was closer to two hundred fifty thousand dollars for fiscal year 2008." Mr. Brousseau stated, "This question has come up on several occasions on this town meeting floor and I know the FinCom is trying to get their hands around this issue. Is there anybody who can tell us what that two hundred and forty thousand has been expended on, and I know there are land issues and land cases, but can we get specifics as to what these legal fees are going for. This is almost a, yah know, a hundred and fifteen to two hundred and fifty thousand dollars and it seems like we're just stabbing at a figure because it came to two forty. What are these costs that we're paying for?" The Moderator stated, "To answer the question." Mrs. Donahue stated, "I would actually have to defer that to the administration because what I'm working with are bills that I am putting into categories." Mr. Brousseau stated, "Thank you Marilyn. I would like to know, what are these legal costs?" The Moderator stated, "I think that's been asked and answered." Mr. Brousseau stated, "Well I haven't heard the answer." The Moderator stated, "Would you like to repeat it sir? I think you said Board of Appeals, Board of Health..." Mr. Sauvageau rose and stated, "It's at least a third for land use. In addition to that we have community preservation committee, zoning. I can't give you exact figures or percentages. This is what exactly the Finance Committee is actually studying and they've already issued a pretty good preliminary report that delineates the percentages, the breakdown, you should have a copy of it and if you're still not satisfied, I believe that information is still forthcoming. So it is well drafted and it does answer you questions. I can't be specific about it." The Moderator stated, "Well counsel is offering to, as he says, take a stab at it, Counsel." Town Counsel, Rich Bowen, stated, "Mr. Moderator through you to the previous speaker. In the year 2008 the firm of Kopelman and Paige handled approximately thirty-eight major litigation matters. Of that thirty-eight, twenty-nine of them were land use related or development related. Approximately three of them were labor related." Mr. Brousseau interrupted and asked "What was the cost?" Town counsel stated, "If I may finish my answer." The Moderator stated, "We are not going to have a discussion here. He is answering the question." Town Counsel, Rich Bowen, continued, "On top of those matters which I would classify as major litigation matters, the firm also handled on a day-to-day basis transactional questions that arise, for example purchase and sales agreement, issues, finance questions, open meeting law questions, conflict of interest law questions, all the sorts of things that arise in the ordinary course of business. I can give you the name of the thirty-eight matters of which I refer if you would like." Mr. Brousseau stated, "I don't think that's necessary sir. But major litigation costs, could you give us an idea what other major litigation cost, other than land use and the other issues that we heard Selectmen Sauvageau mentioned." Jane Donahue stated, "Mr. Moderator if I might." The Moderator stated, "To answer the question. You have the floor." Ms. Donahue stated, "We have a number of spread sheets that have been prepared by the Finance Committee and I'm sure that Mrs. Donahue would be happy to provide them to everybody. They have already been provided to the Selectmen and all the members of the Finance Committee. You're welcome to look at that information as we have it

now. There's no reason not to give it to you, you are a member of the public and it's public information, and you can see how it's broken down by categories already." Mr. Brousseau stated, "I just have one last question Mr. Moderator. Do we retain Kopelman and Paige under a retainer agreement, and if so what is the cost of that retainer agreement and what is the per hour costs that we pay Kopelman and Paige to represent this town in litigation?" The Moderator stated, "To answer the question, Counsel." Rich Bowen stated, "Mr. Moderator through you to the previous speaker. We do not work on a retainer basis. Our firm works on an at-will basis. Any given day our appointing authority wakes up and decides to dispense with our services that's the day we're done. Our hourly rate is one hundred and sixty-five dollars per hour. That is a flat rate. We do not differentiate between litigation and general services." Mr. Brousseau stated, "Thank you very much." The Moderator stated, "I don't know if there's any outstanding questions, the questions be asked and answered. Ma'am, are you speaking on legal? You have the floor." The speaker stated, "Michelle Rose, 6 Cottage Street, I have a question about other towns. Has there ever been any kind of a study to see how we compare as far as our legal expenses go with other towns of the same size as Wareham, with the same budget as Wareham or are there other ways of comparing the amount that we're spending on legal fees with larger or smaller towns as far as the percentage of their budgets that they spend. I think that it probably would be a fairly easy thing to take a look across the state. I'm not saying pick three towns that have the same budget as Wareham or similar budgets, I saying across the state take a look at what the average percentage is of town budgets are spent on legal expenses." The Moderator stated, "To answer the question." Mr. Sauvageau stated, "I can see how that might have merit. The answer is I don't believe so. I believe the Finance Committee may of look tangentially at that issue. The problem with that is we're not any other community. We're a very unique community. Our litigation reflects that especially in regards to wetland issues and other matters that are unique to us as a community. It might be interesting to look at but when we get sued we get sued, and it's not as if we can ignore it and just say we will cap legal. We can't. We have an obligation and a duty to represent the town in a good faith effort to protect the town it's general health, welfare and safety, and therefore, we don't have the luxury of deciding that we're just not going to defend the town or not engage in litigation because of a line item were expense. We're forced to protect ourselves and that's what we intend to do." Mrs. Rose stated, "But if there is a question, another words if there is a study that's done, and I don't think it's anything that's difficult to do to look at the state as a whole and the towns and cities in the state. If Wareham comes out to be with a much higher percentage than most of the cities and towns in Massachusetts then there's a question as too why. If Wareham comes out way below what the other cities and towns are arriving at then there is no question, if it's the same than there is no question. But if Wareham does come out with a much higher percentage then I think that is a question that should be looked into." The Moderator stated, "Okay Ma'am, you made your point, Gentleman to the right." The speaker stated, "Thank you Mr. Moderator. Bob Brady, Spectacle Pond Terrace, for those of you who remember I raised the issue in the fall that Town of Wareham is compromising service at the expense of litigation and/or legal cost. I rise to strongly encourage support for this amendment for a couple of reasons. We need to get a better handle on what we, when we make decisions, how we make decisions and whose dime using to litigate. It is not the pockets of the Board of Selectmen or the Finance Committee or the Conservation Commission or the Planning Board. It's our tax dollars that are being utilized for litigation instead of things like council in aging services, library services, a Planner, a Town Administrator, an Accountant, we have all these issues going on in our community right now, but we're almost suggesting that well because we spend so much legally we should just increase the funding in the line item. I strongly urge you not to allow that to happen, and let the Finance Committee control those purse strings and send a message to the community and all the boards and commissions to use better judgment, make better decisions and let's get ourselves out of court." The Moderator stated, "Is anyone else standing to address legal fees? On this side, Ma'am you have the floor." The speaker stated,

“My name is Linda Rinta and I’m precinct five, West Wareham. I’m delighted that we are going to be hiring a Planner. I think that’s going to save us a lot of money in legal fees in the end of the day. I recently attended a hearing of the Zoning Board of Appeals where the Selectmen were challenging a permit that they had issued with town counsel. I think we see this all over the place and generally I’m fairly outraged at what we are spending on legal fees. I don’t think we should turn over an open checkbook to be controlled by the Finance Committee and we need to do more planning, cause when we fail to plan, we plan to fail. We are doing a good job of that, thank you.” The Moderator stated, “Chairman of the Finance Committee.”

Mr. Paulsen stated, “Thank you Mr. Moderator, and to address some of these questions, which are good questions. Particularly as it pertains to looking at other towns, not only on legal but on other issues we have for the Finance Committee has tried to address that kind of a question. And let me just give you some figures here that I’m going to round off a little bit, but I think you can gain some appreciation for the issues that are involved here with look at other towns. For instance, this is the Fiscal 09’ budget for Carver. Their FY09’ budget is thirty-one million dollars. Their legal is a hundred and fifteen thousand dollars. So they are about half our size in terms of budget and they’re about half our size in terms of legal. The other town, Kingston, about thirty-three million dollars for their budget and their legal is a hundred and twenty thousand dollars, again their budget is about half our budget in terms of the overall budget and their legal budget is about half of the proposed budget here. So I not saying that you just take two towns and there are others here, but the patterns pretty much the same. So in looking at this I’m hard pressed and I think the FinCom is hard pressed to see that are budget as suggested for the legal budget is totally out of line. It doesn’t look to be that way an I make one other point here one of the things that we found with Marilyn and Dan’s work was that yes in fact the land use expenses for legal were approximately a third of the total legal budget, which was pretty much what we expected to find and as has been suggested by the Board of Selectmen. But we also found that something called labor had gone up from about one percent to approximately fourteen or fifteen percent. Another words in the last few years it’s grown very rapidly so that what we have is a something that we are aware of and we should be looking at to see why it’s escalating so sharply.” The Moderator asked the Chair to please wind it up. Mr. Paulsen stated, “I just wound it up.” The Moderator thanked the Chairman. The Moderator then recognized a gentleman on the right at the microphone. The speaker stated, “Cliff Sylvia, Fairfield Drive, Ladies and Gentleman I think what is happening here we’re getting confused on two major issues. I think that we have to discuss both of these issues separately. I think that all of us in this hall are very, very concerned about the escalating legal budget. I know I am and on the surface I could support this amendment very easily. But that is a separate issue. The main issue is, are we going to spend two hundred and fifty thousand dollars next year on legal, and we are. And the Board of Selectmen knows we are; the Finance Committee knows we are, and not to put the money in there would be irresponsible. Because I can remember last October’s town meeting when we had additional bills to pay to Kopelman and Paige of over a hundred thousand dollars, we had a one hour debate and just appropriated the money to pay the bill. That was a bill that was incurred by the town and so I think that where I have some real, real problems with these escalating legal bills and I think that we should really put effort on our town fathers to really look at curtailing these and finding out if sometimes litigation is not the way to go but by the same token lets not get the two issues confused. We are going to spend two hundred and fifty thousand dollars on litigation next year and not to vote this money in now would be irresponsible.” The Moderator recognized a gentleman to his left at the microphone. The speaker stated, “Thank you Mr. Moderator, Bill Heaney, 7 Madison Street. Ladies and Gentlemen my biggest concern here is maybe as the previous speaker said we are going to spend two hundred and fifty thousand dollars on legal bills, but there isn’t anybody in this room, with all respect to the Finance Committee, can tells us where we’re spending it now, and that’s my largest concern. We can sit and watch Selectmen meetings where people are invited to sue. We get labor increases that are rising. We haven’t negotiated a

contract. We don't know where those labor issues are coming from and yet legal bills still mount. I for one would request that we give enough time to the Finance Committee to finish their work before we add any more money to the legal expense fund, and we vote in support of this amendment. Thank you." The Moderator recognized Madame Selectmen. Brenda Eckstrom stated, "Thank you Mr. Moderator. A previous speaker mentioned about the boards, committees and commissions and personally you take all the jabs you want at us and you have, but I take exception when you say that it's the job of our Zoning Board, our Planning Board, our Conservation, our Board of Health that their not doing their job. They are unpaid volunteers. They put in hours upon hours, they go to classes; we have counsel come down and give them training on how to write better decisions so that to avoid the lawsuits. But the bottom line is if you have a developer who wants to come in and shove twenty houses on a seven thousand square foot lot and their denied, if it's financially advantageous for them, they will fight it until either we lose or until we give up. And by binding our budget you are making us give up, and we need to win these ones, and we need to be successful to protect the town. And like I said I just take exception to trying to slam all of the boards, committees and commissions, they work hard, and if anyone has any criticism for them I encourage you to join one."

The Moderator recognized a gentleman to his right. The speaker stated, "Eddie Pacewicz, Briarwood Beach. I'm really amazed at the concern over the legal budget. If we were concerned with the legal budget would we be suing the town over the name of a street? Would we be taking the town to court to spend our hard earned money over the name of a street? You want to save on the legal bills, stop these frivolous lawsuits. I urge you to defeat this amendment and allow our elected officials to carry out the job that they're required to do. Thank you." The Moderator recognized a gentleman to his left at the microphone. The speaker stated, "Frank DeFelice, 53 Maki Way, my problem is it's not the boards, my problem is and I'd like to ask the town counsel if he could give me the answer. We need to get a fix on some of these things; so we don't have a town planner, and we haven't had a town planner off and on for the past year, so what legal fees would have been saved if we did have a town planner, and why is it taking so long to get one? Number two we don't have a town administrator, we have an acting town administrator. Would legal fees be saved if we had a town administrator? And number three, now we don't have a town accountant. What kind of savings would we have legally if we had a town accountant? And I wonder if you could give me that answer sometime." The Moderator stated, "That's not a relevant question for counsel, Sir. He's not an administrator here in the town of Wareham." Mr. DeFelice continued, "I was wondering if somebody could, maybe Mr. Cronan, because Mr. Cronan has a problem with the Planning Board." The Moderator stated, "We're not going to get into ad hominem. Madam Selectmen." Jane Donahue stated, "I'd like to move the question Mr. Moderator." The Moderator continued, "Well seeing that nobody else is standing, we are at that point ladies and gentlemen. I thought you wanted to speak on another article." The speaker stated, "I wanted to speak on the article but not the amendment, Donna Gauvin, Tyler Avenue, and not in regards to the amendment to reduce the money, but in regards to legal services. I understand from all the conversations that the Finance Committee is working on this and that's great and I don't know that this is a question that can be answered now but or just take as a general comment. Is it worth looking into hiring an attorney to be on staff full time? I don't know exactly how it all works but for this amount of money can we have an attorney on staff full time?" The Moderator stated, "To answer the question." Jane Donahue rose and stated, "Yes, to answer the question, Mr. Moderator, through you to Ms. Gauvin. The Board has looked into this. There are a number of different professional legal-type municipal lawyers out there. There are attorneys who specialize in all different kinds of things. We have actually had some people in for interviews for different things. Their time is limited; they may not always be there when we need them. We are looking at it, it's a valid point and I hope that at some point we get there, but we're not there yet."

And thank you for asking the question.” Ms. Gauvin thanked Ms. Donahue. Mrs. Donahue stated, “I would still like to move the question.” The Moderator said, “As I stated, we are going to a vote. Ladies and Gentlemen we have before us the amendment for Article Six, to reduce legal services by one hundred thousand dollars and add one hundred thousand dollars to the reserve fund. All those in favor of the amendment please indicate by saying aye, all those opposed. The amendment is lost. Engineering wages and expenses, Town Clerk wages and expenses, Town Planning Wages and Expenses, Snow and Ice wages and expenses, Street Lights General; okay Ma’am we’ll give you time, we’ll back up if we need too. The speaker stated, “Michelle Langford, 5 Emma Lane, I just have a question about the street lights general. It’s increased substantially, is there any way we can get solar lights or something so that we can get a handle on these expenses?” The Moderator stated, “To answer the question, solar lights or less expensive lighting.” Ms. Langford stated, “Or some type of more practical street light system. That’s a lot of money.” Mr. Sanguinet stated, “I’m looking into green energy for all the town buildings as well as street lights. The street lights are very much controlled by the utilities at this point, but I will be looking into that, that is a good point.” Ms. Langford continued, “I understand we were also looking into one of those wind turbines. Did anything ever come of that?” The Moderator said, “To answer the question.” Mr. Sanguinet stated, “The Wastewater Treatment Plant has looked into installing a wind turbine at its facility. A Met Tower will be installed relatively shortly, probably in the fall, to calculate the amount of wind at that site to see if it is suitable for a wind turbine. Once that occurs a wind turbine may be installed at the Wastewater Treatment Plant. The town is also looking into other types of wind turbines for its municipal buildings that may save us on energy costs.” Ms. Langford stated, “Right because I remember it was either last year of the year before that was a big discussion.” The Moderator continued, “Employee benefits.. Yes sir, to my right.” The speaker stated, “Hi there, my name is Joe Oliveira, I’m at 82 Wareham Lake Shore Drive and I just had a question about the medical insurance and whether we’ve looked into...medical insurance and whether we’ve looked into the state plan, group insurance commission? A lot of towns about our size have saved quite a bit of money by going with the group insurance commission. They are receiving lower rates on the state plan.” The Moderator stated, “So is your question have they looked into it, plans for joining the state plan, is that correct sir.” Mr. Oliveira stated, “That’s correct.” The Moderator finished, “to answer the question.” Mr. Sanguinet rose and stated, “Our health insurance advisor has looked into turning to GIC. At this point in time the town would not save any money by going to their rate or going to their system, because their rates are much higher. Our claims are much less than what we would see through the state, and we’re self-insured. We would lose that capability.” The Moderator recognized a speaker interested in employee benefits. The speaker stated, “Ah sorry, Michelle Langford, 5 Emma Lane, I’m back again. It seems like the employee benefits are increasing substantially every year. Is there anyway we can get a handle on this. Half a million dollars is quite a bit of money.” The Moderator stated, “To answer the question.” Mr. Sanguinet rose and stated, “The Selectmen and myself are trying to get a handle on these items. A lot of these items are contract negotiated and therefore we need to get union approval before we can adjust them up or down, but it is on the plate for the Selectmen and myself to review with the various unions in town.” The Moderator stated, “You have the floor Ma’am.” The speaker stated, “Yes I have a question about who receives benefits? Is it employees of the town or elected officials or both, who actually, if your on the Finance Committee do you get health insurance?” The Moderator stated, “Hold on, hold on. To answer the question who receives benefits.” Mr. Sanguinet stated, “Only the town employees receive benefits, the elected officials and the Finance Committee do not receive benefits. I believe the Clerk does not receive those benefits. It’s only the paid employees of the town that work over twenty hours currently for the town.” The speaker asked about the Prudential Committee. Mr. Sanguinet stated, “It’s not part of the town, it’s a separate entity.” The Moderator continued, “Other fixed costs, yes you have the floor, Sir.” The speaker stated, “I didn’t know you were addressing me, I’m sorry. I’d like to

make an amendment. Do I have the floor Mr. Moderator?" The Moderator stated that he did, as he was the only person standing. The speaker continued, "I move the Town vote to amend the motion for Article Six by adding one hundred fifty thousand dollars to the sewer administrative fee and adding one hundred fifty thousand dollars to the reserve fund." The Moderator asked, "Is there a second. I have that in writing, you have the floor Sir." The speaker stated, "Thank you. In fiscal year 2008 the sewer administrative fee was a million fifty thousand, with two hundred and fifty thousand of that amount related to the Payment in Lieu of Taxes or PILOT. The methodology that allowed that charge to our sewer enterprise fund was approved by the State Department of Revenue. There were strong feelings from many individuals, however, that the PILOT was not an appropriate charge between the town and our enterprise fund that has supported by only a third of the residents. By its actions Town meeting has supported the elimination of the PILOT from the methodology. But the State Department of Revenue rules a methodology is still required for the remainder of the administrative fees. The proposed fee of six hundred and fifty thousand not only eliminates the PILOT but arbitrarily takes a hundred and fifty thousand from both the indirect and direct expenses of the town to subsidize the sewer enterprise fund. It violates state rules that an approved methodology used to calculate the fee. Even the Finance Committee will agreed that the numbers in the warrant for direct and indirect costs are not based on any financial calculations but rather simply designed to add up to the predetermined goal of six hundred and fifty thousand. I urge you to vote yes on this amendment to bring some integrity back to the calculations of the sewer administrative fee and increase the dollars in the reserve fund by a hundred and fifty thousand. Thank you." The Moderator stated, "I don't know who rose first." Brenda Eckstrom stated she did but she would defer to the chair. At that point, Bruce Sauvageau stated, "Thank you Brenda. Its integrity that is exactly what is at issue here. It's integrity that we have reduced the administrative fee and will continue to reduce it. Being lectured about integrity is the point. DOR has never approved the PILOT, as its never been legally challenged, actually. The DOR has taken no position whatsoever. They've gone out of their way to make the point that they take no position on the legality of the PILOT. PILOT is payment in lieu of taxes, excuse me, it's a phantom tax that doesn't belong in our system. Because integrity would suggest that you don't tax buildings that are not taxable. Call me crazy, but in any event crazy or not, it makes not sense to tax people on a facility that is not a taxable facility. That's the point. You're the taxpayers. You're also many of you sewer rate payers. We've been through this at nauseam. The Board of Selectmen has the right as the Sewer Commissioners to set the rate and we will maintain that right. And we have the right to reduce the administrative fee, and we will maintain that right. We're going to reduce the administrative fee to reflect what it actually should be and that's a matter of integrity. That's why we're doing this, not because we feel that we are somehow abusing the system, the system has been abusing the rate payers for fifteen years and that is going to end. And that's the end of it." The Moderator stated, "Okay Ladies and Gentlemen you have before you the vote on the amendment to Article Six to add one hundred and fifty thousand dollars to the water pollution control facility administrative fee and adding one hundred and fifty thousand dollars to the reserve fund. All in favor of the amendment please indicate by saying aye, all those opposed. The amendment is lost. Ladies and gentlemen I think that brings us to the end of the debate and the discussion on the Article Six budget. So we have before us the motion, which is the original motion as displayed on the projection screen." Mr. Brousseau rose and asked if there had been a hold on library. The Moderator stated that there was not. The Moderator recognized another speaker, who stated, "George Barrett, Highland Terrace, the transfers that we see in front of us are those monies to pay for projects within those funds or are they transfers to other places?" The Moderator stated, "To answer the question." Mr. Sanguinet rose and stated, "The transfers that you see here will offset the cost of those departments. There not to fund other projects within those departments." Mr. Barrett stated, "So the ten thousand for waterways improvement are going to waterways improvements?" Mr. Sanguinet stated, "They're going into the harbormaster account, yes Sir, to offset the

cost of that department.” The Moderator continued, “Okay Ladies and Gentlemen what we have before us is the main motion, as displayed on the overhead projection on article number six. All those in favor please indicate by saying aye, all those opposed. It is unanimous. We are getting close to ten o’clock to ladies, just keep that in mind our bylaws require that if we want to continue deliberative session beyond the hour of ten o’clock we need to take a vote to do so. I think; I don’t know if we can get to Article Seven and complete it. Motion to adjourn, seconded. I need a time certain. The motion to adjourn is the main motion and can’t be interrupted. But I do need clarification as to when and where and what time. Motion to adjourn till tomorrow at seven p.m. in the Wareham High School auditorium, is that the motion? Second, all those in favor indicate by saying aye, all those opposed. It passes by majority. Town meeting adjourned at 9:55 p.m.

## **SECOND NIGHT OF TOWN MEETING/APRIL 28, 2009:**

A 7:04 p.m., the Moderator asked all to come in and be seated. He stated that before we continue, he had a public service announcement to be read at the request of the Municipal Maintenance Director, “It goes as thus: Keep Mercury from rising. Please dispose of all products containing mercury properly. Be responsible and recycle. We will accept pesticides, household chemicals, oil-based paint, anti-freeze, motor oil, spent gasoline and products containing mercury, including thermostats, thermometers, florescent bulbs, float switches, etc. We will also accept empty propane tanks. We will not accept latex based paint, tires, PCB’S, radio active materials, lead-acid batteries and explosives. It is sponsored by the Carver, Marion, Wareham Regional Refuge Disposal District and Covanta Energy of SeMass, Household hazards products collection and mercury thermometer exchange. When? Saturday, May 2, 2009. Where? The Carver Salt Storage Facility at Rochester Road, which is off Route 58, South Carver, and the Wareham Municipal Maintenance area on Charge Pond Road, off Route 28. Hours for collection are from 9:00 a.m. to 12 a.m. That’s Saturday, May 2<sup>nd</sup> either in South Carver or in Wareham from 9:00 a.m. to, it says 12 a.m., Mark that’s p.m. correct? Nine a.m. to 12 p.m., correct? I don’t think they will be there at twelve o’clock in the morning.”

The Moderator stated, “Also while we are getting settled in I will ask our tellers to take a quorum count. While they are doing that, oh please for the quorum count, hold up your voting slip which is pink this evening. Keep it held until you have been counted. Anyone not holding up a slip will not be counted. Another words tellers do not count anyone with a raised hand only. While they’re doing that I will take a roll call, which is required by the bylaws of our town. Administration, Animal Control, Board of Assessors, Accountant, Building Department/Zoning Officer, Town Clerk, Collector/Treasurer, Community and Economic Development, Conservation, Counsel on Aging, Data Processing, Emergency Medical Services, Harbormaster/Shellfish, Board of Health, Inspectional Services, Library, Municipal Maintenance/Water Pollution Control, Planning, Police Department, Procurement/Purchasing, Recreation Department, Board of Selectmen and School Department. Mr. Sanguinet, did you have an announcement for the body” and Mr. Sanguinet rose and stated, “Yes, Sir. As the residents of Wareham are aware town hall has been closed for the past few Fridays due to the furlough days. This Friday is the last day to pay your property taxes the collector’s office needs to be open to allow people to pay. It is my understanding that there will be a skeleton crew at the collector’s office for this purpose only. The remaining offices in town hall will be closed. But I wanted to make the residents aware of the fact there will be a skeleton crew in the collector’s office collecting property taxes only. Thank you.” The Moderator thanked Mr. Sanguinet and moved on. He stated, “I also remind the tellers that you are still under the oath that you swore yesterday. Tellers to my right, 38; in the center, 78; to my left, 52; one hundred and sixty-eight meeting

members in the body, which means we can vote on all articles before us. I'll ask everybody to please rise and salute the flag of the United States of America." The body recited the pledge of allegiance. The Moderator continued, "I had another announcement Ladies and Gentlemen but I seemed to have misplaced it, but there are two vehicles parked in the no parking zone, which present a hazard for safety equipment to get in and out. One was a black pickup truck. I don't have the registration and a black Saturn, without knowing the registration number. You might want to consider moving your vehicle, and just to emphasize, there is

no parking in the fire lanes outside of the auditorium. Please ladies and gentlemen turn off your cellular telephones or any other electronic devices that may make noises during the meeting. We've done the department head roll call. I do remind the body that we have adopted Massachusetts Section 15 of Chapter 39, which provides that whenever an two-thirds vote is required by statute such a vote maybe declared by the Moderator without a count and be recorded by the Clerk upon such declaration however that seven or more voters if they doubt the vote they can stand and be counted and they we will take an actual count. Okay ladies and gentlemen I think we're ready to go to article number seven. For what reason do you stand, Sir?" The speaker answered, "Point of information." The Moderator asked him to state his point of information. The Speaker stated, "Last night I made three amendments and they were all defeated, which is fine. Ah, that's democracy. What was not fine was the fact that I was told that I had misinformed the body with respect to the sewer enterprise fund and the allocation of expenses. What's even worse is that for the second time in two town meetings I was told I was a wimp. The first time..." The Moderator stated, "State your point of information, please." The speaker stated, "The point of information is that the, what you see in front of you is in fact the Department of Revenues' Guidelines for the indirect cost allocations of funds. There are three problems and I'd like to address your attention to them. One is that it says we should have them, we should have one. Well, our problem is that we have one and we don't use it. It also says that it should be reasonable and calculated in a fair and consistent basis. Ours is not calculated, it is manufactured." There was a complaint about the clock. The Moderator stated, "Frankly, I'm trying to make a determination with counsel whether in fact this is even a point of information under the rules of our body. Why don't you just hold, as we don't even have a motion on the floor at this point." The Speaker stated that he was going to make a motion." The Moderator stated, "I was just asking if you were rising for a point of information. Mr. Chairman, why don't you make your motion on article number seven and then we'll confer on the appropriateness of the point of information." Mr. Paulsen stated, "Thank you Mr. Moderator. Ladies and gentlemen welcome. Article Seven, I move that the town vote to raise and appropriate one million nine hundred and seventy-seven thousand four hundred dollars as it share of the operating cost and the capital cost of the Upper Cape Cod Regional-Vocational Technical High School District for the fiscal year July 1, 2009 through June 30, 2010. And with that Mr. Moderator I yield my time to the Superintendent of the School. Thank you." The Moderator stated, "Mr. Superintendent of the Vocational High School step forward, please. And Mr. Swett is your motion going to apply to article number seven or do you have a different motion that you want to make?" Mr. Swett indicated that he had a different motion. The Moderator stated, "Okay, once we deal with Article Seven, I'll entertain your motion." The Superintendent rose and stated, "I'm Kevin Farr Superintendent of Upper Cape Regional-Technical School. I'm here this evening to ask you to support Upper Cape Tech's assessment of one million nine hundred seventy-seven thousand four hundred. Our budget was approved by our nine-member school committee on March 12, 2009, and we were able to project that our health insurance costs would be two and a half percent less, because of the economies we've experienced as a member of the Cape Cod Municipal Health Group with ten thousand members across seventeen agencies throughout our area. As of October 1, 2008, Upper Cape Tech had two hundred and fourteen students from the town of Wareham, which was an increase of twenty students or ten percent from the previous year. If we divide the

assessment figure of a million nine seventy-seven four hundred by the two hundred and fourteen students you can see the per-pupil cost to the Town of Wareham is nine thousand two hundred and forty dollars. In FY09 with a hundred and ninety-four students and an assessment of a million eight hundred and twenty thousand six hundred and thirty-eight dollars, the per-pupil cost was nine thousand three hundred and eighty-four. This is a reduction in the cost of educating students from Wareham a hundred and forty-four dollars per pupil. If we look at the increase of our assessment as the figure a hundred and fifty-six thousand seven hundred and sixty-two dollars and an increase of twenty students, we can compute that those additional students will cost the town seven thousand eight hundred and thirty-eight dollars each. The process of creating a budget for FY10 began almost as soon as fiscal year 09' began and many line items were cut or level funded. On April 15th this year the House Ways and Means Budget Committee cut the regional transportation reimbursement to Upper Cape Tech by an additional two hundred and thirteen thousand five hundred and nineteen dollars. We'll have to find a way to deal with that at this point. We also understand that the State must move through their process and that we are working on educated estimates tonight. By law the State should reimburse Regional School Transportation at a hundred percent. However, that hasn't happened in years. Two thousand and ten's reimbursement is now looking at about fifty-three percent of actual cost. This represents another unfunded mandate by the Commonwealth. As a regional school we are not allowed by statute to charge a fee for transportation, because we do understand at Upper Cape Tech that in the Commonwealth today it's a revenue problem. In my thirty year plus career thus far at Upper Cape Tech I've had the honor and privilege of serving several generations of students. The interest in our school has increased dramatically of the last eight years or so. We now have over three hundred and fifty applications from our five sending towns each year for a hundred and eighty seats in the freshman class. The initial letters of acceptance for the class of 2013 have recently been sent. We have purposefully left a number of positions that have there application rescored later in the school year. From the town of Wareham to date we have had ninety-five applications and I am happy to say sixty-three have been accepted. In a perfect world, in a perfect world, we would be able to take all students that desire an Upper Cape Tech education. In closing I would like to thank our elected officials, Upper Cape Tech representatives, Mr. Kent Perce and Mr. Robert Fichtenmayer for their support. I would like to thank interim town administrator John Sanguinet for his understanding of the regional school budget process during these difficult economic times. Please vote yes on the amendment to article seven and article seven on behalf of Upper Cape Tech students, parents, faculty, staff, administration and school committee, I thank you, and I pledge we will continue to prepare our graduates for the jobs of the twenty-first century and to be life-long learners. Thank you." The next speaker stated, "Thank you Mr. Moderator, Dan Cheever, Great Neck Road and member of the Finance Committee. The entire Finance Committee supports the school of course and we're proud and delighted that a substantial number of Wareham young men and women are able to attend as students and we commend the Superintendent and his staff for running a fine program. At the same time a majority of the Finance Committee understands perfectly that if we have more students next year than this year we will pay a larger proportion of the schools costs. Our concern instead is that the total budget of the school has been rising more rapidly than other municipal entities have been able to do in these tough times, which is why the committee took the vote that it did." The Moderator recognized a lady to his left, who stated, "I would like to ask the Superintendent please, Nancy Miller, 6 Riplah Road, Onset, last year you had a disposable budget for materials of a half a million dollars. How much has that gone up and would you explain why you have a half a million dollar budget for disposable materials?" The Moderator stated, "To answer the question." Mr. Farr rose and stated, "That budget is to supply the students with the materials they need to learn their craft, whether it is plumbing, electrical, carpentry, etc. Those are the materials the students need to use to learn their craft. And career and technical education if check any of the twenty-six regional/technical schools throughout the commonwealth, we're in the bottom

third of average per pupil cost of regional technical schools around the state, and we average around just about seventeen thousand per student to educate them. However, Town of Wareham gets a significant amount of Chapter Seventy money and the difference between the per pupil cost that I mentioned tonight and our actual cost of educating our students is made up through the state aide. And of course right now that's basically a promise from the Governor. I would like to also add that our assessment to the five towns has only risen by one half of one percent in this particular fiscal year." Nancy Miller continued, "Thank you. The other question I have is of whatever the number was that you gave for students who will be attending next year, how many of those are going to complete the curriculum? I was very surprised to learn that if our children have trouble at the vocational school, you send them back here." Mr. Farr stated, "That's incorrect, by state law once we take them we own them and we have to help them as much as we can. Our special education, we have twenty-five percent of our students have some sort of learning disability and regardless of what's going on with the student, we own them and we can't send them back. Students make choices and obviously students and parents vote with their feet when it comes to the education for their children and that's why we have so many applications for our school. The Moderator then recognized a gentleman to his left. The speaker stated, "Dan Goodchild, Parkwood Beach. Thank you Mr. Moderator through you to the body, I stand to say that I personally have been to Upper Cape Tech many times as a substitute teacher. I have witnessed them, as far as the disposable, I'm sorry I can't remember exactly what it is called, but I watch them use the same materials over and over and over again until they cannot be used just to train the kids and save money. That being said, I will continue to offer my services to the Upper Cape for ever if it was possible. I think they do a tremendous job and they have my total support. And I urge you, urge you to support this article. Thank you." The Moderator then stated, "I know your standing there but I think you have spoken, thank you. All right all those in favor of the motion as corrected in the dollar amount, as opposed to what's printed in your warrant, in the amount that's shown on the projection screen, please indicate by saying aye, all those opposed. It passes by a majority."

The Moderator stated, "Mr. Swett do you have a motion?" Mr. Swett stated, "Yes, but I'd like to continue my point of information because it relates to motion. Thank you." The Moderator continued, "Well, I'm not sure it's a point of information, so why don't you make your motion, please." Ms. Swett stated, "It's relative to the motion because as a result of this what very well may be new information for the body and certainly for others, I would like to purpose that we consider Article Six." The Moderator stated, "A motion to reconsider Article Six, which is the budget article." Mr. Swett stated, "I know this body wants to do the right thing. I know we want to set a good example for our student tellers and I think this is new information for the body and I would point out they can reject the tax rate setting process if we don't honor this guideline for setting a methodology." The Moderator stated, "Motion made and seconded. I just want to review the rules for reconsideration. Rules for reconsideration there is a second required, it is not debatable, it is not amendable, it requires a majority vote, it may not be reconsidered a second time and it may not be interrupted. All those in favor of reconsideration of article number six, please indicate by saying aye, all those opposed. The motion is lost. All right Ladies and Gentlemen just let me get oriented, article number eleven." Mr. Cammarano, Finance Committee member rose and stated, "Yes Mr. Moderator there is an error, typographical error on Article Eleven. It says expenditures not to exceed fifty thousand. It should read fifteen thousand. That's why this article was taken out of your group the other day, and it's just a revolving fund for the Recycling Committee. So if you would correct that typo there would be no problem with it." The Moderator stated, "Otherwise it's as printed in the warrant." Mr. Cammarano stated, "Exactly." The Moderator stated, "Okay, motion made is there a second; discussion." The Moderator then recognized a speaker at the microphone. The speaker stated, "Barbara White, 11 Regent Avenue, I would like to add an amendment to this article, and I would like to insert, I'm glad for the

correction, I would like to insert the words “endorsed by an affirmative vote of the Recycling Committee following any related expenses. You all seeing that, third line down, so it would read: Authorize the use of a revolving fund for the purpose of recycling programs projects equipment and any related expenses endorses by an affirmative vote of the Recycling Committee and the followed by the comma and the rest of the verbiage as printed.” The Moderator stated, “Motion made and seconded. May I have that in writing please, so the Clerk can have it for her record; discussion, any discussion? You have the floor.” The speaker (Barbara White) stated, “I’m a member of the recycling committee, and as a member for now awhile and being, having attended the meetings for probably a year and a half, the committee operates at many times in my experience, well essentially very informally. And I was going to say with a consent agenda, I don’t think that’s appropriate. At any rate very informally and when it comes to the expenditure of funds or allocation of funds, as you will, at the committee level, I would like to see committee action occur that endorses those expenditures in a formal way, and that’s my reason for offering the amendment. Thank you.” The Moderator called for any other discussion. He added, “If not we’ll take a vote on the amendment. Just to read it one more time. To see if the town will vote pursuant to Mass General Laws, Chapter 44, Section 53E and a half, of Massachusetts General Laws to authorize the use of a revolving fund for the purpose of recycling programs, projects, supplies, equipment and related expenses endorses by an affirmative vote of the Recycling Committee, and then the rest of the language will be the same and would include the amount of fifteen thousand dollars as opposed to fifty thousand dollars as printed in your warrant. All those in favor of the amendment please indicate by saying aye, all those opposed indicate by saying no. The amendment passes (majority) which now becomes the main motion before us; any discussion on the main motion? All those in favor of the main motion please indicate by saying aye, all those opposed indicate by saying no. The motion passes by a majority; article number sixteen.”

Marilyn Donahue, Finance Committee, stated, “Mr. Moderator article number sixteen allows the creation of a revolving fund for the library. It does need to be modified by the removing of the word donations, as it’s written there, because the DOR does not allow donations in a revolving fund. That has to be in a separate gift account.” The Moderator stated, “So that will be on the fourth line as printed in the warrant after the words proceeds of fund raising?” Ms. Donahue stated, “And I’d like to make a note that the proceeds of fundraising are still debatable, as we haven’t got a final ruling from DOR, but they did specifically state that donations are not allowed.” The Moderator stated, “Okay, and that’s the only correction to that article?” Ms. Donahue stated that was the only change. The Moderator continued, “Okay and that’s the motion that’s on the screen? Matt could you delete the word donation in the sixth line down. Thank you, that’s the motion before us, any discussion? I heard a second. All those in favor please indicate by saying aye, all those opposed. It is unanimous, article number nineteen.”

Donna Bronk, Finance Committee member stated, “Ladies and Gentlemen I move that the town vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2010 Community Preservation Budget, and further to reserve for future appropriation from the Community Preservation Fiscal Year 2010 Estimate Annual Revenues the following amounts as recommended by the Community Preservation Committee: \$84,950 for the acquisition, creation and preservation of open space excluding land for recreational use: \$84,950 for the acquisition, preservation, rehabilitation and restoration of historic resources; and \$84,950 for the creation, preservation, and support of community housing.” The Moderator stated, “Is there a second, I heard a second; lady to my left.” The speaker stated, “Susan Mellon, Treasurer Community Preservation, I’m here to give a report for the year.” The Moderator stated, “Go ahead.” Ms. Mellon continued, “Thank you. Mass General Law, Chapter 44B, known as the Community Preservation Act was approved by the Town of Wareham at the October 01’ Town meeting and sustained by ballot in

April 2002, since then the nine-member volunteer committee has worked to bring a variety of proposals before the town which fulfilled the requirements of historic preservation, affordable housing, open space/recreation. CPC has now gone to one grant cycle per year. The application phase for 2010 has closed March 31, 2009. CPC will review these applications and present those we recommend to the Fall Town Meeting. The numbers you see up on Article Nineteen represent what our estimated revenues are for Fiscal Year 2010. We are projecting we will collect locally five hundred thousand dollars. We're hopeful will get a state match of three hundred, twenty-nine thousand five hundred dollars and perhaps twenty thousand in interest. That will give us a total FY10 estimated revenues of eight hundred forty-nine thousand five hundred dollars. We have a present, current balance from previous years of -four hundred forty-one thousand and eighty dollars of which three hundred eighteen four thirty-seven is in our affordable housing reserve and the balance of that one twenty-two six forty-three is in our CPA undesignated funds. Thank you." The Moderator stated, "Thank you; any other discussion on the motion before us." At that point a member of the body rose and stated, "John Decas, 16 Winship, I'd just like to ask a question. What percent of state refunds do we get? What percent of what we put in under our three percent tax do we get matched through the state?" The Moderator stated, "To answer the question. CPC want to take a stab at that." Sue Mellon, treasurer CPC, stated, "Is this a question for last year's figures, or on a whole the last five years or what, Mr. Decas." Mr. Decas stated, "When we voted on this in 01' we were told we would get back matching funds representing one hundred percent of what the town raised. As I understand it that figure has been reduced, and I just want to know percentage wise how much it's been reduced." The Moderator stated, "To answer the question." Ms. Mellon stated, "Up until last year we did get one hundred percent match. Last year we dropped down to sixty-seven percent, and we're estimating maybe half this year." Mr. Decas continued, "That brings me to my question. Since the referendum was represented to us based on a hundred percent and based on a three percent tax rate, if I'm stating that correctly, and since that percent return from the state has changed dramatically and because we are at three percent higher than most every town that does adopt this program, my question is do we get an opportunity to vote on this again, will there be another referendum, how does this become determined and what's the procedure in bringing this back to the voters for a review?" The Moderator stated, "To answer the question." Nancy Miller from CPC rose to answer, and she stated, "I do not believe, if I remember correctly, that the initial language or the initial publicity for the Community Preservation Act guaranteed that there would be a one hundred percent match from the state every single year. What that was, was a trust fund that was established because of the housing market. We are not the only community in Massachusetts that has three percent there are quite a few others, but because we have the three percent match we get additional monies from the towns that have the two percent and the one percent. Everyone is put into one trust fund and you get your percentage of that and then those communities that are at the three percent match have an additional trust fund that is drawn from. That's why we are able to get more money than I believe Marion, which has two percent. Of course Marion's two percent is triple what our figure is because of the cost of real estate in their community. In order to revoke on CPC, was that your question, Mr. Decas, what you would have to do is bring an article before town meeting. Town meeting would then have to pass that with a two-thirds majority and then it would have to go to a ballot, and it's the same procedure that the town did in order to establish the fund. So you would do that if you wanted to reduce your percentage of surcharge or if you wanted to eliminate CPC." The Moderator thanked Ms. Miller and then recognized another voter at the microphone. The speaker stated, "Thank you Mr. Moderator, Margaret Ishihara, of Minot Avenue. I was just wondering if we were going to hear how this money, if it's going to be expended in FY2010, what particular projects it will be used for. Is that going to be part of the report or coming up later in the warrant?" The Moderator stated, "I think this is an appropriation article and if any expenditures were made it would have to come back to town meeting with a separate article for a specific purchase, is that correct?"

Any other discussion on the article; all those in favor indicate by saying aye, all those opposed say no. It passes by majority; article number twenty.”

Donna Bronk, Finance Committee member stated, “Ladies and Gentlemen I move that the town vote to appropriate from the Community Preservation Fund Fiscal Year 2010 Estimated Annual Revenues in the amount of \$42,500 more or less to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for the Fiscal Year 2010.” The Moderator stated, “Motion made and seconded, discussion. You have the floor.” Susan Mellon, Community Preservation Committee treasurer stated, “Just quickly, this represents our five percent administration budget. We’re allowed to allocate this by law. We use this for some of our legal costs, to do engineering surveys, miscellaneous things, stamps, postage, that kind of stuff. So anything we do not use from our five percent we will right back into our general fund.” The Moderator recognized the Chairman of the Finance Committee, who stated, “Thank you Mr. Moderator. I was one of the two negative votes on this. I’d like to explain what my reservations were and to a more limited extent still are. Last September the Community Preservation came before us and suggested that the remaining projects would be finished by December, three months later. That deadline was not met. Subsequent to that perhaps about two months ago, the CPC appeared before the Board of Selectmen and suggested about thirty thousand dollars had been spent and yet there was no end in sight. At that point I became more interested in what was going on and I asked the Committee to appear before the, if they would, before the FinCom and explain how much longer it would take to complete the rest of the projects and what the costs might be. They did come but they didn’t have the information and asked as you see in the warrant explanation that if we appeared before them on April 22 that they would have more information for us. We did go; they still didn’t have the information as to when they would be completed. And I can understand that, it’s a complicated process. I think more complicated than many of us thought. They also said, as I understood on the eleven yet to be completed projects that they have under their wing that it was going to cost another ten thousand dollars for whatever consultant work had to be done, whatever legal work had to be done. Now to me that sounds very ambitious, and the reason I’m standing here I’m not going to object to this. It’s their call in terms of what they think they’re going to spend. But I think that I would like to see them on public record here now state again that they think it’s going to cost roughly ten thousand dollars or something different if it’s a different figure to complete the projects or the eleven projects they think they have, as I understand it. Thank you.” The Moderator recognized Nancy Miller and stated that she had the floor. Nancy Miller stated, “Thank you very much. As everyone can tell we’ve had some issues with FinCom. We tried to resolve it by inviting them to a meeting and explain to the best of our ability what was going on with the preservation and conservation restrictions that we are working on very diligently. The problem is we are not psychics. We cannot tell you with any definite kind of date when these are going to be complete. They are extremely complex documents and I will be the first one to apologize, I said it was going to be done in December, that’s what I thought, because being the only other person in town that at that point that had done a preservation restriction, it was done in eight months. I had two very good lawyers working for the two sides of the owner and the state and so we got this document done in eight months. However, what we’re dealing with here now is primarily volunteers; people are working the best they can. I have committee members, as well as myself, that are giving every single day to these projects. You want me to say ten-thousand; no I’m going to say forty thousand that way anything we come in under you’re going to be happy with. We don’t have a dollar figure as to what it’s going to cost. Consultants for this kind of work cost at least a hundred dollars an hour. We also have to get information about the buildings themselves. These cost buildings or like with Swifts Beach, the one that we’re working on, we hired a group of environmentalist to come in and review the area to make recommendations for the town to how best to protect that property. I don’t know

what else we can do to make the FinCom understand the complexity of the documents that we are working on.” The Moderator stated, “That’s good because you are out of time.” Nancy Miller stated, “Thank you.” The Moderator continued, “Madame FinCom member.” The Finance Committee member stated, “Donna Bronk, Finance Committee, I don’t like to bring the type of hostility to the town floor that we’ve been going back and forth with the CPC and I’m a volunteer, as well, but I’m also an accountable volunteer. I’m accountable to every taxpayer in the town of Wareham, and all we want is information to give to the people to make informed decisions. The majority of us up here has been in business or are in business; we are accountable to our employees. You as a volunteer, you as an employee and every other volunteer or employee in this town is accountable to every taxpayer and that’s all we’re asking for is accountability.” The Moderator recognized a lady to his left, and she (Susan Mellon) stated, “I would just like to clarify also this topic of the projects we are talking about. This is not all the projects that we have on our plate. This was merely the restrictions for various projects for years gone by that were never done, that this CPC decided to take on and to get these restrictions in place to protect our open space and historic resources. We also have plenty of other projects going on between Tremont Nail feasibility study, Bike Path people and their feasibility studies. Minot Forest had numerous projects. There are a lot of other things going on that we handle as well as this, and this was just one part of the projects from last year. This does not represent everything that we worked on last year. Thank you.” The Moderator recognized the Finance Committee Chairman, Mr. Paulsen, who stated, “I share Donna’s sentiment and I don’t want to get into a discussion or fight here on the floor. But I was inclined when I first got up to withdraw my objections and vote for this. However, I am now going to vote against it, and I’m going to tell you why. A week ago, approximately, I went to the meeting at the CPC’s invitation, and they brought up the ten thousand dollar figure. And I asked again in public session is that the figure and that was the figure, ten thousand dollars. That’s what I was told. Now tonight about a week later it’s suddenly morphed into forty thousand dollars, and I find that to be troublesome. I really do. You may not, I do. So that said, thank you for your time.” The Moderator stated, “Thank you. I think we’ve had enough debate on this. All those in favor of the motion, please indicate by saying aye, all those opposed. Tellers, tellers before you do that, all those in favor please hold up your cards, maybe I can do this by a show of hands. All those in favor, okay, all those opposed. The article passes by majority; article number twenty-one.”

Finance Committee Member Bob White rose and stated, “Mr. Moderator, I move that the Town vote to transfer from the Community Preservation Fund FY 2009 estimated annual revenues the following sums, \$10,178 for the Affordable Housing Reserve, “\$10,178 to the Historic Preservation Reserve; \$10,178 for the Open Space Reserve, and \$5,200 for administration, as required by MGL Chapter 44B.” The Moderator asked for a second. He stated, “I heard a second, discussion. Ma’am you have the floor.” Susan Mellon, Treasurer, rose and stated, “Ah these are for last year. I don’t know if anyone can remember last fall meeting but we are required to set aside ten percent of our annual revenue into all of our categories. We failed to set aside ten percent this is just making up the extra point seven percent we did not allocate at last fall town meeting. We were not allowed to adjust that number on the floor so we had to bring it back here for spring town meeting. Again this is for last year to meet our ten percent reserve numbers.” The Moderator stated, “Any other discussion. All those in favor please indicate by saying aye, all those opposed by saying no. It passes by a majority, article number twenty-two.”

Finance Committee member, Bob White, stated, “I move that the Town vote to transfer from the Community Preservation funds, under the category of Historic Preservation the sum of \$6,875 for additional costs for the restoration of the “Office Building” roof at the Tremont Nail Complex, as originally approved under Article 23, Fall 2007 Town Meeting.” The Moderator stated, “I heard a second,

discussion.” Susan Mellon, Treasurer, stated, “Last time, sorry. We approved this article originally for fourteen thousand two hundred something dollars, twenty-nine dollars I think, and as they pulled off the roof they found a bunch of rotted wood under lament and we had a cost overrun of \$6,875 dollars. At that point in time CPC did not authorize overpayment. The town took that out of the Municipal Maintenance budget. We’d like to put it back since we do have money left over from prior years.” The Moderator recognized a gentleman to his left. The speaker stated, “John Decas, Mr. Moderator. I don’t know it’s been two or three years since we fifty thousand dollars for a study on the Tremont Nail Factory. I’m wondering if we couldn’t under this article get a report on how that’s going. I asked this question a year ago and couldn’t get an answer. There were delays for whatever reason and I’m just wondering where that money’s gone to, whether it’s being spent, and if there’s a report that can be provided to this body.” The Moderator stated, “To answer the question.” Nancy Miller rose and stated, “Yes, thank you Mr. Decas. We have been meeting with the company of architects, Menders, Torrey and Spencer from Boston. They have presented some wonderful ideas as to adaptive reuse, as well as cost out at the Tremont Nail. They have been also looking at the envelope of the building so that we know what needs to be done on a more immediate basis. We are hoping to have a public meeting where they will be able to attend and answer any questions that anyone has. That will either be late May or early June that they will be coming so as soon as we have a date secured we will extend an invitation to everyone.” The Moderator recognized the Chairman of the Finance Committee. Mr. Paulsen stated, “Thank you Mr. Moderator. There was a public hearing, which I attended, and I see Alan is up to speak. He may speak along the same lines as I’m about to, and it wasn’t well attended, unfortunately. And what wasn’t mentioned tonight but I will mention it, is that the cost for renovating the building runs anywhere from two million to as much as ten million dollars. Now I’m not saying that we shouldn’t spend the money, but I am saying that you should, I believe, have some understanding of the dimensions of the issue. Wonderful set of buildings, wonderful history, it’s going to cost a lot of money and when these opportunities, and I’m not being critical, I’m trying not to be, when these opportunities to come to these presentations are made available, you really should show up. There kind of interesting, and I think that if you think about two million to perhaps ten million dollars of our money being spent, it should galvanize your attention. Thank you.” The Moderator recognized a gentleman to his right. The speaker stated, “Alan Slavin, 36 Oak Street; chairman of the Tremont Nail Master Plan Committee. I think we’ve had two posted meetings for the public that we had. The program itself got delayed several times because of town meeting where we didn’t have quorum enough for the fifty thousand dollars to be appropriated. So the program’s probably two years behind because of that alone. It really only got approved in the last year and the study just went forward just a little while ago. So it seems like it’s a long time but in fact it’s less than a year’s time working right now. The bottom line to it is, as Nan said, we should have answers in May possibly as late as June, but I doubt it will be that late. The plan basically will go forward. This will be a long term project. Probably require an outside developer to come in to help the town. It’s not going to be simple, but it is possible. And I basically recommend next time that a meeting is posted people really come because it is quite complex as to what’s going to happen there. Thank you.” The Moderator recognized a gentleman to his left. John Decas stated, “One quick question Mr. Moderator. Thank you, ah is it within budget, is that study within budget?” The Moderator stated, “To answer the question.” Alan Slavin stated, “Yes, it’s not only in budget, the actual study group is actually dealing quite a bit of a loss, I believe doing this on their own. The woman who is in charge, I believe Nan can corroborate, did a study when she was in school or a project before, so this is kind of a love for her beside the actual project. So the fifty thousand dollars is the total expense and we’re not going to be billed any more than that, and they have spent more than that and they have absorbed the difference. Thank you.” The Moderator stated, “We have before you article number twenty-two for your vote. All those in favor, please indicate by saying aye. All those opposed say no. It is unanimous. Ladies and gentlemen I did find

my note on those two vehicles. One is a black ford truck, which I assume is a Mass registration, DDL23 and the other one is a black Saturn, registration 77BR31. You should move your vehicle, hopefully it won't be towed. Article number twenty-three." Donna Bronk, Finance Committee, stated, "Mr. Moderator I move that the Town vote to rescind the Preservation Restriction language placed upon the 18<sup>th</sup> century Kendrick museum in Wareham, owned by the Wareham Historical Society and designated on Assessors' Map 47, Lot 1118BB as approved under the fall 2007 Town Meeting, Article 22." The Moderator stated, "Motion made and seconded, discussion. All those in favor indicate by saying aye. All those opposed please say no. It is unanimous. Article number twenty-seven." Mr. Trudell, Finance Committee member, stated, "Thank you Mr. Moderator. I move to see if the Town vote to raise and appropriate and or transfer from available funds for the following equipment purchases and to authorize the Town Administrator such funds as necessary for this action or to do or act in any manner relative thereto. And on the board you can see there was an amount requested for a total of seventy-seven thousand and fifty dollars. And the interim Town Manager has recommended expenditure of \$49,300 dollars." The Moderator stated, "So which is your motion?" Mr. Trudell stated, "The motion is to expend forty-nine thousand three hundred dollars." The Moderator repeated, "Forty-nine thousand three hundred dollars, is there a second. I heard a second, discussion, lady to my left." The speaker rose (Nancy Miller) and stated, "I would actually like to address articles twenty-seven, twenty-eight, twenty-nine and thirty for capital expenditures. I don't know about you guys but I've been listening to all of the talking about us not having any money. This town is in such dire straights that our employees have to take ten-day furloughs. Of course now we find out that if you're a union employee in the town you actually are getting a five-day vacation because you're going to get your money for those days that you were off and not have to work and on and on and on. But the bottom line is we've been told we don't have any money. If you take this article and the other three articles it's about a hundred and seventy thousand dollars. You add the eighty thousand dollar position for the assistant to the Town Administrator and now you're looking at a quarter of a million dollars. For a town that doesn't have money, for a town that has to lay off six employees from the maintenance department, I think this is a little silly. I appreciate the fact that all the different departments have a wish list because that's the way this was presented. It was a wish list of what you would like. It didn't mean that you were going to get all of these things right away, and consequently, shame on us if we allow good people who have worked hard for this town to be laid off in order to buy all kinds of things that really are inappropriate at this point." The Moderator then recognized John Sanguinet, who stated, "Thank you Mr. Moderator. Article twenty-seven the funds for this are appropriated in the 2010 budget. The layoffs are occurring in 2009. To comment on the previous speakers comments..." The Moderator asked Mr. Sanguinet to speak up. Mr. Sanguinet continued, "Normally, the equipment is included in the department budgets. Town meeting never sees the breakdown of these items. These items inflate the budget and thus not allowing for a true picture of the operating budget for any single department. Placing the equipment like this will allow town meeting to see the needs of each department as well as what equipment the departments need to maintain services for the town. Mr. Moderator I have explanations for each one of the items. I don't know how you want to handle that." The Moderator stated, "Go right ahead you have the floor." Mr. Sanguinet stated, "The first item IMS, this is for an uninterrupted power supply for the server room at town hall. This supplies battery back up power to the computer servers when power goes out in between the power going out and the generator kicking on. Any interruption to the power to these servers could damage them and/or delay further use of them until the IMS Director is able to reboot them. The next items are laptops for the police and the town clerk's office. This will replace the mobile units in the cruisers. I believe it's for eight units in the police department and it also will allow us to purchase a laptop for the Clerk to use at town meeting. Firewall hardware and software: our current vendor has indicated that they will no longer be maintaining software and/or hardware the town currently uses. We need to purchase new software and hardware from a vendor.

The amount requested will cover these costs. Fireproof Cabinets for the Town Clerk's Office. As the keeper of the minutes as well as many important records, it is important for her to have these cabinets to ensure that they are not damaged in case of a fire in this town hall; DVD Recorder for town meeting. Currently, town meeting is placed on tapes for her use, cassette tapes for her use. A DVD recorder will allow her to properly record the minutes for town meeting. Typewriters for the Town Clerk's Office: the Clerk needs to replace the typewriter in her office even with computers the Clerk has many documents that are not in electronic format and typewriters are needed. I'm recommending that we only purchase one at this time. In house replacements for the Police Department: these are the office computers that the detectives, the staff use daily. These computers need to be used twenty-four hours a day in some cases and need to be replaced on a regular basis. It will also provide for some printer replacements. The telephone in the Police Department: this is to replace one electronic telephone in the Police Department. Again these phones are used on a twenty-four/seven basis and break down often. Two video security cameras for the Police Department: this is to record the activity in the station during the days and nights. Currently the systems need to be replaced on a regular basis. The digital cameras: I'm not recommending these items at this time. I may revisit this in the fall if there are additional funds. The eight tasers: due to recent reports that Wareham has a high usage, I would hope that we can have a discussion with the Police Department and the Board of Selectmen before we purchase anymore tasers for the town. Tasers are a non-lethal form of control and there used when dealing with unruly persons and they are an important tool for the Police Department, but because of this report I would hope to have this discussion and revisit this item in the fall. Replace Window Units: Air condition window units in the Police Station: the current police station does not have central air conditioning and these are for the various offices. I believe one is for the detectives' office and one is for the clerk's office; COA – Four desk-top computers and these are the computers used by the staff. They're older and do not properly run some of the newer software available to the COA's for tracking their clients. To allow this department to run efficiently new computers are necessary. The older computers will be placed in the computer room so they can have additional computers to use." The Moderator interrupted and asked, "Wrap it up quickly, please." Mr. Sanguinet stated, "I'm getting to the end. The computers in the Library: the Library's on a five-year plan to replace their computers. This is a start in that direction. A shade for the meeting room: the room cannot be darkened and a new shade will allow for the room to be better utilized for programs and presentations. And the final item is a computer printer to be used with the public internet sites. Currently they only have one printer. This will offer a second printer for that use. Thank you Mr. Moderator, thank you town meeting."

The Moderator then recognized a gentleman to his right. The speaker stated, "Mr. Moderator, Bob Brady, precinct six. Through you I would like to ask anyone relative to the Home Rule Charter, there should be a Capital Planning Committee, which should have established a multi-year plan for capital expenditures. I was hoping that we could all hear a report of that plan please." The Moderator stated, "That seems appropriate. Do we have a report from the Capital Planning Committee?" Mr. Trudeau of the Finance Committee rose and stated, "The Capital Planning Committee does exist and at this point you do have in your possession a capital plan and it is available to you outside of the hall when you came in and represents five years of what our requests are and where we think we need to go with it. And it's pretty self-explanatory. We have approximately two million some dollars for requests in FY10, and if you look at Articles 28, 29, and thirty, we're only able to really address two things, that is the boiler in the Police Department and the boiler in the Multi-Service Center. We had hoped by being able to put this out, the people would take it, take a look at what the requests where and then have a better handle come fall town meeting of what we're dealing with." The Moderator stated, "Thank you, gentleman to my right." The speaker (Geoff Swett) stated, "I'm not sure what part of bankrupt we don't understand. We are, according

to the Finance Committee, going to have zero free cash available to us this fall. We have at the moment a hundred sixty thousand in the stabilization and we have less than that in reserve, and we may lose as much as a half a million dollars in state aide in a budget that we passed last night that would just take it out of balance. So I share a previous speakers' concern that we're spending a tremendous amount of money that we simply don't have. Nevertheless, I have a tremendous amount of respect for the work of the Finance Committee, but I also see there's a total disparity between the Board of Selectmen's vote and the Finance Committee's, which has not been generally true for this warrant. So could someone explain why there's such a difference on this article." The Moderator stated, "To answer the question." He then recognized Bruce Sauvageau, Chairman. Mr. Sauvageau stated, "Yes I can. First of all before I do I did want to thank the Finance Committee and their part of the Capital Planning Committee. We have not had a Capital Planning Committee for five years, at least in my memory. So it's a step in the right direction. Its hard work and I do want to commend them and thank them for putting us on track. There is disparity between our vote and FinCom's vote, however, on this article. The budget is balanced based on these figures, the administrative figure. So first of all we meet our service needs and we do have to have equipment to operate. We just can't have employees. We do need the facilities required to provide a level of service that the community wants, expects and needs. One of the critical reasons that we had a problem with the requests of the Department Heads was as the Town Administrator stated specifically under tasers, the Board of Selectmen, if I could speak for them, is deeply concerned with the use of tasers in the Town of Wareham, statistically and otherwise. I know that in one recent study by Amnesty International, they identified Wareham as the number one users of tasers in the Commonwealth of Massachusetts, Wareham. I'm not particularly proud of that. I understand that all officers need to defend themselves and they need to control unruly people. We want our officers to go home at the end of their shifts as much as they do. But there seems to be some statistical aberration happening here and I'm out of time. I will just tell you that this is deeply of concern and we are going to approach the Police Administration and we are going to ask to discuss this specifically and then we will of course at that time render an opinion on whether we think tasers should be added to the budget or we should have more in this community. Thank you." The Moderator recognized a speaker at microphone two. The speaker stated, "My name is Patty Neil. I live on Onset Avenue and I'm an employee at the Library. Everyone's talked about the furlough days for the union and such, but I just want to let you know that I have been furloughed since September. I got five hours back out of the fifteen that I was cut only through Mr. Wheeler and the Friends donating money, gifting money to the town Library account so I could work an extra five hours a week so we can be open more hours for the public. As of right now the library budget is not going to change, and I will still continue to be furloughed through next year if I get keep my job. The department heads are also taking six thousand dollar pay cuts this year. Will they be getting their money back in FY10 and we can spend forty-nine thousand dollars on things we don't have money for. I want you to know that the furloughs' not just the unions. For some of us it has been since last September. Thank you." The Moderator recognized a gentleman to his left. The speaker stated, "Dan Goodchild, Parkwood Beach. I apologize, I have a bad back. It's difficult to stand here; much better. All that being said, I do suffer from CRS, anyone over sixty knows what I mean, but basically I was looking for a point of information; I have lost my train of thought." The Moderator told him to take his time and recognized a member of the Board of Selectmen. Jane Donahue stated, "Thank you Mr. Moderator, ladies and gentlemen. I think initially when this article was presented to us that way that it was by Mr. Sanguinet as part of his budget, some of the board, all of the board actually, expressed a little bit of a concern over these sort of menu-ala-cart format that was here and we were afraid that it might confuse the body. It didn't necessarily mean that we were in favor or against; we're just a little concerned that you all might be confused by it. I think that the interim town administrator did a good job of trying to prioritize the needs that each department has based on the information that was

brought to him by the department heads. Yes we are broke, yes we do not have a lot of money but I also add my commendation to the Capital Planning Committee because I think that they showed by putting together the plan that hasn't been in place for quite some time, how many things we still do need and how much of a problem there is still out there. Doesn't mean that we shouldn't try and chip away at the problem, if we don't chip away at the problem we're never going to get anywhere, and some of these things are critical for, if anybody is familiar with firewall hardware and software, I'm not sure how you can vote against this. There are some items on here for other departments that are equally as important. I think he did a good job of picking and choosing the things that we absolutely, positively couldn't live with out. Thank you." The Moderator recognized Donna Bronk of the Finance Committee. Ms. Bronk stated, "Thank you Mr. Moderator. I look at this list, it's just basic. It's in order to do your job. I mean if anybody remembers when we used to have secretaries, we don't have them anymore. You need computers, to have laptops in their cruisers, that's their office. I mean everything that is on here that the interim town administrator approved, I applaud what he picked out and what he left out because it's not a wish list, ladies and gentlemen; these are necessary supplies for people to do their jobs. Why have people and not be able to utilize them and let them do their jobs and let them do it efficiently. Thank you." The Moderator asked the next speaker if he remembered what he wanted to ask. Mr. Goodchild approached the microphone and stated he had a point of information to remind the body to introduce themselves when they address the body. He added that he thought the list had been picked over pretty well and stripped to its bare minimum. He added that he thought all the items were necessary and encourage the body to support the article. The Moderator recognized Cara Winslow of precinct six, who thanked the Moderator and stated, "I have two questions on this through you to the interim town administrator, is there anything on this list that can't wait till the fall?" The Moderator stated that's one what's the second one?" She continued, "And the second one is, I'm wonder if the Chief of Police is here maybe to clarify some of that information about the tasers. Because it's not the same information that's available publicly on the state's website, so I'm curious about that, I'm concerned about that." The Moderator stated, "Mr. Sanguinet to answer the first part." Mr. Sanguinet rose and stated, "To answer the first part, the un-interrupted power supply, no that can't be delayed, the laptops in the police department and the laptop to the town meeting certainly I do not believe there is anything on this list, other than the items I have taken off that should wait until the fall and approved at that time." Ms. Winslow stated she did not understand the answer and the interim Town Administrator reiterated, "Every item on this list cannot wait, except for the items I have not funded." The Moderator stated, "Okay, you answered that question. Second question; I know the chief is in the auditorium. He's not obligated to answer, if he wishes to, he may. He's standing to answer the question, you have the floor. Mr. Teller, could you help put that microphone back in the other stand. Could we have sound for this microphone, please?" Thomas Joyce, Chief, stated, "Thank you. Good evening ladies and gentlemen. I apologize that I am unable to bring this evening any statistics relative to the use of tasers in the Town of Wareham. The Police Department has certainly heard rumors about the claims that we're the number one user in Massachusetts, and I can tell you that's not so. I've looked at the state records and those are not supported by the information that's out there through the Executive Office of Public Safety. I can also tell you that the use of tasers in Wareham is regulated by a very strict policy and that policy was originally designed by the Executive Office of Public Safety. It was adopted by the Town of Wareham's Police Department refined to our specific use and then sent back and had to be approved by the Executive Office of Public Safety before we were permitted to use tasers in Wareham. Tasers are a very effective tool for the police department. They are able to assist the police officers in controlling individuals who are just extremely aggressive and will present a danger to themselves and others, especially the police officers. They have prevented numerous injuries to the officers who are required to confront these individuals on a daily basis on the street. I knew there had been some discussion with the Board of Selectmen and we have

looked at those figures, I apologize again, no, I did not expect this to come up this evening and I don't have that data with me." The Moderator stated, "That's alright, thank you. Do you want to comment on the article? How much time is left for this speaker?" Ms. Winslow stated, "Twenty-three seconds. Yes Mr. Moderator I just would like to say that while I agree that everything is necessary and it's difficult to conduct business today this is the same situation that we are all facing at home. There's no money in the bank. We can't afford it and I respectfully disagree that this can wait until the fall and I hope that the body chooses to wait and see it out. Thank you." The Moderator stated, "At this point in time I would just like to say obviously there's some disagreement about the statistics about the use of the tasers, so we're not going to debate that anymore. The question is do we want to purchase them or not or do we want to make this appropriation at forty-nine thousand three hundred dollars. So let's try to keep the discussion within the context of the motion. Mr. Sanguinet were you standing for any particular reason?" Mr. Sanguinet stated, "I was standing to clarify some comments that members of the body have made about the town being in dire straits right now. The town for fiscal year 2009, this is the current year the town is in, the town is having financial difficulties. Furloughs were imposed on the staff in fiscal year 2009. In fiscal year 2010, as I stated yesterday in my budget message, to town meeting, there is some additional funds available to the town to be spent on capital, stabilization fund and equipment. Those were the last SPA payment on the high school as well as the school debt that is coming off the books. In the presentation I had yesterday I had an item that was called one time articles, which this forty-nine thousand dollars is included in, which is approximately three hundred and thirty-five thousand dollars. The three hundred and thirty-five includes the capital items that are coming up in articles 28, 29 and 30. Thank you Mr. Moderator." The Moderator stated, "Okay, now Mr. Sauvageau and Mr. Goodchild you have already spoken and expended your two minutes, so if you want to request more time we'll address that in a moment. I don't believe Madame Selectman has spoken on the matter, you have the floor. Brenda Eckstrom stated, "Thank you Mr. Moderator. I agree with many people in the body that have stated that we don't have any money. I am not as optimistic as the Finance Committee and the interim Town Administrator that this year's gonna get better. But one thing I can say and I would like to commend the Finance Committee and the interim Town Administrator is that everyone has to realize that these things used to be hidden in the budgets, in all the departmental budgets. So, although I disagree with some of them that's why I voted no action, I think some things could be trimmed down more. Without going into it line by line, I do disagree with some of them, and I don't think we need them right now but I do appreciate and I hope the body appreciates they went out and did this rather than how it has been for the past six, eight years at least that it has been hidden right inside their budgets. But I don't support this unless it was separated out more." The Moderator recognized a gentleman to his right. The gentleman rose and stated, "Thank you Mr. Moderator, Bob Brousseau, Jefferson Shores, speaking as a citizen, as an individual, not as a town official. I'm probably going to be unpopular for say this and I look at this entire list of supplies and equipment we need and I can agree that it's undoubtedly in a world of the best possible things, good things, this would be very, very desirable, but my friends we have fellow citizens, your neighbors, taxpayers and employees in this town who are losing their jobs. We heard one of them get up here tonight; they're being furloughed. We lost six in municipal maintenance. These are human beings. This is a face of a person who is probably not going to be able to pay their taxes or bills and we're arguing over fifty thousand dollars for physical things that if times were good we would do them, but I do believe that these things could be put off until town meeting, when we have our own citizens losing jobs. Thank you." The Moderator then recognized Mr. Goodchild and asked him if he was requesting additional time from the body. Mr. Goodchild state he was, just thirty seconds. The Moderator stated, "Would the body grant thirty seconds. All those in favor please indicate by saying aye, all those opposed. All those in favor hold up your cards please. All those opposed. You have thirty seconds." Mr. Goodchild stated, "Thank you Mr. Moderator. I'd like to point out that the computers for the

cruisers I think there very necessary. They could stop a car and not find out that this is an escaped prisoner or something like that. Also I think this has been trimmed down and although we need more money, if they brought it forward I think we have to give it consideration and pass it. Thank you.” The Moderator recognized a gentleman to his right. The gentleman rose and stated, “Jim Clemmy, Great Hill Drive, I move the question.” The Moderator stated, “I think it’s appropriate at this time. I think we’ve had enough discussion. So ladies and gentlemen we have before us the motion to appropriate forty-nine thousand, three hundred dollars.” The Moderator called for the vote and had the tellers count the vote, as it appeared evenly divided. The article was passed (see article number twenty-seven). The Moderator then moved to article number twenty-eight.

Mr. Trudeau rose and read the motion for article twenty-eight. The Moderator called for the second, (there was a second) and then the discussion. The Moderator recognized a gentleman to his right. The gentleman stated, “Alan Slavin, 36 Oak Street, member of the Capital Planning, recording secretary. We had a very difficult time obviously in what we were doing. We had requests for 2.2 million dollars. I kind of take a little offense at this being a wish list. This was a list of equipment that goes back to as early as 1960 that they put it together with band aides, elastic bands and everything else. We only had about a hundred thousand dollars that we could go ahead with. We picked three projects that probably would have the most impact for the town. The police department, if anybody has not been there, the boiler has failed more than a couple of times during the winter. You have a health issue; you have a safety issue both for the police officers and the prisoners and anybody going in the place. This boiler could fail at any time. We are looking at least two to five years before we can replace the police station in capital planning. So therefore this is something that we can’t just ignore and it will go away. Second place at the multi-service building, we have held all kinds of different services to this town. That boiler also has failed a couple of times over the winter. If we shut that down, we shut down probably half the town. The people have concerns about that, that’s fine and dandy. EMS we took a building over basically cleaned the building out but never repaired the roof. Everybody thought the roof was done at the time. It wasn’t. The roof is leaking badly; it’s causing problems for EMS. All these projects are basically a necessity. I think John Sanguinet also has some projects for all three of them, possibly we’ll get reimbursed and we might not have to spend the money out of our pocket at the end of the whole thing. But these should be passed this time. Thank you.” The Moderator recognized Brenda Eckstrom, who stated, “Thank you Mr. Moderator. I just wanted to do a point of information or clarification. Twice this evening, members of the body got up and spoke that we laid off six people from municipal maintenance. I just want to clarify to everyone that all the unions were, because of the shortfall in the budget, they were all offered the furloughs. That union elected not to do furloughs and the alternative was layoffs. It was essentially their choice to get laid off. So they could have taken the furloughs as well, and I just wanted to clarify that. And also in the 2010 budget none of the existing budgets, there all funded, so as far as boilers, we need them.” The Moderator recognized a lady to his left. She stated, “Barbara White, 11 Regent, I have just a point of information that I’d like to ask on both articles twenty-eight and twenty-nine. I’m not as aware of what happens at the municipal level as I am of the residential level, but I am presuming this is a projected pay back period when, yes there’s the absolute need as far as I’m concerned, but I presume the projected pay back period and I didn’t think about it until I saw when I was reading through that one of the comments by the explanation is that the new boiler will of course reduce fuel cost. So, does anyone want to say anything about a projected pay back period, and if you don’t, it’s okay.” The Moderator stated, “To answer the question. That’s okay, gentleman to my right.” The gentleman (Geoff Swett) stated, “I want to compliment the Capital Planning Committee for doing an excellent job and a thankless job. I think these twenty-eight, twenty-nine and thirty are true capital expenditures compared to article twenty-seven. They will have longest lives, in theory you could

even borrow and it would be appropriate in order to make this happen and I urge your support.” The Moderator stated, “Ladies and gentlemen we have article number twenty-eight before us.” The Moderator called for the vote and stated that it passed by majority. He then called for article number twenty-nine. Mr. Trudeau rose and read the motion. The Moderator called for the second, (second was heard) and then the discussion. The Moderator then called for the vote and stated that it passed by majority. The Moderator then called for article number thirty. Mr. Trudeau rose and read the motion. The Moderator called for the second, (the second was heard) and the discussion. The Moderator then called the vote and stated that it was by majority. The Moderator then called for article number thirty-one. Bob White rose and read the motion. The Moderator then called for the second (second was heard) and then the discussion. The Moderator recognized the chairman of the Finance Committee. Mr. Paulsen rose and stated, “Thank you Mr. Moderator, ladies and gentlemen. As you can see on the warrant, this one passed by a five to four vote and we’re usually very collegiate on the FinCom and we didn’t get into fight on this, but we were a little closer in terms of what we thought was appropriate. The difficulty and I voted against this, the difficulty I have had then, have now, is that the stabilization fund for this town is a stabilization fund in name only. We have roughly a hundred and fifty thousand, give or take, in that fund, and it has gone from a hundred and sixty eight-thousand dollars, which was not adequate in my opinion, in 2001 down to the current level. It has been used as a piggy bank. And you’re going to hear from others up here, I’m sure, that we can’t do it now. We can’t fill up the stabilization fund. And I understand the difficulty with that, and you should too. It’s gonna mean that there is some more cuts that would have to be made. If you will agree with me and I will agree with some of the other members of the FinCom. Let me read you something here very briefly here that I pulled of the internet today. The town of Bourne, as I understand it, had very serious financial difficulties several years ago. They now have a process where their stabilization fund is currently up to about the 2.6 million dollar level and they even during these difficult economic times are adding money to their stabilization fund, adding money, and they have a policy, I’m quoting now from their minutes, to maintain a stabilization fund balance that is at least seven percent of the general fund operating budget; now, their plowing their streets. I don’t think they have massive furloughs over there and the Library is open fifty hours a week. Now I don’t understand it. But what we have to do, I think, is to start to take difficult steps to put money aside and again, I know what’s going to happen when you get into the however, we’re however. But we’ve got to start to do this. This is a philosophical discussion, if you will, strong point with me, obviously, and I hope you vote against this. And I think the Moderator will tell you that it needs a two-thirds vote in and out of stabilization. So give it some consideration please, thank you.” The Moderator recognized a member of the Board of Selectmen, Brenda Eckstrom, who stated, “Thank you Mr. Moderator. My concern is that as we heard over the last two nights we’re cutting, we’re cutting, layoffs, furloughs, we just had a discussion if we wanted to spend forty-nine thousand dollars because we didn’t have it, and it was a healthy discussion that we we’re all considering. This if for the 2009 budget, this is right now. I haven’t added the numbers up, but I’m guessing we would close the doors of town; oh eleven employees would be gone to do this without taking it out of the stabilization. So I urge you to support removing it from stabilization. We all know we are going through a tough time. I don’t disagree that we shouldn’t try to save but at the expense of more employees, at the expense of a very bleak future where we’re going to be putting money into the stabilization fund. We’ve been working on it, but we need to do this.” The Moderator recognized a gentleman (Geoff Swett) to his right, who stated, “Through you Mr. Moderator, I have a couple of questions for the town administrator. One, this article clearly is intended to balance the budget for fiscal year 09, could you tell the body your level of confidence that in fact we will have a balance budget on June 30<sup>th</sup>. The second question I have relates to the furloughs. It was told to this body last night that some of the furlough money and I’d like to know how much, is actually going to be given back to people after July 1<sup>st</sup>. So we’re saving it before June 30<sup>th</sup>, then we’re giving back to them after

July 1. And I'd like to know how much that is, and thirdly, I'd like to know whether that amount has been taken into consideration in the FY10 budget." The Moderator stated, "To answer the question. There are three questions, level of confidence, furloughs and money being given back after FY10." Mr. Sanguinet stated, "To give a clear level of confidence at this point I'd be playing the lottery because it's a difficult answer to give. My level of confidence that we will have a balanced budget at 09 with the furlough days and the other items I've taken into place for 09 is about ninety-eight percent at this point. The second question if you could just repeat it." Mr. Swett stated, "What is the dollar value of the money that is being saved in fiscal year 09 and given back in fiscal year 010, fiscal year 10, excuse me." Mr. Sanguinet stated, "The furloughs that are being taken for the remainder of this year total about two hundred and thirty-five thousand dollars. There are no funds being given back to the employees, some of the employees, actually most of the employees that took the furloughs are getting five extra vacation days in lieu of payment. Those days have to be used before the end of the year. They're not added to their accrual and they lose them if they are not used by June 30<sup>th</sup>." Mr. Swett stated, "Thank you." Mr. Paulsen, Chairman of the Finance Committee requested thirty seconds to speak. The Moderator asked the body if they would extend him thirty seconds and took a vote and Mr. Paulsen was granted thirty seconds more. Mr. Paulsen stated, "Thank you very much ladies and gentlemen. Ms Eckstrom suggested that, and I'm taking this somewhat out of context and I apologize for that, that the funds for the stabilization fund have been going up and in fact they have not been. In 2004 there was four hundred and thirty-four thousand dollars in the fund; in 2005 four hundred and forty-five; in 2006 four hundred and sixty-three. Never anything added in this so-called "good years" and then in 2007 it dropped to a hundred and fifty-six thousand and change. No, I just wanted to clarify that, thank you." The Moderator had interrupted and asked if Mr. Paulsen wanted more time. The Moderator then recognized a member of the Finance Committee, who stated, "Donna Bronk, the FinCom; I have to tend to agree with my colleague, Mr. Paulsen that we do need to fund the stabilization for the town. It makes no sense to not have stabilization and in bad times we need it more, because we need something to fall back on. Ladies and gentlemen if you think things are going to get better, I'm telling you right now there's not going to get better next year. We know there's not going to get better next year and I don't know if anybody's selling you a bill of sales that it is going to get better next year. It isn't going to get better next year. We are looking on the conservative end and trying to watch the dollars and spend our dollars wisely. Ladies and gentlemen the unions of this country are going to have a wake up call; they're not willing to give up anything, they're not willing. It's over, the free rides over. They've got to negotiate. They have to negotiate with the people and that's what's killing the small town. That's what's killing our state, health care, health care and retirement benefits ladies and gentlemen and I'm telling you it's gonna get much bleaker than what it is right now." The Moderator recognized a member of the FinCom, who stated, "Thank you Mr. Moderator, Marilyn Donahue, Hathaway Street, I'm new to the FinCom. It's my first budget session. I'm much more familiar, as a previous speaker said, with a household budget. But this body has been dealing with that in Fiscal Year 2010 we would get this windfall, this extra money for the high school debt falling off. It's approximately a million two and then we don't have the debt to service. One of the things you have when you get that great tax rebate check, you can look forward to spending it. You can pay down your credit cards, your old bills. You can do your capital purchases or improvements. You can put money in a savings. But one of the things you should not do with that found money is operating expenses. You shouldn't be buying groceries or paying the electric bill, and I was very disappointed to find out that a good chunk of that money is going for our operating expenses because of the economic situation we are in, but I strongly urge that we have to put it into savings, we have to be disciplined, as the previous speaker said. It's not getting better. This is the best year we've got in front of us, now it's going to get markedly worse. My heart breaks for the people who are losing their jobs and their homes. We are all going to pull together as best we can to get through this. I urge you to consider adding to stabilization and not taking

money out of it.” The Moderator then recognized a gentleman to his right, who stated, “Thank you Mr. Moderator, Bob Brady, Precinct six...” The Moderator interrupted and asked the speaker to remove his hat while addressing the body. Mr. Brady did so and continued, “I’ve often enjoyed, Mr. Moderator through you, ladies and gentlemen, I’ve often enjoyed heeding to the reports given by the Finance Committee over several years of town meeting. I’m concerned here that if we do in fact heed the recommendation of the Chairman of the Finance Committee, is there anyone, other than what I heard eleven layoffs, that can help us understand that if we don’t support this article as suggested that we are going to still need too, I’m assuming, pay these bills, legal, as we’ve had plenty discussion about, and I think I’ve heard finally this evening why beginning in FY07 we had lost stabilization because we are paying legal bills. Also together with Veterans benefits, our veterans account has gone up considerably over the last three or four years, if you look at your spreadsheet. Together with utilities, street lights, etc. I’d like to understand if we don’t support this article as suggested, when then do we pay these bills and how do we go about doing that aside of eleven layoffs. And more importantly I haven’t heard anyone in this room recommend to us how we start to get creative and generate more revenue. I’ve heard about all the doom and gloom. I’ve heard nobody here yet in the two nights of town meeting, actually two years of town meeting, suggest to us or this community how we start to generate more revenue in light of the circumstance. The Moderator then recognized Selectwoman Jane Donahue, who stated, “Thank you Mr. Moderator. I was rising to speak to say in the next article that we have we will be voting to replenish the stabilization fund. Yes it is unfortunate that we do have bills that need to be paid and yes there are a couple of other options that we could go to, to pay those bills other than go to the stabilization fund. I don’t personally want to see anymore services shut down. Should we take some more money, I mean we only have frankly we’re talking about the end of April, we have May and June, that’s eight weeks. Where are you going to come up with a hundred more thousand dollars of savings in eight weeks? That’s why it takes eleven people to be laid off if you’re going to pay the bill if you don’t take the money from the stabilization fund. Because we’re so far into the fiscal year at this point there is no way to get to a hundred thousand dollars without doing something very drastic that I think everybody would be very disappointed in. So I think that the way to go is to use this money and like I said in the very next article we will start to save again in FY10. In response to the speakers last question, the last speakers question about where are we going to get revenue from, I think it has been discussed articulately on a number of occasions at Board of Selectmen’s meetings that we’re looking for economic development. The Board of Selectmen is in the process of hiring a new Community Economic Development Director. We have some very good projects on the board and we are looking to bring in some revenue from that area. So I do think that’s out there folks. I do think that it is a glimmer of hope on the horizon. I don’t think that gloom and doom is over yet. I do think that we have to be conservative, but I do think there is a glimmer of hope. Thank you.” The Moderator then recognized Bruce Sauvageau, who stated, “Thank you Mr. Moderator. I have to agree with my colleague. I’m very glad and grateful that she’s actually on this board. She served on the Finance Committee previous to serving on this board and has a very good grasp on the delicate situation. So does this Finance Committee, obviously. She’s absolutely right. The long-term solution to our problems is economic development. We do scheme and I think that we need to be more aggressive on rolling that out and we are in the process of doing that. The long-term solution to the left side of the budget, the liability side, is not to layoff ten or eleven more people just to get past the two thousand and nine budget, because that’s all we would do. And it would cost us in the form of unemployment and buybacks and reduction of services. They’d be coming right back in 2010 anyway. Why put those people through that kind of misery and un-employ them until July 1<sup>st</sup>. So my simple point is there’s nothing long term going on here. We’re just trying to get through 2009 and this is the best way without cutting more people, more services and taking the more drastic step. The Finance Committee’s absolutely correct. We need to build reserves and I’ve been stating that for a

better part of a decade. This didn't happen in 2007 because of the legal bills. This has been growing and deepening for many years, and frankly it's our own damn fault because we have not addressed our problems sufficiently, and I think this Finance Committee is taking a stand, at least, and that's something we should commend them for. I disagree with them, we should support this budget." The Moderator then stated, "Okay Ladies and Gentlemen, we have article thirty one before us for our vote." At that point a member of the body approached the microphone and stated, "Sandy Slavin, 36 Oak Street, I have two questions, how much money is in the Finance Committee reserve fund. I looked through the budget and I can't find it. How much is in the stabilization fund in 09, and question number three is the street lights. We've been here thirty years and we always paid for our own street light. I was just wondering how many people are paying for their own street light versus how many are being paid for by the town funds. Thank you." The Moderator stated, "To answer the question the balance in the reserve fund, the balance of the stabilization fund and to respond to the question of street lights, Chairman of the Finance Committee." Mr. Paulsen rose and stated, "Thank you Sandy. As to the second question, the amount in the stabilization fund is give or take is about a hundred and sixty-five thousand dollars in the current time, more in that range. In the reserve fund, we haven't had an update in sometime. The last I recall we had taken out, was it a hundred and thirty-five thousand; sixty-five thousand, leaving about a hundred and thirty-five. And I don't remember the exact balance and I apologize." The Moderator interrupted and asked what the approximate balance was of the reserve fund. Mr. Paulsen stated, "Sixty-five thousand is a reasonable good figure. Correct me if I'm wrong John." Mr. Sanguinet rose and stated, "The current balance, the Finance Committee has transferred some funds out. I believe that was about seventy-five thousand dollars they transferred out for various items as the year's gone on. There's approximately two hundred and sixty-five thousand dollars available in this budget based on my last calculations of about two weeks ago. I apologize that I don't have the exact number. If these articles are taken out of the reserve fund the balance will still be about forty-five thousand dollars for any unforeseen items that may occur between now and the end of the year." The Moderator stated, "And the street lights, to answer the question." Mr. Paulsen stated, "The street lights I'm afraid we don't have an answer for that at all that's really not so much in our domain. I will say however, looking at the puzzled looks on my associates faces here, as to the two hundred and sixty-five thousand dollars in reserves. I can stand corrected, we can all stand corrected, but that doesn't quite square with what our understanding has been, but as I said that I can be corrected up here by any of my associates." The Moderator then stated, "Alright ladies and gentlemen, we have article number thirty-one before us as presented by the Finance Committee for favorable action. This requires a two-thirds vote because money is being transferred from the stabilization fund, if it passes. I'm going to try for unanimous." The Moderator then called for the vote and stated that it passed by the two-thirds vote. The Moderator then called for the motion on article number thirty-two. The motion was made and the Moderator stated it was seconded. He then called for the discussion and stated, "This also requires a two-thirds vote ladies and gentlemen. I will also try for unanimous. All those in favor of article number thirty-two please indicate by saying aye, all those opposed. It is unanimous, article number thirty-three." The motion was read and the Moderator asked for a second, stated that he heard a second and then called for the discussion. No one rose so the Moderator called for the vote, and stated that it passed by a majority. The Moderator then called for the motion on article number thirty-four. The motion was read and the Moderator called for the second, he stated he heard the second and called for the discussion. He then recognized a lady at the microphone and told her that she had the floor. The speaker stated, "Thank you Mr. Moderator, Margaret Ishihara, I just had a question why it went down ten thousand from the amount that was stated in the article?" The Moderator stated, "To answer the question." Bonnie Cottuli rose and stated, "Due to the complications of not having an accountant at the moment, the incorrect amount was put in. It was actually the balance of the fund that we have and not the appropriation necessary." Ms. Ishihara

stated, "I'm still a little puzzled by that. So these funds come from the hotel/motel tax, correct. So was the amount that was collected for the hotel/motel tax less than?" Ms. Cottuli stated, "No, the amount that was printed in the warrant is the balance that the CEC now has within its account that will be expended this year, okay. The next appropriation of funds will be ten thousand dollars. That's what was collected from the last fall town meeting until now spring town meeting. It's a lot smaller amount because it's the winter months. Okay, does that answer your question?" The Moderator then recognized John Cronan, who stated, "Thank you Mr. Moderator. Ladies and gentlemen I know our past chairman, Mr. Potter, fought hard this. I know the committees and events groups that came in looking for assistance went way beyond the expenditure of ten thousand dollars to their groups. I would like to amend it back to the original amount. The money is there for that committee to utilize when these groups come in looking for their functions. If you can't have the swan festivals, the parades, what-have-you, you're never going to get interest back in the community. So is that appropriate Mr. Moderator to make an amendment to the amendment to put it back to what was printed originally?" The Moderator stated, "Well it was printed in the warrant as fifty-six thousand, six hundred fifty. So you can't go above that amount. If your amendment is to make it fifty-six thousand, six hundred fifty that is in order. Is that your motion?" Mr. Cronan stated, "I would like to leave it as originally printed." The Moderator stated, "Motion for favorable action in the amount of fifty-six thousand, six hundred fifty. Is there a second? I heard a second." Ms. Cottuli interrupted and stated, "I have a point of information." The Moderator instructed her to state her point of information. Ms. Cottuli stated, "Bonnie Cottuli, I am the Finance Committee representative to the Community Events Committee. It's my job to make sure that they numbers are right. To amend this back to fifty-six thousand and change will be incorrect. It is basically a typo. That amount of money is presently in our account. It has already been appropriated at two previous town meetings. We have spent part of that money to help out the community, but we have a balance remaining. That is the amount of fifty-six thousand and change there. The next appropriation from last fall town meeting until this town meeting is the revenue that's been collected in that time period, which is only about ten thousand dollars. That's all we're asking for is ten thousand dollars. That will be added to the balance that we already have and given out to the wonderful groups that have been coming to us in hoards and droves, and we're going to share that money with the community." The Moderator then recognized Jane Donahue, who stated, "Mr. Moderator, through you to Bonnie Jean Cottuli, and she's the rep. I'm just a little confused by the language, to expend ten thousand dollars. It sounds to me and maybe the counsel and moderator can help me out, but it sounds to me like this article is limiting the expenditure of the funds even though now you will have sixty-six thousand dollars in your account to only ten thousand dollars for this coming year. So, I'm wondering how much money did we spend last year and is that what we are really trying to do with this article." The Moderator stated, "In answer to their question on the motion. The motion limits the expenditure. So if it's either as amended fifty-six thousand, six hundred fifty that will be the limit of the expenditure or if it's ten thousand that will be the limit of the expenditure; in answer to your question." Ms. Donahue then stated, "Thank you, so I'm wondering if it's appropriate again if we really have the intention of limiting the expenditure of funds to only ten thousand dollars, how much did we spend last year, and is it more than ten thousand dollars, and if we have sixty-six thousand dollars to spend wouldn't we want to expend a little more than ten if we spent more than ten last year.?" The Moderator stated, "To answer the question." Ms. Cottuli stated, "The way I'm interpreting this, the fifty-six thousand dollars and change, has already been appropriated for spending. We are only asking to spend another ten thousand dollars." The Moderator stated, "Well I'm confused and I want to make sure that we do this correctly. The motion that I see displayed on the screen, which is as amended now, says to authorize the committee to expend fifty-six thousand, six hundred fifty; that would be the limit of the expenditure. If you want it to be ten thousand, the committee will be restricted to spending, expending ten thousand dollars. I don't know if that clarifies anything, I don't know that to be a fact. The article is on the warrant for this

expenditure. If you want it to be ten thousand, that's fine, and please no more outbursts, lady to my left." Ms. Cottuli stated that she would like to defer to the chairman of the committee, events committee." The Moderator stated, "That's the lady to my left?" The lady stated, "Susan Ricci, I'm the Chairman of the Community Events Committee and I live in On-I-set Heights. I know this is a little confusing to people and hopefully I can shed some light on this. The previous spring town meeting there was forty-five thousand, ten dollars appropriated. Fall meeting forty-two thousand a hundred was appropriated. We had that money in the account. The money doesn't go anywhere. It's strictly for events. Because we get hotel and motel taxes percentage and parking receipt percentage in the account, it stays there in that particular account until we use it. Last year we, last summer we did a lot of the events but we didn't do anything for the winter events. This year we are going to do the events full time. To give you an example, we're going to be doing the swan festival, the fireworks, the blues festival, the Cape Verdean festival, the Onset youth club, there's a number of events. The thing is we have the money in the account and so we don't get anything into the account from October 31<sup>st</sup> until March 31<sup>st</sup>, because there's no parking, there's no hotel and motel, so we only get about ten thousand. That's the reason we need to put that money into the account to add to what we already have there. According to our last meeting we have about thirty-five thousand dollars that's going to be spent for the events from January until December. That includes also the Wareham Village Association Christmas parade, the Christmas in the Parks for the Onset Bay Association. So there are a lot of programs that are going to be happening this year, and it's going to help people bring people into town and be very beneficial for the businesses to promote it. I hope that you understand that we can only use this money for marketing and promoting events. We can use it for nothing else." The Moderator then recognized the Chairman of the FinCom. Mr. Paulsen stated, "Thank you Mr. Moderator. It seems that the trouble we're having here is the word expend. My suggestion would be, why don't we replace the word expend with place. Another words, we're going to place ten thousand dollars into the account with the other fifty-six thousand, whatever it is, and it's all in one place then." Ms. Ricci stated, "Mr. Moderator is it being suggested that we amend this to include that verbiage?" The Moderator stated, "Well we have one amendment on the floor. We have to deal with that. I've conferred with counsel and he's suggesting that probably the proper amendment would be to expend an additional ten thousand dollars. But is there any other discussion on the current amendment on the floor?" The Moderator recognized John Cronan, who stated, "Mr. Moderator if the wording on the first amendment has changed as counsel suggested, I would withdraw my motion for the expenditure. I was only trying to get the full amount of money for them to spend. So if they change that I will withdraw my motion to put back the fifty-six." The Moderator stated, "Okay, whoever seconded the motion, do you withdraw your second, yes, okay. The amendment is withdrawn. Would you like to make another amendment?" Ms. Cottuli rose and stated the new amendment. The Moderator then stated it was seconded and called for the discussion. Seeing that no one rose, he then called for the vote and stated that it was unanimous. He then called for the motion on article number thirty-five. There was a point of order that we did not vote on the main motion of article number thirty-four. The Moderator thanked the meeting member and called the vote and stated that it was unanimous. He then stated, "Now article number thirty-five."

The body moved to article thirty-five. After the motion had been read, the Moderator then called for the second and the discussion. At that point the Moderator recognized a speaker at the first microphone. The Moderator stated, "Sir, you have the floor." The speaker stated, "Thank you, Ernest Margeson, Precinct three, ah my question is in three parts, I believe. Based on the answers I'm here to elicit, I would then like to make a comment. Could someone in the town tell me what is the minimum amount of interest that the town is allowed to charge based on the state law; what is the maximum amount of interest that the town is allowed to charge and what is the rate of interest that the Sewer Commissioners or the town intend

to levy on these betterments?" The Moderator stated, "To answer the questions, three questions; the minimum amount of interest under the statutes, the maximum amount of interest under the statutes, and what does the board intend to charge as a rate; to answer the question?" Brenda Eckstrom rose and stated, "To answer the question." The Moderator stated she had the floor and Mrs. Eckstrom stated, "First part, under the law we can charge two percent above what we're being charged or five percent. That's question one. Number two, I know number three was half a percent. I believe what it was. But I don't know what question number two was." The Moderator repeated question two. Mr. Eckstrom continued, "That was five percent or two percent over what we are being charged; two percent over what the interest rate that the town gets charged, four or five percent, whichever one is greater." The Moderator stated, "And what does the town intend to charge?" Mrs. Eckstrom stated, "Half a percent, and actually these ones here, these were already passed at town meeting a year ago I think it was and what happened was when it went up into the general court it didn't get passed through. This came back from our legislators as this wording so that we could go forward with the petitions from last year that limited what we could charge. Because we were charging, previously we were charging more. We were charging up to the maximum. We're pulling it back down and that's what the legislature brought this back, the wording back so we could approve it properly and it should be able to sail right through the legislature now." Mr. Margeson stated he had a follow-up question, and the Moderator asked him to state his question. Mr. Margeson stated, "I need to understand is the town looking to charge additional interest over the minimum required. Is this another way of raising additional revenue?" The Moderator stated, "To answer the question," and Mr. Sauvageau rose and stated, "No, we are not attempting to make additional revenue. What this fee actually is and it's tied to the whole philosophy of the admin fee, the administrative fee. We want to lower it to half of a percent over what we are minimally allowed to charge for the administrative function of managing all of the loans. These are twenty-year loans by many people who can't afford to pay the assessment all at once. So in the administration or management of managing those loans, making sure the payments get to the appropriate bonding resource; legal bonding authority that has to be constantly updated and all of the other administrative tasks that are required to maintain, basically, a loan portfolio. That's about a half a percent. This town was charging substantially higher than that and this is our effort to relieve the assessed parties in a specific project of additional administrative fees." The Moderator recognized a gentleman to his right, who stated, "Eddie Pacewicz, Briarwood Beach. I'm somewhat concerned here. At a previous town meeting we voted to eliminate any and all fees regarding to ah betterments dealing with the sewer operation in Rose Point, Briarwood Beach, Beaver Dam, etc., etc., etc. We eliminated all fees. The only interest that we were paying is the same interest that was being charged to the town by the state, which was 2.99 percent. Now if this article is just to change or shift that 2.99 percent that the town is paying to the state to the betterment users I don't have a problem. If it's above and beyond, like an additional five percent, as some administrative fee to deal with the processing and the deal with the loan, so to speak, we've already defeated that and soundly defeated that at a previous town meeting. So I don't know where we are going here. The whole idea of some type of fee involved in this has already been defeated." The Moderator stated, "I don't think there's a question there, do you have a question." Mr. Pacewicz stated, "Yes, I have a question. Is this going to be above and beyond any interest that is charged to the town by the state for these low interest betterment loans for the sewer?" The Moderator asked for someone to answer the question and Mr. Sauvageau rose and stated, "We went from 5.9 to five, from five to 2.99, now the minimum is two plus a half a percent, 2.5. So, net, net everybody is saving money and we still have the cost to administer those, those projects." The Moderator then recognized a gentleman to his left, who stated, "Bill Heaney, Briarwood Beach. Thank you Mr. Moderator, I support what the previous speaker has said. We at another town meeting, about two years ago, established the rates for Rose Point, Briarwood Beach and Beaver Dam sewer betterments to be at the rate that was being charged at the time to the town. I don't believe it was as

high as 2.99, I believe it was like 2.25, but whatever the rate is, the rate is and it was established by town meeting. If this article does not affect Rose Point, Briarwood Beach and Beaver Dam then so be it, but if it does affect those three areas, we've already had this discussion and it has been re-soundly defeated, as the gentleman said, and I would urge this body to vote against this article. If they can change the rate that's already in place and in fact increase it now, imagine what will happen a little bit later on. Thank you." Mr. Sauvageau stated, "To answer the question." The Moderator stated, "Again, I didn't hear a question." Mr. Heaney then stated, "The question is does it increase Rose Point, Briarwood Beach and Beaver Dam interest rates?" The Moderator stated, "To answer the question." Mr. Sauvageau rose and stated, "It cannot. This doesn't retroactively affect prior projects that would be against the law. This is for projects going forward, future betterments and so we're trying to fix a rate that is reasonable, including imbedded in that is a nominal administrative fee of a half a percent. To us that seemed reasonable and fair to manage an account for twenty years. The answer is no, it will not impact your projects." Mr. Heaney asked if we could insert language then that says this does not affect previous ah.... Mr. Sauvageau stated, "It's there. The Moderator approached the stage and pointed to where the language appeared in the article. Mr. Heaney stated, "For any and all projects assessed after the effective date of this act. So any project that's been previously assessed is not being changed?" Mr. Sauvageau stated that was correct. The Moderator then recognized a gentleman to his right. The speaker stated, "Eddie Pacewicz, Briarwood Beach. We went through this exact argument before on this administrative fee for handling these loans. We had it worked out to how much it was costing. When you take a half a percent that doesn't seem like much but if you take a half a percent of seven million dollars over twenty-years it ends up to be a whole bunch of money. And it was previously stated that it worked out to a bill the town was charging ninety-seven dollars to issue a quarterly bill. I don't have all the exact figures in front of me because we went through all of this. There should not be any type of administrative fee involved. We went through this and we eliminated all administrative fees for these loans for betterments, and now we're back to the same things all over again. I urge you to defeat this article."

The Moderator recognized the Chairman of the Finance Committee, Mr. Paulsen, who stated, "Yes, if I understand this correctly, and I don't have a dog in this fight, but if I understand what the selectmen said, this will not affect the current sewer users. It will affect future sewer users, and I may incorrect in my interpretation, but I don't think so. But I think I heard them correctly." The Moderator at that point called for the vote and stated that the article passed and moved on to article number thirty six. After the motion was read for article thirty-six, the Moderator called for the second and a discussion. Seeing no one rose for the discussion the Moderator called for the vote, which was favorable. The Moderator then moved to article number thirty-seven.

The Moderator called for the motion to be read. After the reading of the motion, the Moderator asked for a second and then the discussion. The Moderator recognized a gentleman to his right, who stated, "I may have no problem with this whatsoever, but I would appreciate an executive summary of the changes that are being recommended; Geoff Swett, Cromesett Road." The Moderator then asked if there was a member of the Personnel Board prepared to give a summary, executive summary and stated that she had the floor. At that point the Chairman of the Personnel Board rose to give the presentation and stated, "Debbie Pfinister, Chairman of the Personnel Board. I move to amend this motion for the changes since the plan in October was brought before October Town Meeting, but never got before the meeting. We had five hundred copies out front there. The changes are for this one are we're adding a classification plan; we're changing the matrix from the step five that was in the 2004 and 2007 plan back to the previous step ten. Now the 2004-2007 never came before town meeting. That was something that a previous town administrator, Mr.

Hartman had put forward, and then the third change is we are going to delete under section eight, vacations, number one, the last sentence. The last sentence read all present employees will be grandfathered. We are deleting that completely. Thank you.” The Moderator asked if she had that motion in writing, as he needed it in writing and asked for a copy. The Moderator stated that he heard a second to the motion. The Moderator then stated, “Since you are the mover of the article, can you give a report or an executive summary as to what your amendment is intending to achieve and anything else that may edify the body, please.” Ms. Pfinster stated, “I don’t know how many people saw the plan back in October. Like I said we had five hundred copies out here. Our plan that we are presenting tonight is also out here and again we have... I don’t know exactly what you want for your executive summary, as I wasn’t prepared for this. Like I said we are going back to the ten step from the five that we had. I don’t know. If there are any questions, possibly I could answer them.” The Moderator asked if the Personnel Board voted favorable action, and Ms. Pfinster stated, “Yes we did, 3-0-0.” The Moderator recognized a gentleman to his right, Cliff Sylvia stated, “Mr. Moderator, ladies and gentlemen I have looked over the personnel plan last October when it was available to us, and I don’t know if this is appropriate, as we already have an amendment on the floor. But I strongly think this should be further studied, and I so move and if someone second it then I can speak on that.” The Moderator stated that we already have an amendment on the floor and when we get done with that, he could come back with his amendment. Mr. Sylvia stated, “Well if they vote yes on that amendment, then further study is pretty moot, don’t you think?” The Moderator stated, “That’s correct, we only take one amendment at a time.” Mr. Sylvia continued, “Well I think it should be further studied. I think my motion is in order. I think you can have two amendments to a motion. I don’t think it’s out of order at all and it’s been seconded, and I think the reason why it should be further studied is because we haven’t gotten an executive summary. We don’t know what the differences are between the old personnel plan and the new personnel plan. Now I happen to know what they are because I got both of them at the town clerk’s office last October. And I’m not going to get into the specifics because I think I really appreciate the work that the Personnel Board did. You know it’s just like any other committee, they work hard and they have the best interest of the town at heart. However, I think they’ve made some major errors in verbiage and also in policy on this personnel plan. The personnel plan does have many takeaways and I’m not going to address that, but my main concern on the personnel plan, and I don’t even know who is covered by it, my main concern is this is that I know non-union people are not covered, I mean are covered, and it’s for union people are not covered under it. And the main concern I have for it is that these folks are going to be evaluated by three people. I think it’s very, very unfair to ask any town employee or municipal employee to be responsible to three separate bodies. The plan specifically states that they would be evaluated by the Board of Selectmen, the Town Administrator, and the Personnel Board. That is just unfair.” The Moderator then asked for any other discussion on the amendment and recognized a lady to his left, who stated, “Cara Winslow, “Are we discussing his amendment or the first amendment?” The Moderator stated, “He hasn’t made an amendment. We only have one amendment on the floor, which was made by the member of the Personnel Board.” Ms. Winslow stated, “I have an amendment but so I guess you’ll want to deal with this amendment first.” The Moderator thanked her and then recognized a member of the FinCom, who stated, “Bonnie Cottuli, we took a look at this and at the time when we took our vote for this article, but what the committee had presented to us wasn’t their best plan. They since went back and had a second look at it and came forward and I think they came forward with a plan they really wanted. It’s a good plan, and the reason it’s a good plan because right now there isn’t a good plan sitting in the town hall. These employees are running on a plan that basically dates back to, I don’t know when. Little amendments have been made to it here and there to suit the purpose along the way, but there are no set rules. This plan that this committee has worked very hard on and brought forward, is at least a working fair plan, and I think we ought to put it into action.” The Moderator recognized Brenda

Eckstrom, who stated, "Thank you Mr. Moderator. I'm to a previous speaker who had said that a second amendment would be moot if we supported that one, I disagree. One thing that I think is key in the personnel plan, this amended one, we've returned to ten steps. What the body has to understand is you guys haven't seen or approved a personnel plan since 2001. It has been done and all is we've gotten is, if you might remember, there was an article that said to satisfy the economic conditions of the personnel plan and we voted on that. Well these raises that people have heard about or these steps, like people have said they were making this much one year and jumping up to this the next year its because they shortened instead of taking ten years to go through ten steps, boom, five years and your at the top of your pay grade. So while I won't vote with the previous speaker if they want to further study it but I don't think that their mutually exclusive. I think you can support this and support those changes and then if you want to make that argument but I think that these particular things, not grandfathering vacations. If you look at one of the things on the previous one that we were arguing with the stabilization, one of them was forty-six thousand dollars in sick leave buy back. We're paying over a hundred thousand dollars a year to our employees because their not sick. Well you know what, I've seen employees and I won't necessarily personnel plan, and I've seem them and not necessarily even here, but if you get a buy back sometimes you come in very ill and you can pass that along. So maybe we don't want to encourage them to be saving up sixty days and then some, and we're talking about people getting laid off and closures and not being able to afford stuff, everyone has to chip in and everyone has to draw back, and I think that this plan for what it's trying to do is a good start." The Moderator then recognized a speaker to his left, who stated, "Cara Winslow, Precinct Six, I just have a point of clarification. Since were coming close to the hour of ten, is this something that can be brought up again at the next...I mean I think there's a pile of them out there and I think the body as a whole wants to address this at this point because it has gone so long but in all fairness to them we should have some time to digest it because there are some significant changes." The Moderator stated, "You're the only person standing and I think we have ten minutes to vote on this or if there are any other amendments we can address those. If we need to go beyond the hour of ten, we can have a motion to go beyond the hour of ten to complete the article. Did you want to comment on the article or on the amendment?" Ms. Winslow stated, "No, my comment remains the same that there are significant changes that impact a number of employees and well I agree that this has to be addressed and it should be addressed in the spring if at all possible, I think addressing it tonight is pushing if off on people when they haven't had a chance to fully digest it." The Moderator stated, "Well that maybe a fair argument but it's also a fair argument that this has been available, it's been advertised and these people could go to these meetings. I know the Finance Committee complains often that nobody comes to their meetings and so not directed at you but to the body, please do prepare for town meeting." Ms. Winslow stated, "Mr. Moderator just as a point of fact, I've been to the town hall and the note on the Clerk's board was that personnel board meetings were cancelled indefinitely. So people really haven't had a fair opportunity to review this particular plan that is being asked." The Moderator stated, "Thank you for your opinion; speaker to my right." The speaker (Geoff Swett), stated, "I find myself sympathetic with so many of the comments that have been made, including the member of the Board of Selectmen, including Mr. Sylvia and including Ms. Winslow. As a compromise, as a suggestion Mr. Moderator with your approval, I think there is zero chance that we are going to finish town meeting tonight. I know your commitment to make sure we address all the articles. I think a number of us although perhaps we could have better prepared for this would still appreciate something on the screen which shows the significant aspects of the changes that being recommended, and if that could be at the next night, we could still pass it in a timely basis and it might very well have lots of support and there wouldn't be this cloud over this plan, which is perhaps a very good one. I guess that's a motion to take it out of order to push it." The Moderator stated, "I appreciate your concern. I'm not sure

that would be the appropriate motion but I'm speaking with counsel as to what maybe an appropriate motion. Just give me a few more seconds. A probably the motion someone would like to make at this point in time given the hour and given the fact that we have many other articles to discuss, a motion to adjourn will be a privileged article which would supersede any discuss at this point in time and we could adjourn, and I believe to May 5<sup>th</sup>, which would be a Tuesday because I believe the auditorium is not available on a Monday. Otherwise we should proceed with the debate and probably extend town meeting this evening to conclude this article then we could entertain a motion to adjourn at that time. State your point of order please." Jane Donahue rose and stated, "Mr. Moderator I was just going to say we are going to adjourn the meeting with a motion on the floor with an amendment?" The Moderator stated, "It's a privileged motion, it supercedes all other motions and discussion. That's what I wanted to check with counsel." Mr. Swett stated, "So moved Mr. Moderator." The Moderator stated, "Could you state the time and the place." Mr. Swett stated, "Tuesday, May 5<sup>th</sup>, I believe you said, at 7:00 p.m." Deborah Pfinster stated, "Mr. Moderator, point of order, please." The Moderator asked her to state her point of order and she stated, "As I stated earlier, this plan has been available since October and it was available here on town meeting floor back in October. It is the first time in more than twenty years that a plan has come before this entire body. Most of the plans that have come before town meeting were never seen by anybody in town, except for your personnel employees. I just like you to keep that in mind, thank you." There was a point of order shouted out to the Moderator, who stated, "Yes it is debatable. Please, I just had a conversation with counsel. Counsel has addition two of town meeting time, I have addition three and it states that it's debatable. So unless it was a misprint, I'm going on addition three. All those in favor of adjourning...." A speaker rose and stated, "Mr. Moderator I'd like to speak on the motion to adjourn." The Moderator gave Mrs. Donahue permission to speak. She stated, "Ladies and gentlemen we're here, it's quarter of ten; we're half way through this discussion. I'd like to finish this discussion and then adjourn after this discussion. I've been the liaison to the Personnel Board and I would respectfully suggest the meetings of the board were not suspended or cancelled prior to this plan being made available. You could walk up to the Clerk's Office desk and you could get a copy of this plan and I would also like to let people know that the highlights of the plan are in fact those that Ms. Pfinster has suggested to you. Now there are about forty people in this town on the plan, if I remember correctly that number, and some of the things that are in there that have been changed have been changed back to the what they were before a plan was presented to you that changed them without your approval. It's really mostly going back to what we had before and I do think it's a good start and I do think its something that people should at least; we should at least have something that's been voted on by this body. And going back to a ten step plan not only alleviates the situation we have with the pay raises and pay increases that so many of us have heard people complain bitterly about for the last eight or nine years, I think, at least six. I think that the Personnel Board did a good job of trying to balance what was there already with the changes that they needed to go back to and there aren't a whole lot of changes in this one because they were trying to do it incrementally. They were not trying to make wholesale changes that would be, I mean there's not going to be a laundry list of wholesale changes up here if they come back to you with something you can see on the screen. I will stop talking, I think my two minutes is up and I would respectfully request that we finish the article." The Moderator then recognized a member of the FinCom, Donna Bronk, who stated, "I agree wholeheartedly with Mrs. Pfinster and Selectman Donahue. What happen here is the wool got pulled over everyone's eyes. And people were paid, it's not bull, the facts speak for themselves, they speak for themselves, and what there trying to do is rectify a situation, ladies and gentlemen. We're trying to get you through an economic hardship and get you through it fair. I mean we don't, sick time is a privilege in my world. It's not a given that you sell back. What they're trying to do is to bring things back in line with the real world, with the rest of us that work in the real world that are not entitled to things. We have to work for a living and we want to

be accountable to the taxpayers of the Town of Wareham.”

The Moderator recognized a speaker to his left. The speaker stated, “Bill Heaney, Briarwood Beach. Mr. Moderator through you to the body, what we’re saying here I think is we don’t want to act on it tonight but we will act on it in a week. One week is not gonna hurt anybody if we haven’t had a personnel plan in twenty years, and twenty years and one week is going to matter much, and so from that prospective I think to give everybody in this hall and those that are watching it on t.v. the opportunity to know that the plan is available, not have to go back to what they had in October, to actually get a copy of it and to read it for a week and then come back and vote on this intelligently is not a big stretch, at least in my mind. If you are going to ask me to vote on it today with everything that I’ve heard, including a lot of non-answers, I’m going to have to vote against it simply because I don’t know what it says. And so from that perspective I would just urge the body to adjourn now and come back and vote on this article in a week where the outcome could be significantly different. Thank you.” The Moderator recognized a gentleman to his right at the microphone. The speaker (Cliff Sylvia), stated, “Mr. Moderator, ladies and gentlemen, if we chose not to adjourn and vote on this article it is my opinion that we are voting on an article in profound ambiguity, profound ambiguity, and I don’t think that serves anyone any good. So I agree with the previous speaker that if we can get a report, if we can get a detailed analysis of how these plans differ, how they’ve been improved, how they’ve been changed, I think that everyone would feel a lot more comfortable on voting on this. So I think to vote on this tonight would be a big mistake because we are voting on something in tremendous ambiguity.” The Moderator recognized a gentleman at the microphone. The speaker stated, “I agree, Frank DeFelice, 53 Maki Way. I agree with the last two speakers wholeheartedly. It is messed up. And what I don’t agree with, what the lady down here was talking about, what the employees get paid. No body has done any kind of a survey with the other towns around to what they make and they continue to pick on high wages and I don’t believe there high wages, because I happen to have the book and I checked it and I think it’s sad that they keep talking about the way they talk about it the way the employees get paid in this town.” The Moderator recognized a lady to his left at the microphone. The speaker stated, “Leie Carmody, Weaver Street, I have not been to a personnel board meeting and I have not read the plan and I take full responsibility for that, and I’m not going to vote for a personnel plan that I have not read and I suspect there are many like me here, so I want to echo the urging that we adjourn and that we pick this up next week so that we have a chance to do what we should have done but did not.” The Moderator recognized Bruce Sauvageau. Mr. Sauvageau stated, “How much more profound ambiguity can there be with no plan at all. You have not voted on a plan in six years. Unilaterally, arbitrarily this was decided for you, you had no say, you had no input, you had no information. I didn’t hear anybody complaining then. If you came to this meeting and you didn’t read the warrant articles or any reports that obviously concern you, shame on you. You should come here prepared to work. This is a body, a deliberative body. Deliberation means come prepared. I’m sorry to lecture people here but this is ridiculous. We have time. It has been our tradition to debate articles after ten p.m. What are we afraid of here? I don’t get it. Why don’t we just get to work and we’ll hear and any questions you might have, we’ll hear the answers to, and you can intelligently think this through. We’re all adults here.” The Moderator stated, “We have a motion to adjourn to May 5<sup>th</sup> in this auditorium at 7:00 p.m. All those in favor please indicate by saying aye, all those opposed. Ladies and gentlemen the Celtics and the Bulls are in overtime at 93, and the Red Sox and the Indians are tied at seven in the fifth inning. We’ll see you on Tuesday. The vote was a majority to adjourn at 9:55 p.m.

THIRD NIGHT OF TOWN MEETING: MAY 5, 2009

The Moderator opened the meeting at 7:00p.m. and stated that he would be conferring with the IT person and town counsel, as they had a few issues to work out and asked for the body's indulgence. At approximately 7:15 p.m. the Moderator stated the following, "Ladies and gentlemen thank you for your patience. We had some last minute details we had to go over. Just to go over some of the procedural matters. Everybody should know but I'll remind the body. All non-voters are required to sit in the center section, in the first three to four rows. I see non-voters sitting up into the fourth row. If your not a registered voter in the town of Wareham, you need to come down to this section now please. If everyone would please stand and turn to my right, we will say the pledge of allegiance." The body proceeded to say the pledge. At the conclusion, the Moderator stated, "Ladies and gentlemen we have a few new tellers this evening, so I want to introduce all of our tellers to you. Is Gino Caretti here? Jack Silva and five Wareham High School student tellers, is Andrew here this evening, Andrew Cavicchi, no, Brianna Rakoski-Calvin, please stand. Harold Irving, Kayla Vicino, is Kayla here, yes, Leanne MacDonald, is Leanne here. Is Vickie Verrier here, no, and Kayla Betty Wyatt. Because this is the beginning of the third session on the second week of town meeting I'll ask all of the tellers to please stand and reiterate their oath. All the tellers please stand, raise your right hands, repeat after me, I, state your name, swear to faithfully execute and uphold the tradition of town meeting and I will accurately count all votes as part of those duties. Thank you. I remind the tellers that you are only to count voters' slip, which this evening are the color blue, the Clerk is hold up a slip, not raised hands. So again tellers when you're asked to take a count please only count the blue slips that are held in hand, don't count a raised hand. And now I will ask the tellers to take the quorum count. So all registered voters please raise your blue slip, hold it high until you have been counted. While they are doing that I will just remind the body that there's no parking in the fire lanes. If you have parked a vehicle in a fire lane it would be subject to towing. Please turn off your cellular telephones and pagers and other electronic devices. We do have a number of vacancies on committees but I wasn't able to get that list. If the Board of Selectmen or somebody could supply me with that, I'll go through that list at sometime during the meeting, and I'll go over some of the rules just to remind everyone. This meeting is concerned with discussing and voting upon those issues contained in the published warrant for this meeting. It will be governed by the laws of the Commonwealth of Massachusetts, the Home Rule Charter, the By-Laws of the Town of Wareham, the publication entitled Town Meeting Time, town meeting tradition and my rulings. For clarification, a few of the rules of the meeting are as follows:

- 1 First of all to be recognized a voter must queue up behind one of the two stationary microphones, and for the sake of simplicity I'll call this microphone number one and this microphone number two. And I will alternate between the two microphones to recognize speakers pretty much in the order in which the arise. Anyone who is in a wheelchair or unable to stand for a long period of time please notify on of the tellers and thus the Moderator of your intention to address the body and I will do my best to recognize people so identified by the tellers.
- 2 Moving the question is a procedure to cut off debate. To make such a motion one must be recognized by the Moderator. No one will be allowed to move the question at the end of a speech. And finally no motion to move the question will be in order until the Moderator determines that all sides have had a fair opportunity to be heard.
3. Motions for reconsideration of a past article will only be allowed

if in the opinion of the Moderator there is new information that was not available to Town Meeting at the time that the article was originally considered or if substantial evidence exist that Town Meeting voters were confused as to the basis or nature of the action which they took at the time that they took their vote.

The Moderator stated, "I realize that parliamentary procedure can be confusing and I will all I can to make sure that everyone understands the proceedings, and I will stop the proceedings, when it is appropriate to do so, to make sure that everybody understands where we are in the process. Finally, we must always remember that this is a deliberate and deliberative body, whose function is to debate the issues and to decide those issues by a vote. There is no place in the meeting for discussions of personalities and no such discussions will be allowed. Are we ready for the quorum count now? Teller to my right, 69; in the center, 129; to my left, 73; there are 271 voters in the hall, which means that we can conduct all business before us this evening. I also remind you that we voted to limit debate to five minutes to the proponent of an article and two minutes to each subsequent speaker. However be advised that this motion may be overridden by a majority at anytime during the meeting in order to extend time to any speaker so requesting an extension of time. I also remind you that this body had accepted the provisions of Massachusetts General Laws, Chapter 39, Section 15, which provides that whenever a two-thirds vote is required by statute, such a vote maybe declared as such by the Moderator, without a count, and be recorded as such by the Clerk upon such declaration, provided, however, that if seven or more voters doubt the vote, a count will be taken to make a determination as to the actual vote. A few other comments on procedural matters in terms of requirements of our Charter, I'm required to do a roll call: Administration; Animal Control, Board of Assessors, Accountant, Building Department/Zoning Officer/Inspectional Services, Town Clerk, Collector/Treasurer, Community and Economic Development, Conservation, Counsel on Aging, Data Processing, Emergency Medical Services, Harbormaster/Shellfish, Board of Health, Library, Municipal Maintenance/Water Pollution Control, Planning, Police Department, Procurement/Purchasing, Recreation Department, Board of Selectmen and School Department. Ladies and gentlemen I ask you to rise again, and I ask for a moment of silence, a moment of reflection, a moment of prayer if you so desire. Just a few days ago we lost a former member of the Prudential Committee of the Wareham Fire District and the Water Commissioner for the Wareham Fire District, Mr. James Galavotti. We also recently lost a former Building Inspector for the town of Wareham, Mr. Henry Knight. So I ask you to just take a moment of silence and reflection or prayer." The body honored these two gentlemen with a moment of silence. The Moderator stated, "Thank you. I would also just wish a speedy recovery to a regular town meeting member, Mrs. Patricia Evans, who is recuperating at home. She's almost always at our town meetings and we hope to see you at our next town meeting Pat. Finally, I wish to extend my gratitude to everyone who has assisted me in preparing for and in the conduct of this town meeting. I may not get the opportunity to make these remarks at the end of the town meeting. I hope that we are going to finish all of our business but they may require that we extend our time this evening. To the Board of Selectmen for your support of my attempts to implement procedural changes designed to improve the efficiency and effectiveness of town meeting and for preparing and printing the warrant, including our budget in a timely manner, I thank you. To the Finance Committee for your diligence in reviewing the warrant, including our budget and making recommendations to this body and for your cooperation with some of me on-the-fly procedural changes. To the Town Clerk, thank you for your able assistance, as among other things, official record keeper and time keeper, even though we are using the electronic timer, you're still my backup. I appreciate that I could not do this job without your help. To the Checkers and the Tellers for your attention to detail and for your stamina. To Town Counsel for your timely and sage advice I thank you. To the Town Hall Staff, the Wareham High School support staff, the custodial staff, to the Town Hall Information Technology Department and to the High School Audio/Visual Department

and their volunteers and to our student volunteer tellers for making a comfortable environment for us in which to conduct our business. And last but certainly not least, I thank you all, each and every one of you for taking the time to participate in the democratic process know as town meeting, our legislative body for the town of Wareham. Ladies and gentlemen we left off on Tuesday evening on article number thirty-seven. We adjourned to this evening in the middle of debate. We have before us a motion for positive action with some slight amendments which embodied the personnel plan to a little more specificity. At that time, there was a request for an executive summary. That's my recollection of we're we left off. Chairman of the Personnel Board do you rise to provide an executive summary to the body?" The Chairman of the Personnel Board, Debbie Pfnister, stated, "Debbie Pfnister, Chairman of the Personnel Board. This is the executive summary that was requested last week. The effective dates for this personnel plan are July 1, 2009 to June 30, 2010. A complete personnel plan has not been presented since the 1980's. In 1979 Town meeting approved \$12,000 to reevaluate positions, update job descriptions and compensations classifications. In October of 1998 positions were reclassified and presented to the administration. In 1999 Library Assistance, Recreation Director, Administrative Assistants and Technical Support Tech were added to the plan. Nineteen ninety-nine was the last time that any plan was approved effective 7/1/2000 to June 30, 2001. No plan has been presented to Town Meeting or approved by Town Meeting. In 2003 the Town Administrator spent another ten thousand for another reclassification study eight years after the previous study. In April of 2005 Town Meeting appropriated eighty-one thousand, plus or minus, to fund economic conditions from July 1, 2004 to June 30, 2006. The Town Administrator stated the goal was to satisfy the outstanding economic conditions that existed at a time with the intention of getting the plan approved at the 2005 Fall Town Meeting. The plan was never brought before town meeting. Despite never approving any plan since 1999, Personnel Plan employees have continued to be paid and compensated under several unapproved plans. The proposed plan was primarily created by a full personnel board of five members. The existing unapproved plan was written by the Personnel Board that consisted of only one member. This proposed plan was to be presented to the April 2008 Town Meeting but was withheld because

the Town Administrator did not want to go to Town Meeting unprepared. Now, this is the new plan versus the unapproved plan. The evaluation period is now sixty days. The evaluation period was thirty days. Unified appraisal form; before they had no criteria or format for evaluation; a sick bank has been added. Employees were on their own before this. Standard of conduct and conflict of interest sections has been added. There was no expectation of conduct or explanation of conflict. Disciplinary policy has been added. Uniformed actions had no disciplinary procedure, only the Charter. Sick time is use it, or lose it. Could be accumulated indefinitely and sold back once it reached sixty days. The new plan for the health of our residents and employees, people should stay home if they are sick, not struggle through because they get a bonus. On the unapproved plan the town currently spends over a hundred thousand dollars per year to buy sick time from employees. The new plan, there are ten pay steps in each grade level as it was previously. The unapproved plan had five pay steps. Employees reached top pay in half the time. The new plan goes back to the annual review and town meeting approval, as it was more than twenty years ago. The unapproved plan changed review terms to every three years, even though it was never reviewed nor approved by Town Meeting. Unchanged: holidays have remained the same. Health insurance benefits have remained the same, with the Town picking up seventy-five percent." The Moderator interrupted and stated that he was going to extend Ms. Pfnister's time due the technical difficulties." Mrs. Pfnister continued, "Recommendations moving forward: the Personnel Board will continue to seek input from employees under the plan. Several employees attended many of our meetings. We will continue to strive to maintain a balance between taking care of our employees and watching the taxpayers' interests." The Moderator called for any other discussion. He then stated, "We need a microphone over at number two or everyone is going to have to queue up at number one until we fix that problem. It's on but I think you have to speak louder Ma'am." The lady stated, "My name is Cynthia

McCarthy and I live at 32 Bay Point Drive. I just have a couple of questions. The first question is on section seven there's a mention made of in accordance with FLSA and I could find no definition for what FLSA was. My second question is in the classification plan itself, I see nothing prescribe for either the fire, water or pollution control employees, and ask if they are carried under some other plan, and I also see no classification for the Town Administrator." The Moderator stated, "Okay, two questions, section seven what is FLSA stand for and the second question is the fire or water pollution control included in this plan. Is that correct, Ma'am?" Ms. McCarthy stated, "Yes, and the Town Administrator." The Moderator stated, "And the Town Administrator, to answer the question." Jane Donahue rose and stated, "Yes, thank you Mr. Moderator. FLSA is the Fair Standard Labors Act. It applies to certain groups of employees. Under federal law there are no changes to classification. That was your second questions." The Moderator interjected, "Is fire, water pollution and town administrator included in the plan?" Mrs. Donahue stated, "No, their covered under other plans. Their not in the personnel plan; there are only certain employees included in the plan, and the Town Administrator is not in the plan because he's under contract." The Moderator asked if both microphones were working and he received a yes. The Moderator then recognized another speaker, who stated, "Frank DeFelice, 15 Maki Way. You know one of the things that I really like about this actually is the purpose of it. If you look at the purpose, it says recruit and retain competent personnel, number two, to provide an inducement for such professional and managerial employees to remain in the employment of the town, and number three, to make possible full work productivity by assuring employees' moral and peace of mind with respect to further job security. I think that in direct conflict with the present board that's here now, but if this goes, I think it's a good thing if the Personnel Board would do this. There are a couple of things I think should be removed though. On the second page where it says employees shall advance on the basis of merit if every case only with the recommendation of the Department Head, the Town Administrator and the Personnel Board. I feel that the Personnel Board should be taken out of there. There's enough bureaucracy that the Department Head and the Town Administrator can take care of. I don't believe the Personnel Board has to start to get into personnel matters, they do policy. So I believe that should be taken out and there is one other. I don't know the pages aren't marked but it says when an individual is promoted to a higher position or if a position is reevaluated as a result of substantial job changes, he may receive any step of the applicable range in request of the Department Manager with the approval of the Town Administrator in conjunction with the Personnel Board. I believe in conjunction with the Personnel Board should be taken out also. You don't need that kind of bureaucracy and that kind of layer. I think that the Department Head and the Selectmen can do the job." The Moderator stated, "Times up. I know people have switched back and forth. Are you the next speaker in line or is this gentleman the next speaker in line." Michelle Langford stated that she was and the Moderator stated that she had the floor. She then stated, "Michelle Langford, 5 Emma Lane. I just have a question about the vacation time. It goes up to thirty days. Uhm, that's six weeks. How long does it take a person to get six weeks paid vacation days?" The Moderator asked for someone to answer the question and the Chairman of the Personnel Board stated, "To answer the question, it's under section eight under vacations. It's also spelled out there. Section eight, it says ten years, it would be ten years." The Moderator repeated the ten years. Ms. Langford stated, "I read that, I was confused about that because it says after ten years they accrue an extra bonus day each year. So is it twenty-days vacation at ten years and does it increase a day each year. How does that work. It's really not very clear with this. The Moderator again asked for someone to answer the question. Mrs. Donahue rose and stated, "Yes, thank you Mr. Moderator. They receive a bonus day after every ten years, and just by way of explanation. The Personnel Board did not want to delve into making a huge change to the plan initially. There are lots more things that do need to be looked at and this is a first cut at getting a plan before town meeting for approval. And if I could respond to one of the previous speakers who suggested that the Personnel Board should not be involved in....." The Moderator stated, "Well if you wish to do that you can stand and rise to speak on the amendment." Michelle Langford stated, "I really don't feel like I got a really straight forward answer. Do they

get thirty days after ten years?" The Moderator stated, "The answer is no, I'm hearing no." Ms. Langford thanked the Moderator. The Moderator then recognized a gentleman at microphone number one, who stated, "James Maxim, 79 Maple Springs Road; I'm my question is to the Board, when is any other town contract or union contract, because I believe the personnel plan is going to be in a union contract, when is the last time a town has dissected a contract in a town meeting?" The Moderator stated, "To answer the question." Mr. maxim stated, "Anybody." Bruce Sauvageau rose and stated, "Never. We don't dissect town contracts at town meeting. This is a personnel plan; this is not a contract per se. It's a plan that is a bylaw that is part of the operation of town meeting that hasn't been actively pursued in I think it was ten years." Mr. Maxim stated, "Excuse me, are they not within a union now?" The Moderator instructed the speaker to procedurally address the moderator and he would direct the question for an answer. Mr. Maxim stated, "Are they in a union contract, in a binding agreement with a union, to be come in a union for the town's purpose of being in a union?" The Moderator stated, "To answer the question." Mr. Sauvageau stated, "There are unions and there is the personnel plan for personnel. Those are technically non-union employees at this time. But you are correct they are pursuing union collective, there pursuing organizing under the steel workers union. Those people that would be in that steel workers union would then become union and this plan would not apply to them. Those people that would not come under that plan would still come under this personnel plan. In advance of the next question, I don't know what the member breakdown is because we have not heard from counsel or the state labor relation board which positions are going to come under that." Mr. Maxim stated, "So this is an ongoing thing then?" The Moderator stated, "To answer the question." Mr. Sauvageau stated, "Yes sir, by bylaw it's an ongoing thing. This is what we're supposed to do; it's what we haven't done in a decade." Mr. Maxim thanked Mr. Sauvageau. The Moderator recognized a speaker at microphone number two, who stated, "Thank you Mr. Moderator, ladies and gentlemen, Cliff Sylvia, Fairfield Drive, Wareham. We're all good people who want to do the right thing, but the personnel plan goes much too far. It is hurtful. If you look at the plan objectively it is draconian. It is unfair and in an equitable effort to solve the financial problems of the town. If you look at the budget in its entirety the financial impact of the plan is insignificant but if approved a handful on non-union employees will be affected. We are not a hurtful community and we cannot allow this kind of economic devastation to befall our neighbors because they draw a public paycheck to perform services for us. Public employees are not the villains. Let us not blame them for the financial woes of the town. The role of the Personnel Board in the proposed plan is considerably expanded with the employee evaluations and the implementation of the personnel plan has always been the responsibility of the Town Administrator. The new proposal calls for the Personnel Board to be a partner in this process. The more people that are involved in employee evaluations the greater the potential for hidden agendas driving the process. We have a Town Administrator and next year an assistant to handle the implementation of the plan and the evaluation of employees. The role of the Personnel Board should end with the development and approval of the plan. This plan ladies and gentlemen is seriously flawed. It needs to go back to the drawing board. To vote down this plan is the just, moral and human thing to do. I urge you to search your conscious and do the right thing."

The Moderator recognized a speaker at microphone number one, who stated, "Thank you Mr. Moderator. Margaret Ishihara, Precinct three. I just had a couple of questions on this. One question is on section thirteen, it says, there's no page number so it's a little hard. It's the section procedures, promotions and transfers on the first paragraph, and it reads all permanent job openings, other than those that are temporary, casual or part time will be posted. Open positions will be filled in accordance with Selectmen's Policy, 08-01 and 08-02, and I was just wondering if someone might be able to just give a brief overview of what those two Selectmen polices say; I had another question but it's not really related to that one." The Moderator asked her to please state her first question. Ms. Ishihara stated, "My first question is section thirteen, Procedures, Promotions and Transfers ah refers to open positions. It says open positions will be filled in accordance with Selectmen's

Policy 08-01 and 08-02, and I was just wondering what those two Selectmen Policies said, not word-for-word but a summary.” The Moderator stated, “What the policies state, and did you have a second question?” Ms. Ishihara stated, “The other question I had is with respect to classification. In this plan it states the various jobs and their classification and I was just wondering in terms of where there’s ten or eleven steps in each classification and I was just wondering how this would impact the existing employees that are going to be covered by the Personnel Play, i.e. would they be starting at classification one, step one or somewhere else depending on their years of experience or whatever.” The Moderator stated, “To answer the question on section thirteen the two Selectmen’s policies and the classification and the impact on existing employees; to answer the question.” Mrs. Eckstrom rose and stated, “To answer the question, as far as the policies, the Selectmen’s policies are just that they had to be advertised in a local newspaper. Under the Charter the requirements are that they have to be posted for fourteen days and that they have to be ratified by the Board, of which is part of the Charter as well. That’s just a clarification on that and I don’t know the other.” The Moderator repeated, “Impact of the step procedure on the existing employees. I presume the question is, are they grandfathered, is this new employees, what is the status if this is adopted as proposed.” Mrs. Eckstrom stated, “Well, just about everyone that’s an employee right now when the steps went from ten steps to five steps, just about everyone became their top grade level. So I don’t think we can reduce them down grade levels on that, so there wouldn’t be any impact on that. It would just be new employees. Just like you go for any job, if you go in and you have a high school diploma with no experience, your going to start at a grade one, whereas if you have an advance degree and years experience they’d probably start you up, but that would be for a decision of the Town Administrator and the Personnel Board.” The Moderator recognized Jane Donahue, who stated, “Thank you Mr. Moderator, ladies and gentlemen, to address the comments of a previous speaker that this would be a harsh and cruel punishment for the current employees of the town and that the suggestion that we might be trying to balance the budget on the backs of our town employees. I can assure you that we have no intention of doing that; this plan was modified very little. There were clauses that were taken out, considered and taken out about grandfathering people. As far as his concern about the Personnel Board being out of order and being removed from our form of government, the Charter states that there shall be a Personnel Board, which shall consist of five members. It goes on to say how they’ll be appointed. Excuse me I had to turn the page. And it also says that the Personnel Board shall bring a report prior to town meeting and do all the things that they are trying to do here. It also states very clearly in the section under the Town Administrator’s duties and responsibilities that the Town Administrator shall in conjunction with the Personnel Board be entrusted with the administration of a town personnel system including but not limited to personnel policies and practices, rules and regulations, the Personnel bylaw and all collective bargaining agreements entered into on behalf of the town. So I think that removing the Personnel Board the way that the previous speaker suggested would be in violation of the Charter. Again, this is a very small first step towards making some changes in the Charter.

The sick leave buy-back is the only place where there is a change that is a financial issue for town employees. And we did spend quite a bit of money; I think it was over a hundred thousand dollars last year in sick leave buy backs. Thank you.”

The Moderator recognized a speaker at microphone number two. The speaker stated, “Good evening Sir, Chief Joyce from the Police Department. I’d just like to point out a few things. One of them being that one of the items that has been eliminated is the employee representative that’s always been part of the personnel group. I think by eliminating that that the Personnel Board is doing themselves an injustice, as well as the rest of the employees because they don’t have the information that could be available to them by an employee rep. To correct some information, the old personnel plan provided for a one hundred and eighty day probationary evaluation period. The new plan provides for ninety days not what was shown on the slide earlier. There’s a whole host of things that have actually been completely eliminated from the proposed plan, including a lot of

language, and a lot of it is technical language that has been added through the years for the sake of clarification, and that being important to department heads and managers as they're trying to apply the plan to the employees.

It was said that the holidays remain the same. That is not true, there was a floating holiday that was available that is no longer proposed in the new language. There's always been provisions under holidays for comp time for public safety people. Myself and my staff who are in management have to work on holidays, July 4<sup>th</sup> and so forth, out there directing traffic and running things and according to this we would not be entitled. We would either have to take the day or anytime we put in would just be lost. With respect to vacations, the new vacation policy actually benefits somebody like myself, an old timer; because I'm going to gain I think it is six or seven extra vacation days in this proposed plan. I just think it needs to be re-thought. I think it's gotta be given more consideration in respect to some of these younger employees. I don't need all that extra time. It talks about eliminating the sick leave buy back. That's a financial issue. It eliminates some of the other issues such as family's sick days and doctors' appointments. According to the new plan, employees would not be eligible to take any off for that purpose. The Moderator stated that his two minutes were up and the Chief stated, "May I request another two minutes, sir or more than that?" The Moderator stated, "All those in favor of extending time for two minutes please indicate by saying aye voice vote. All those opposed? (majority vote) You have the floor for two more minutes." The Chief continued, "One of the other thing that is certainly a problem with the new plan is that it talks about a person's sickness and that's an individual personal problem with an individual employee. It says a physician's certificate of illness if it's deemed necessary by the department head, which is the current language, but then it adds under the new plan or Personnel Board. With all do respect, the Personnel Board would have no knowledge that an employee was out sick nor should they have any knowledge why the employee was out sick. There not part of the management team and that should be left strictly with the department head and with the town administrator. And probably the most important thing that upsets me is a new section that has been added to this plan relative to disciplinary matters. The proposal as you see it now is for disciplinary action and reading it carefully it talks about things such as in violation of taking unauthorized leave of absence. What does that mean? I think more importantly though it provides that the town can take detrimental action against an employee up to and including termination for a first offense. It does not have to be any steps or progressive discipline. They can take whatever action they want against an employee. Now I am somewhat protected because of civil service being with the police department. I'm the only employee under that group that would be. No other employee would be protected at all and that is just not right by any standard. It needs to go back, it needs to be reviewed and it needs further implementation and consultation from those involved in the plan, including the department folks. They have arbitrarily taken a computer technician from a step eight, grade eight, excuse me, and relocated him to a grade four and the gentlemen was never even notified about it. That's uncalled for. Thank you."

The Moderator recognized a speaker at microphone number one. The speaker stated, "Thank you Mr. Moderator, Cara Winslow, Precinct Six. I work with these types of plans every single day. I write them, I design them, I negotiate them and just so everybody understands some of the benefits that are taken away from some of these people. After proposition two and a half a number of communities were faced with a detrimental financial impact that they were having a hard time handling and a lot of benefits were given to employees at that time in exchange for them taking no salary increases. Again in the nineties communities faced fiscal crisis and public employees stepped up to the plate all over the commonwealth and took no salary increase in exchange for benefits. We've seen it again in the year 2000, 2002 and now once again in 2009 serious fiscal crisis. Taking away what people were given in exchange for taking nothing is wrong. The other thing I want to point out in regards to the sick leave is that in municipalities they don't offer short-term disability programs. So if an employee comes down with a serious illness like heart disease or cancer, often their sick leave is the only thing that keeps a paycheck coming into their home. Many of the employees in these positions are the

bread winner for their households. If a serious illness were to befall them, do we want their family to be foreclosed on? That's not what this body intends to do and I know that. Well I understand the need to make changes to the existing personnel plan, the plan that's been presented before you is not the change that we need. The plan is not well put together, it doesn't have the same type font, there are a number of things missing, there are a number of things that have been taken away from the employees at a time when we are offering them no financial relief and the cost of everything is going up. I ask this body to vote this for further study, thank you.

The Moderator recognized a speaker at microphone number two. The speaker stated, "Mary Nyman, Off Great Neck Road. I rise to speak on the section I believe it would be page two at section four. It's listed as general, if I can see here, general administrative authority of the Town Administrator and the Personnel Board. In the second paragraph there are two lines, which I would like to read and then respond to. Employees shall, this is really hard to see. Employees shall advance on the basis of merit and in every case only on the recommendations of the Department Head, the Town Administrator and the Personnel Board. First of all I think this needs extensive further explanation. What are the specific guidelines for merit? What is the word merit mean? Who will determine the standards to be used and what are the standards? Will performance guidelines be outlined in job descriptions? I have a real concern because employees can be abused unless there are specific guidelines. Opinions about employees can prevail rather than job performance standards. Thank you."

The Moderator stated, "Selectmen Eckstrom you were standing before you sat down, where you taking a rest?" Ms. Eckstrom rose and stated, "I was." The Moderator stated that she had the floor. Mrs. Eckstrom stated, "Thank you. I just wanted to make a couple of comments that a previous speaker said, asserted. As far as the employee rep, the employee rep on the plan was not in any previous plans that had been approved by this body. The employee rep was implemented in the unapproved plans. And as a matter of fact, the unapproved plan said they had to have an election in July and I know this Personnel Plan had worked and I know at the time they had been appointed I was the chairman and had worked with the Town Administrator and me trying to get them to have an election to get someone on the board, and it took them nearly three months to get someone to be on the board; which caused a conflict, because we have a bylaw that states you have to be a resident of the town, so therefore we had an employee on the board that wasn't an employee of the town. Secondly, as far as the sick leave buy back, you know when the budgets done if you have a position say a thousand dollars a week, fifty-two thousand dollars a year. It's anticipated or it's work into that that they'll be sick and that they'll get I think it's a day and a quarter for every month, so fifteen days. What happens is when they don't pay that, that employees job jumps from fifty-two to fifty-five thousand dollars in the budget making the budget shorter and we have had instances where we've had employees, one has been sick and it's gone through and we've had people that have been very, very sick so I understand that it's nice to get that bonus, but it's not worked into the finances of the town and in May and June we're scrambling around trying to figure out where we can find a few thousand here and a few thousand there trying to cover costs and that's part of it." The Moderator stated that Mrs. Eckstrom's time was up and she then thanked the Moderator. He then moved to the next speaker, Bruce Sauvageau, who stated, "Mr. Moderator. Previous comments by a senior department head who apparently feels he gets too much vacation time. We haven't had a personnel plan in the town of Wareham for ten years, ten years that's a decade. Ten years we have not had a plan. I haven't once in those ten years that I've been attending town meeting seen any department head or anybody else jumping up and screaming where's the plan, where's the plan. During that ten-year period of time, there was a quantum increase in benefits, in pay, in other terms and conditions that you were not privy to, you did not vote on, because you were not given the opportunity that you have a right to do. Now where having a full and fair debate here tonight and that's proper. But you've been denied that for the better part of a decade, and nobody should be instructing us that we need to

go back to a plan that you never had an opportunity to approve in the first place. Because that is the net affect of the study. If we want to further study this, the best way to do that in reality is to let some plan lie and then we can modify it as time prevails and not just reject it and kick it to the curb because of disagreements on what I will characterize as relatively minor changes. There is a fiscal crisis in this community. We all know that. Labor is a cost and it's a significant cost in our budget. We're not trying to balance the books on anybody's back, but we are also trying to regain some, capture some kind of competency in our compensation plan, and that's all this is about."

The Moderator recognized a speaker at microphone number two, who stated, "Once again I think one of our volunteer town boards have been given an impossible, thankless task." The Moderator asked the speaker to identify himself for the record, and he stated, "I'm sorry, Geoff Swett, Cromesett Road. The thankless task in this case is the problem of trying to get hundreds of people to all agree on the same language. It's just not going to happen. I'm concerned we're going to throw out the proverbial baby with the bath water in the following sense. I agree there are flaws in the language, which doesn't surprise me because it's a very difficult thing to do. But I think there's a fundamental posterity that needs to be put in place and I think that's what the new ten-step salary schedule does and it should be implemented. I too have the concerns that dramatic decreases in classifications that were created five years ago by a professional at the cost of ten thousand dollars to this body when we authorized that study being done. Dramatic downgrades of thirty some odd percent in positions seems unlikely and is surprising to me and I haven't seen any data to suggest that it makes any sense, but once again these are extremely tough decisions. I would like to offer an amendment that would implement, and I don't have this in writing, Mr. Moderator right away because I didn't intend to do it, but it's a simple amendment that we further study the language and the classification plan but that we implement the ten-step salary schedule. Thank you." The Moderator stated, "Well we already have an amendment to this motion so depending on the action on that you may come back with an amendment after we vote on this. Speaker at microphone number one, and I will caution you sir, please keep your comments to the subject matter." The speaker stated, "Thank you Mr. Moderator, through you to the body." The Moderator asked him to identify himself for the record. He stated, "Sorry, Dan Goodchild, and I still live in Parkwood. To try to put together a personnel plan, I have to commend everybody that worked on this, and as Mr. Swett, oh, I'm sorry, as the previous gentleman said it is a very difficult thing to do. I believe that the amendment was for further study until the fall?" The Moderator stated, "No, the amendment is to adopt the personnel plan and to add the classification plan to change the matrix from five step back to previous ten step and to delete under section eight vacations, number one last sentence all present employees will be grandfathered in. That's the current amendment we are now discussing." Mr. Goodchild stated, "My apologizes to the body. I thought we were actually talking about further studying. So I will, forget what I said." The Moderator recognized a speaker at microphone number one. He then stated to a town meeting member waiting to speak at microphone number two that this person had already used up his allocated time to speak and he would have to wait, as the Moderator would recognize the other person first and then he could request an extension of time. The person at microphone number two stated, "My name is Patricia Neal, I live on Onset Ave and I am an employee of the library and a member of the personnel plan. I started working for the town in April of 2000. My Department Head, Mary Jane Pillsbury, gave me a plan because I had asked about vacation and stuff. That's the only explanation I had. In that plan it told me what the raises were for each year of the plan. It told me what the grievance procedure was. It explained how the vacations worked, the accrual. This plan now tells them what they can do to me and the reason by which by disciplinary action but most of the time in the case of the Department Heads they are fired by the Town Administrator, and the only person they have to appeal that decision to is the Town Administrator. I'm still trying to figure out for the last ten years how that works. It's not fair that the grievance section is gone. That if there's no pay raises this year, fine put it in writing so that a new employee in town knows how it works.

There's a lot that has been eliminated. One of the original plans that I have, and I have them going all the way back and they are available on the personnel plan section of the website of the Town of Wareham. It explains all of the things that are expected of you as a town employee; the confidentiality, which is why we can't really have volunteers behind the desk at the library. We have certain obligations and I know that because of the plan. This plan doesn't tell me anything and I would like to have the rest of the wording put back in so that anyone hired, or even myself if I have any questions over the years I've been able to go to the plan and look at it. There's nothing to look at in this and I have to go back to the Board or the Town Administrator. So I ask you to deny this motion and also put the personnel plan for further study because it does not have the content for the employees." The Moderator then recognized a gentleman standing at microphone one and stated, "Sir, do you wish to request an extension of time." He stated yes. The Moderator stated, "How much time would you like? All those in favor of extending time to the speaker for two minutes, please indicate by saying aye, all those opposed. All those in favor please hold up your hands. Hold up your voting slip. All those opposed. You have two minutes sir." The speaker stated, "I have two questions. I have one for your Mr. Moderator. I believe you spoke to us at the beginning of this meeting and said that nothing was to be brought up about personnel or personal reasons or ...." The Moderator stated, "Personalities, that's correct." Mr. Maxim stated, "And that goes for the Board themselves, is that correct?" The Moderator stated, "It goes for everybody, sir." Mr. Maxim stated, "I heard something that didn't sound right to me. The other question I did hear the Board say in the past few minutes that your not balancing it on the town employees. I believe the personnel plan, a lot of the Department Heads took a six percent pay cut, is that correct?" The Moderator stated, "To answer the question. Is it all town employees, sir or employees in the personnel plan?" Mr. Maxim stated, "No, I said just department heads." The Moderator stated, "Did all Department Heads take a six percent cut, to answer the question." Mr. Sanguinet rose and stated, "Yes they did." Mr. Maxim stated, "Also, was the personnel plan that is in effect now also told that they had to take ten furlough days without pay." The Moderator stated, "To answer the question." Mr. Sanguinet stated, "No it does not. The personnel plan does not reference that at all." Mr. Maxim continued, "What I'm asking is did the town inform the personnel board of the people that are under the personnel plan now that they had to take ten furlough days without pay." The Moderator stated, "To answer the question." Mr. Sanguinet stated, "That's my decision, that's the town administrator's decision under the plan." Mr. Maxim stated, "A yes or no answer would be sufficient." The Moderator stated, "I'm not going to interpret and we're not going to have a discussion back and forth between parties. But is the Town Administrator saying that all town employees under your authority, including those in the personnel plan were told or just those in the personnel plan?" Mr. Sanguinet stated, "All employees under the personnel plan are taking ten furlough days." Mr. Maxim stated, "Without pay, correct." Mr. Sanguinet stated, "Yes." The Moderator recognized a speaker at microphone number two. The speaker stated, "Jim Clemmy, Great Hill, I think ten years without a personnel plan is a little much, and as a former personnel consultant, I think this plan is a good start to get us back on track. I don't think we should be without a personnel plan and I would urge that this plan be put in effect, and we can update it as we go through the year and bring a new plan or an amended plan when we vote on it again at our next town meeting. I would urge you to put this plan in effect. The Moderator stated, "Is it my understanding that it's supposed to be voted on every year anyway? Yeah, okay. Speaker at micro phone number one"... The speaker stated, "Steve Curry, Rose Point, just a point of clarification, Mr. Moderator, on the part of amendment of grandfathering, is that vacations or is the salaries as well?" The Moderator stated, "Delete under section eight vacations, number one, last sentence, all present employees will be grandfathered in. I understand it's deleting that language." Mr. Curry stated, "On the second one current salaries and step plan. The employees making more then the current step plan now, will they be staying at their same salary or reduced to step one." The Moderator stated, "I think that question was asked and answered and it was not taking a step backwards. It's simply putting the previous step plan back into the plan." Mr. Curry stated, "I heard they were saying there could be a savings of a hundred thousand dollars in sick time

buy back. Is that strictly just the personnel plan, as I understand through the unions they have something in their contract about sick time buy back, so is it strictly the hundred thousand dollars savings just for the personnel people or is the hundred thousand figure total for union employees.” The Moderator stated, “I understand your question. Was the hundred thousand dollars savings only limited to those employees in the personnel plan or all town employees? To answer the question; the answer is all town employees, sir.”

Mr. Curry stated, “So basically the number that is proposed isn’t a savings for the personnel plan, because union contracts have their own contracts, so that number of a hundred thousand would be inaccurate?” The Moderator stated that he understood the question and Mr. Curry thanked the body. The Moderator then recognized the speaker at microphone number one, who stated, “Mr. Moderator, I’m Bill Heaney from 7 Madison Street. I have some problems with the plan that is being proposed at the moment and one of which has already been mentioned by several speakers and that is it inserts the Personnel Board into day-to-day operations of reviewing employees, management employees and there is no other volunteer board in day-to-day operations. I think that needs to come out.” The Moderator interrupted, “Just for clarification, Sir, I think that’s what the Town Charter requires. Go ahead.” Mr. Heaney continued, “I don’t think the Town Charter says that the Personnel Board is in day-to-day operations and...” The Moderator interrupted and stated, “Go ahead and I’ll check the Charter.” Mr. Heaney stated, “The one that I’m reading doesn’t say that. Whether the plan that’s dated ending June 30, 2007 was approved by Town Meeting or not it seems to be the one people are operating under and that plan gives things that are noticeably absent from this plan, one of which is health insurance. I heard reference to the fact that health insurance would be provided to the employees but I don’t see it in the plan anywhere. It doesn’t give the fact that health insurance would be provided. It doesn’t say at what rate, as a matter of fact I can’t find it anywhere. That would be helpful to me anyway. The other is in bereavement leave, bereavement leave for step families has been removed and I’m not sure if that’s a fine thing to do in a bereavement situation. I certainly urge the body to reject this plan and if we have to have a plan approved by Town Meeting I would urge that an amendment be made to adopt the personnel plan dated July 1, 2004 to June 30, 2007. Thank you.” The Moderator then recognized Jane Donahue. He then asked her if she had already used her two minutes, and she stated that she rose to answer the question. Ms. Donahue stated, “In reference to the previous speaker’s concern about interference of a voluntary board in day-to-day issues, I will again quote from the Charter of Section 4-2, Powers and duties of the Town Administrator, Town Administrator shall in conjunction with the Personnel Board be entrusted with the administration of a town personnel system, including but not limited to personnel policies and procedures, rules and regulations, personnel bylaw and all collective bargaining agreements entered into on behalf of the town. That’s directed by our Charter.”

The Moderator then stated to Mr. Heaney, “Do you request an extension of time, at which Mr. Heaney stated, “I do.” The Moderator then asked how much time and Mr. Heaney stated, “A minute.” The Moderator stated, “Would the body grant a minute to the speaker, all in favor please indicate by saying aye, all those opposed? All those in favor please raise your cards, all those opposed (majority). You have one minute sir.” Mr. Heaney stated, “Thank you Mr. Moderator, I’ll draw the bodies attention to paragraph A of the Powers and duties of the Town Administrator. And it’s specific where it says, he shall supervise, direct and be responsible for the efficient administration of all functions under the control and authorized by the Charter, Bylaw and other Town Meeting votes, including all officers appointed by him in their respective departments. Thank you.”

The Moderator then stated, “Okay ladies and gentlemen we have the motion of the Finance Committee to adopt the Personnel Plan, as amended to include add classification plan, change the matrix from five steps back to the previous ten step and to delete under section eight, vacations, number one last sentence, all present employees be grandfathered in. All those in favor of adoption of the personnel plan, please indicate by saying aye, all those opposed. Tellers, to your stations. All those in favor of adoption of the personnel plan as amended, please hold your cards up. Please keep them held up until you have been counted, please. Teller to my right;

25; in the center; 53; to my left; 44; all those opposed please hold up your card, keep it held until you have been counted. Teller to my right, 45; in the center, 80; to my left, 32; one hundred twenty-two in favor; one hundred fifty-seven opposed, the amendment is lost, which now brings the main motion before us, which was for adoption of the personnel plan as proposed by the Finance Committee, which is now open to amendment if anybody would like to amend it.” A member of the body called a point of order, and the Moderator asked them to state the point of order. The speaker stated, “Martha Strachan, 3 Earl Street. I clearly asked everybody around me, are we voting on the amendment or adoption, but I clearly heard the word adoption. I think myself and many thought we were voting on the adoption and not the amendment. I’m just saying there was confusion.” The Moderator stated, “I don’t think there was any confusion. I think I stated clearly an amendment to adopt the personnel plan. Is there any confusion in this body? Okay, so we have before us the main motion as made by the Finance Committee for favorable action without the amendments to add the classification plan, change the matrix from five steps back to previous ten step and to delete under section eight, vacations, number one, last sentence all present employees will be grandfathered in. Sir, for what reason do you rise?” The speaker stated, “Dan Goodchild, Parkwood Beach; Mr. Moderator I’d like to offer an amendment to the article.” The Moderator asked him to state his amendment. Mr. Goodchild stated, “I wish to adopt the previous, unvoted on personnel plan that we have been running on since 2004, temporarily, until such time as we can come up with a more specific personnel plan, including the language of predecessor and including some of the new language, so that we can have a hybrid of something that we have been using for a long time.” The Moderator stated, “I’m conferring with counsel because I’m not quite sure that this body can do that at this time. Counsel will address the issue.” Town Counsel, Rich Bowman, stated, “Mr. Moderator through you to the previous speaker. The effect of voting this plan down would be that the town would fall back on the plan that was last approved, is my understanding, from ten years ago. If it’s your intention that the defeat of this plan would authorize the town to, in effect, adopt certain unauthorized changes that were made in the interim, kind of like a past practice thing, that wouldn’t happen. Chapter 41, Section 108A, requires town meeting adoption of the plan and that the plan has been the subject of a public hearing prior to it being submitted to town meeting. So, there would be no past practice plan, another words if it didn’t come before you and it didn’t go to a hearing before it came to you, it doesn’t exist. So if you vote the plan down in its entirety, your back to, I guess, the ten-year-old one.” Mr. Goodchild stated, “If I may use some time to explain why I...” The Moderator stated, “Sir, you can’t comment on anything that’s not before the body. There’s no amendment before the body. If you would like to make another amendment or if you want to clarify that you want to go back to the plan that was last passed, is it 1999, is that the date? Yes? Then that could probably be accomplished simply by voting no on the original motion.” Mr. Goodchild stated, “In all honesty Mr. Moderator all I’m trying to do is start with a template and come up with something that the majority of town meeting with agree with.” The Moderator stated, “I understand what you are trying to do.” Mr. Goodchild continued, “So if I have to make the amendment to further study, then I will do that.” The Moderator asked Mr. Goodchild to state his amendment please. Mr. Goodchild stated, “My amendment is that we vote article thirty-seven to further study.” The Moderator stated, “You’re motion for further study, is there a second; discussion on the motion for further study?” Jane Donahue called a point of order and the Moderator asked her to state her point of order. Mrs. Donahue stated, “Mr. Moderator, I want to know from counsel that if we approve this amendment doesn’t it effectively take us back to the plan from ten years ago?” The Moderator stated, “Yes. Go ahead you have the floor.” The speaker, Mr. Goodchild, stated, “If I may Madam Selectman, Selectwoman, I’m speaking to the motion. My motion is for further study. I’m talking six months, next town meeting. Six months, I think we can use what we have been existing on because as one of the previous speakers said she was given a personnel plan, she knew exactly what she had, what she could do, what she had to do, etc., etc. That’s the start of it and from there we can come up with something. I mean I hear a lot of disagreement for this, and if there’s a lot of disagreements then there needs to be some corrections.” The Moderator recognized the

speaker at microphone number two. The speaker stated, "Thank you Mr. Moderator, Chief Joyce from the Police Station. Sir, I think one of the things that's being suggested here is that the plan that have existed that we have operated under for the last several years, meaning the current plan that currently exists I believe it was from 2004 to 2007, and the one previous to that where the provisions of those plans were approved by this body, and the economic conditions of those plans were brought before the town meeting and voted on here. The entire plan may not have been presented to you I'm not sure it was in the warrant, as I recall. But the fact is that the provisions of those plans have existed for all these years. They have been in force and I've got to suggest to you I'm not sure that they are going to be thrown out. They currently exist, they have existed and I don't know why now all of a sudden they would no longer be germane. It just doesn't make sense. We have a current plan we have been using it and working with it and that's what currently applies to employees. I think it's wrong to suggest that if this further study is enacted that everything's going to go back to zip. I would urge you to support further study. Thank you." The Moderator stated, "And Chief before I forget, can I see you at the end of town meeting, please. No I don't want a personal escort out of the building. Gentlemen at speaker number two, microphone number two." The speaker (Geoff Swett) stated, "Through you Mr. Moderator to the interim Town Administrator. Under what plan does the interim Town Administrator feel that he is operating now, that's the first question, and secondly, what salary schedule is he using to administer that plan and specifically is he using one with the five step, six percent increments. Thank you." The Moderator stated, "To answer the questions. What plan do you consider yourself to be operating under now and...?" The Town Administrator stated, "I'm following the plan that was administered by the previous town administrator. I'm just carrying that plan forward, which is the current 04' plan and the five steps." The speaker stated, "So to be clear that people are getting six percent annual increases when there doing a satisfactory job?" The Moderator stated, "To answer the question." The Town Administrator stated, "There have been no increases to the personnel plan, as well as no other unions since I've been here." The speaker (Geoff Swett) stated, "Through you Mr. Moderator I'm not sure what the Town Administrator is saying. The steps, the steps that exist right now have six percent increments, and I'm just asking if that is in fact what's being done when someone gets their annual review." The Moderator stated, "You asking if that's the five step plan with six percent increases, is that your question." Mr. Swett stated that was correct. The Moderator stated, "To answer the question." The Town Administrator stated, "Yes, they are getting steps, no reviews have taken place since I've been here. The speaker stated, "I'm not sure how to proceed after that, thank you." The Moderator stated, "Madame Selectwoman. Please ladies and gentlemen let's have courtesy and respect for each other." Brenda Eckstrom stated, "Thank you Mr. Moderator, is further study, was that a motion and seconded and is that on the floor now." The Moderator stated, "Yes, further study." Ms. Eckstrom stated, "Well I would urge people not to vote for further study and to vote for the plan as it's presented. Actually, if we vote no to further study, I would like to join Mr. Swett, if he will make a motion to go with the ten steps, to at least put that into it. Because I think that if further study, we can just as easily adopt this plan and then have the Personnel Board, any interested parties go to their meetings and participate, get involved and come back in October with modifications to that plan rather than going back to ten years ago. Thank you." The Moderator stated, "We've had a discussion about decorum before; for what reason do you rise?" Mr. Goodchild stated, "I probably only have about thirty seconds. Basically further study, six months; it's not a big deal. We've got something that has been working, it's not working well, obviously, or you wouldn't have taken all this time to try to do something, which I commend you for, but there is obviously some disagreements here and we have to settle them." The Moderator stated, "All right, okay times up; speaker at microphone number two." The speaker stated, "Cliff Sylvia, Fairfield Drive, Wareham, further study is exactly what this thing needs. Further study it and lets get on with it." The Moderator recognized a Board of Selectmen member. Mr. Sauvageau stated "Mr. Moderator move the question, please." The Moderator stated, "All those in favor of further study please indicate by saying aye, all those opposed. All those in favor of further study, please hold up your card, keep it held high until you have

been counted please. Tellers do your duty.” A member of the body approached the microphone and stated that he had a question. The Moderator asked, “For what reason do you rise?” The speaker (M. Jones) stated, “I have a question. If this is, ah, further study wins, does the ten year old plan then come into effect. You have to understand, it’s confusing as to what this stands for.” The Moderator stated, “I understand, I understand Sir, but the other point of order is correct, we are in the middle of a vote; Teller to my right, 45; in the center, 90; to my left, 28. All those opposed to further study please hold up your cards. Hold it up until you have been counted, please. State your point of order please. This is opposed to further study. Is there any confusion? Do you want to count again on opposed to further study; teller to my right, 21; in the center, 43; to my left, 40. One hundred sixty-three in favor of further study and one hundred four opposed to further study, which now becomes the main motion, ladies and gentlemen, the main motion is for further study. All those in favor of further study please indicate by saying aye, all those opposed, it passes by a majority for further study. Article number thirty eight, and sir before you begin, I just want to again remind the body, I would really like to get through all the articles this evening, so if we could concentrate on the matter before us and keep the debate to a minimum so that we can focus on the votes on all the articles this evening. Thank you. Gentleman at speaker number two.”

The speaker stated, “Eddie Pacewicz, Briarwood Beach, I move favorable action for Article thirty-eight.” The Moderator stated that the motion was made and seconded and that he had the floor. Mr. Pacewicz stated, “Mr. Moderator I request an additional three minutes for this presentation.” The Moderator stated, “All those in favor of extending time to eight minutes total please indicate by saying aye, all those opposed (majority opposed). Why don’t you use your five minutes sir and maybe address that again at the end. Please try to keep you remarks within five minutes.”

Mr. Pacewicz stated, “Article thirty-eight applies only to new construction discharging between two thousand and ten thousand gallons of wastewater per day and sets a discharge standard of ten parts per million where no standard currently exists except for title five, and identifies who pays for nitrogen reduction. This water quality bylaw is the first step in trying to gain control over the nitrogen overloading problem in Wareham. There’s some discussion about whether there is any type of technology that meets ten parts per million in discharge. I can say in Massachusetts one such system, I will refer to as N-technology, has in fact met ten parts per million and is always in all of the data gotten under ten parts per million. This same type of technology has been approved and certified in various states to achieve ten parts per million or less nitrogen reduction in Rhode Island, Oregon, Florida, Virginia, New York, and California, the most environmentally sensitive state in the country. This article was based on this draft report, The Massachusetts Estuaries Program Report, Massachusetts Estuary’s Project Draft Report linked watershed embayment model to determine critical nitrogen loading thresholds for the Wareham River, Broad Marsh and Mark’s Cove embayment system, Wareham, Massachusetts. You note on the bottom of this that the University of Massachusetts is involved, also the Massachusetts Department of Environmental Protection. The authors of this article start with Dr. Brian House and various other scientist involved in the U.S. Geological Survey, Applied Coastal Research and Engineering and Massachusetts Department of Environmental Protection, SeMass Coastal Systems Program and the Cape Cod Commission. SeMass is the school for Marine Science Technology, University of Massachusetts. The report identifies that the Wareham River Estuary includes the Wankinco River, the Agawam River, Broad Marsh, and Mark’s Cove. It also states that the Wareham River system has been degraded through nitrogen enrichment. Okay, the report also identifies the primary source of nitrogen overloading in the Wareham River System is on-sight septic systems. The report also shows that the Wareham River estuary system watershed covers approximately three fifths of the area of the town of Wareham, parts of Carver and parts of Plymouth. The report also states that title five systems remove between twenty-one and twenty-five percent of the

nitrogen. That means that seventy-five percent of the nitrogen from a title five system is going into the ground, going into the ground water and going into our rivers, lakes, streams and beaches. The report provides the overall nitrogen loading. As you can see in the first pie chart, thirty-seven percent comes from waste water; thirty-three percent comes from fertilizers, which is a combination of lawns and cranberry bogs. The second pie chart to the right shows the largest controllable area that we have is forty-four percent for waste water. So waste water is the number one source and waste water gives us the opportunity for the greatest amount of control. This report requires a reduction of fifty-five percent of the removal of nitrogen from septic systems. That's throughout the entire watershed. That would include Wareham, Plymouth and Carver. In addition it requires a reduction to the Wareham Wastewater Treatment Plant. These reductions equal five thousand four hundred pounds of nitrogen per year from the Wastewater plant and twenty-four thousand seven hundred pounds of nitrogen per year from existing septic systems. This is a chart and this is the bottom line. This is an example of a septic system that would handle eight thousand eight hundred gallons of wastewater per day." The Moderator stated, "Time is up sir, do you request an extension of time?" Mr. Pacewicz stated, "I do." The Moderator asked, "How much time do you need?" Mr. Pacewicz stated two minutes. The Moderator stated, "Would the body grant two minutes to the speaker? All those in favor please indicate by saying aye, all those opposed. You have two minutes." Mr. Pacewicz continued, "The first line item, No Bylaw, Title Five, which discharges approximately thirty-five parts per million of nitrogen. It would cost the contractor seventy-five thousand dollars, it would cost the town and the residents of this town in order to offset the amount of nitrogen that was put into the watershed by this system; we would have to sewer an additional twenty-three homes. It would cost us approximately four hundred and sixty thousand dollars. No Bylaw – Using an accepted Nitrogen Reducing Septic System called Microfast, which reduces the nitrogen down to 17.3 parts per million. This would cost the contractor two-hundred and twenty-five thousand dollars. It would cost the residents of this town an additional twelve homes to be sewered in order to offset the amount of nitrogen that would be added to the watershed. It would cost us two-hundred and forty thousand dollars. With this bylaw a nitrex system could reduce the nitrogen down to ten parts per million, the standard we call for; it would cost the developer three hundred and seventy-five thousand dollars. It would cost us or require us to sewer an additional seven homes to offset the amount of nitrogen that would be added to the watershed or a hundred and forty thousand dollars. Remember we have to offset all of this. We're already fifty-five percent over. Now you're going to hear a lot of people stand up and say a lot of different things. I just gave you a scientific report, page by page. These are the facts ladies and gentlemen and I hope you vote favorably for this article. Thank you." The Moderator recognized a speaker at microphone number one, who stated, "My name is Mark Aiduk, member of the Clean Water Committee; I'd like to ask for five minutes." The Moderator stated, "Would the body grant five minutes to the speaker. All those in favor, please indicate by saying aye, all those opposed (unanimous). You have five minutes, sir." Mr. Aiduk stated, "Thank you. These are the reasons we voted against this. We as a committee did not write this bylaw. We did not participate in making any draft of this proposal. It came to the committee pre-written. We don't know who wrote it or where it came from. The premise for this bylaw is based on A.D. Makepeace's project on Tihonet Road. However, we received no information or documentation about this project or its septic system for examination or study. We know only what we've been told, which is insufficient to make a bylaw. We did not invite Makepeace or any other developer to come in and share with us information on their projects to gain knowledge or information or understanding. We did not study any effect this bylaw may have on jobs or local businesses or smart town growth. What will be the economic impact? Will this bylaw make businesses locate elsewhere other than Wareham due to the cost brought about by this proposal? We didn't do the research. We did not examine any legal issues that this bylaw may bring about. We did not consider any alternative strategies or management options, such as Dr. Costa's management tools for managing nitrogen. We did not seek any input from the community. We did not seek any help or input from the Board of Health or the DEP. We did not seek any assistance or input from engineers, the

water department or wastewater treatment facility. We did not take the time to listen to any opposing views or options. We did not exam to see if this meets the objectives set forth for us by last falls town meeting, which was to do further study. We were given information and asked to read it, but not given sufficient time to read, digest and then discuss complex information. We did not follow the democratic process of bringing this bylaw to town meeting. Our privileges under parliamentary procedure and Robert's Rules of order were denied, so we were not able to make or discuss motions opposed to this bylaw, even when there was a second and we held the majority. We keep hearing about Massachusetts Estuary's Report. This report is not completed yet. The DEP is waiting for this report to guide towns in resolving this issue. The recommendation is to wait for this report. If you happened to see Dr. Costa's report, you heard him say the DEP prefers to work cooperatively with the communities to protect and restore impaired waters. Wareham has a complicated problem. The state wants to work with Wareham to solve this problem and it will require a comprehensive solution; in our case to manage both existing sources and new development. I repeat, we should wait for the completed report and the DEP's assistance. We received seven pages of this Mass Estuary's Report, dated 2007 preliminary report to make this bylaw. There are at least a hundred and thirty-four pages missing from the handout we were given. The seven pages we received only indicate that there's a nitrogen problem but offered no proposals and no solutions. Scientific facts are important but not everyone is qualified to interpret them. Proper interpretation is what will lead us to the practical application of the scientific facts. There is no one on the Clean Water Committee that has the education, training or the degree to interpret these facts into applicable and practical uses. We couldn't possibly bring a well-informed encompassing bylaw to Town Meeting in three to four weeks. However, what we are voting on tonight is placed before you in that time for approval. We volunteered to study this issue and don't feel that this is what occurred. There was no in depth study done by this committee in preparation for a comprehensive bylaw that would benefit the town. In our opinion this is just a shortened version of last falls proposal presented again now with the hope that it won't stir up as many dissenters. Studies have revealed that current title five septic systems are one of the biggest factors to the nitrogen loading issue. When it comes time to examine title five systems do you want that kind of research that brought about this? proposal, do you think that's going to be beneficial to you. Your vote on the bylaw will let us know if you condone or condemn this kind of stunted research."

The Moderator recognized a speaker at microphone number one, who stated, "Roseanne DeGrenier, Precinct Four. I am also a member of the Clean Water Committee and I'm not going to stand up here and tell ...." The Moderator asked Ms. DeGrenier to please speak a little louder. She continued, "Roseanne DeGrenier, Precinct Four. I am also a member of the Clean Water Committee and I'm not going to stand up here and tell you how to vote on this bylaw, but I do ask that everyone give real consideration to what they have in front of you and the adverse affect that this bylaw, the way it is now, might have on this community. Everyone needs to know that the first meeting of the Clean Water Committee was held on February 19<sup>th</sup> and in less than three weeks on March 9<sup>th</sup> a bylaw was presented, voted and passed. We did have the pleasure of listening to Dr. Costa and Mr. Eichner. They both are foremost in this study area. However, it was only about twenty minutes before we were asked to take a vote. I don't feel as though this committee had the right amount of time to vote on this and put this bylaw together. I would like to ask the Board of Selectmen if they think that an issue of this magnitude and importance is a fair time of less than three weeks to create a bylaw. I might also add that this report was issued in 2007 and Brian House's new updated report is about to be made, will be made available to us and in that report it will show exactly where the most nitrogen loading is coming in Wareham, and this bylaw is much too general. All wastewater doesn't have the same amount of nitrogen and I think for it to be the most successful to the Town of Wareham we need to take those things into consideration." The Moderator stated, "To answer the

question, does the Board of Selectmen feel it was fair time to present a bylaw.” Mrs. Eckstrom rose and stated, “Thank you Mr. Moderator. I don’t think that there, I hope that there is no one in this town that still disputes the effects of nitrogen on our shellfish and our waterways. I’m getting to it; so therefore, we have been trying to come to present something at Town Meeting for probably two or three years. For two members of the committee who did not show up for all the meetings and not read the information that was given and say I don’t understand and therefore I can’t make a decision, I think is asking this body to ignore or give....” The Moderator stated, “If you would like to speak on the article that’s fine. The question is was a fair time to prepare a bylaw.” Mrs. Eckstrom stated, “Yes it was.” The Moderator stated, “Ma’am I think your time has expired, do you need more time?” Ms. DeGrenier stated, “I would like more time.” The Moderator asked how much more time would she like and she stated, “I would like a few more moments, another two minutes or less.” The Moderator then stated, “All in favor of extending time of two minutes to the speaker, please indicate by saying aye, all those opposed (majority against). Ma’am I think it was in the negative. All those in favor please hold up your cards. All those opposed. You have two minutes Ma’am.” Mrs. DeGrenier stated, “I asked the Board that they increase, the Board of Selectmen that they increase the Clean Water Committee to people who have knowledge in this area.” The Moderator stated, “Speak to the merits, I think that’s outside the scope of the question.” Ms. DeGrenier stated, “Okay, also I have issues with the way the committee has been handled and the voting. Every time we try to bring in another dimension into the nitrogen loading it was never considered. I don’t want anybody to think I am not in favor of a nitrogen plan, de-nitrification plan in the Town of Wareham. I just think that this is much too general and we will not get the best results that the town of Wareham would get.” The Moderator stated, “Thank you; speaker at microphone number one.” The speaker stated, “Ah the previous speaker way back was talking about the...what, pardon.” The Moderator stated, “Identify yourself for the record, please.” The speaker continued, “Frank DeFelice, 53 Maki Way. The previous speaker back about three was talking about the nitrex system. The nitrex system has to have an alternative system before it worked properly, and he didn’t say that it needs a maintenance contract for quarterly. It’s a very expensive system, and I guess it doesn’t matter because the contractor is going to be paying for it. You’re looking at thirty-five, forty thousand. Now I have been hearing a lot about shellfish, water and everything. Where those type of systems belong is in the environmentally sensitive areas, not throughout the town of Wareham. That’s ridiculous putting it throughout the Town of Wareham. What I think your doing is setting yourself up for failure, because if that system doesn’t get the ten parts per million, what are you supposed to do, tell the people to leave. Those systems are finicky and they really don’t work as great as the previous speaker spoke, and that’s coming from people who work in Barnstable county and throughout the Cape. Also, the Planning Board has the right to make that bylaw to install that system. This article is not even needed, because the Planning Board has the authority to put that system out there. So I ask you to defeat this article.” The Moderator stated, “For what reason do you rise, and Martha Strachan stated, “I have a point of order, Sir.” The Moderator stated, “State your point of order please,” and she stated, “I would like to have an even amount of discussion. A pro should be recognized, then a con, then a pro, pro, con. You had three con in a row, can we kindly have pro, con, pro, con? Thank you as a request.” The Moderator stated, “I will consider that in the future.” Ms. Strachan stated, “Could people identify that they are speaking in favor that would help.” The Moderator stated, “Ma’am, I will consider that for future town meetings, but right now we are going to continue under the current system; speaker at microphone number two.”

The speaker stated, “Thank you Mr. Moderator, Charles Rowley, 5 Carver Road. I am grateful to two members of the committee for giving what amounts to a report on what they studied or didn’t study. That was going to be my first questions as to what they did. I stand here again with the same issues that I’ve had three times before with this type of article that’s come before us and that it’s lacking in several very

significant and important parts. The first of all is that there needs to be some standard for evaluation of results. If in fact the nitrex system is the only one that is approved by DEP that will put forth ten parts per million, I think we might be setting ourselves up for an issue with potential litigation because I don't believe the town can specify a specific type of system with a particular methodology or even a particular trade name. If they want to set ten parts per million that's one thing but if your going to set it up so only one particular type of system can meet that particular standard, I think that's an issue. But again there are so many parts to this particular article that bother me. This should be tied to zoning, this should be tied to subdivision control, it should be tied to some of the issues that we have already on the books with respect to conservation approvals. In discussion with the Board of Health I'm informed by them that they've had no input into this, whereas they want to be because through this bylaw they would be the ones who would be implementing it and presumably setting forth the parameters under which it would be established and administered. I think as an example there needs to be a real comprehensive study, as some of the previous speakers have said because there are more than just nitrogen issues with respect to septic systems. A couple of the charts that were show up on your screen indicate that forty percent comes from other areas, such as fertilizers, which are included in lawns and so forth. It seems to me that we need to go back to the drawing board again but become a lot more comprehensive then just trying to do the same old thing all over again."

The Moderator recognized Selectman Sauvageau, who stated, "Thank you Mr. Moderator, to a couple of previous comments and speakers. The Board of Selectmen appointed this committee. We do not control who comes before us, obviously, and we can't select or nor would we select, who appears on our boards and committees in a manner that would suggest that we only want one inclusion and one answer. We have in no way interfered with this committee. We haven't attended or interfered in any decisions or discussions. To the question about is it long enough deliberation. Well, yah know what, this Board makes decisions that impact others on far less time and information that has been afforded this committee. So the answer is there was plenty of time. If the facts don't change, it really is irrelevant how much time you debate a fact. It's a fact, it's a fact. And that's why I take some exception to those comments. To the previous speakers point that we are setting ourselves up for failure; he's right, if we don't adopt some form of control, environmental control, in this community, particularly in this community, because of our environmental nature where we sit on top of water, wet community, major agricultural operations; if we don't address these issues, they will be addressed for us and I'm tired of saying that at nauseum that the state will come in and address it for us. We are going to fail. The failure will be that we will sewer the entire town and that's real money folks, two hundred fifty, three million dollars and that's your money, not development money, your money. Thank you."

The Moderator then recognized a speaker at microphone number two, who stated, "Thomas Bicki, Lookout Lane. I also support that Article 38 be moved for further study and I believe the Finance Committee agrees with me. First I'd like to acknowledge Dr. Joe Costa and all the water quality research he's conducted in the town. It's unfortunate that we won't provide funding to do additional work on the Weweantic River. Also forming a study group to address water quality problems, I believe, is a step in the right direction. However, I have several issues I'd like to bring to the townspeople. First let me state I'm strongly in favor of regulating nutrient content of large affluent flows; there're potentially a large source of contaminants to our water resources. Unfortunately the proposed bylaw does not address a comprehensive regional nitrogen management plan, which will be required and must be approved by the Mass DEP once the final Mass Estuary Report is released in several months. How this bylaw will fit into the comprehensive plan is unclear. Mass DEP will not accept a piece meal approach to water quality improvement. Secondly, the

proposed ten PPM affluent standard will not withstand a legal challenge. Mass DEP has issued general permits for septic systems with nitrogen removal that are certified to produce affluent wastewater with 19 parts per million in residential settings and twenty-five parts per million in commercial settings. The proposed bylaw is two and a half times more restrictive than any approved nitrogen removal system for use in Massachusetts by Mass DEP. In contrary, in contrast to what an earlier speaker said, he's talking about experimental systems which are not approved and in use in Massachusetts. I don't care if there approved for use in Rhode Island and in California. They are not approved for use in Massachusetts and will not stand a legal challenge in the state of Massachusetts. Small scale package treatment plants could obtain or exceed the 10 ppm standard but are not part of this article. As proposed the bylaw allows the Health Department to promulgate any regulation related to large volume nitrogen removal systems without any oversight from town meeting vote. The public comment period as stated in the article does not require a vote of town meeting..." The Moderator stated, "Time is up, Sir." Mr. Bicki stated, "I ask for two more minutes, please." The Moderator stated, "Will the body grant two more minutes to the speaker, all those in favor please indicate by saying aye, all those opposed. All those in favor please hold up your cards, all those opposed (majority). You have two minutes, sir." Mr. Bicki continued, "Thank you. A public comment period as stated in the article does not require a vote of town meeting. Are you satisfied that they have the expertise to formulate and enforce all the pertinent rules and regulations and are you willing to give up your town meeting voting rights. Also, there's no budget to train our public health staff or fund administration of the program. Also, what is the Health Department's position on this article. I would actually like an answer to that question at the conclusion of my presentation. And finally but not the most important, the financial consequences of imposing a restrictive water quality bylaw only on Wareham and not on other towns in our watershed, which is why it's important to have a regional watershed based approach. It may or may not have consequences on future economic growth. Commercial or economic development may choose other towns over Wareham if the cost of developing is lactic. This is potentially an unknown secondary effect of the bylaw. Do you think it is important enough that we should examine this in light of the dire economic crisis that the town now faces. If you comfortable that you have all the answers to the questions I posed, vote in the affirmative for the bylaw. If not I urge you to vote along with me to allow scientist and engineers in this community to further study and bring forward at a subsequent town meeting a complete plan to manage nutrient loading in our community and watershed, and that hopefully it will past muster with the DEP once the Mass Estuary Report is out. This is only part of a very important and needed water quality bylaw and we must do it right. I urge you to join me in voting to move this article for further study. Thank you." The Moderator recognized a speaker at microphone number one, who stated, "Dan Goodchild, Parkwood Beach, I'm sorry, I didn't realize there was an amendment on the floor for further study." The Moderator stated, "There is not." Mr. Goodchild stated, "Then I propose an amendment to this bylaw for further study." The Moderator stated, "Motion made and seconded." Mr. Goodchild stated, "May I speak now" and the Moderator stated, "You have the floor." Mr. Goodchild continued, "I am so amazed at the perseverance of one man in this town and his single-handed desire to make the water better in Wareham. I have never seen anybody with more sticktoative then this gentleman over here. Although I don't agree with his article, I have to admire him for trying so dam hard. He deserves his applause. It is as he stated, based on the report that was a draft report, another words to me a draft report means there is a longer or more conclusive report coming, and I would like to see that report before any bylaw changes happen, and I would love to see harbor and all the other communities involved in this. This is we're talking our kids' future here. And nitrogen is very important to be discussed but as was said by other people they had no time to study what was put in front of them and another person said he wanted it further studied but he didn't make the amendment." The Moderator stated, "Times up." Mr. Goodchild requested thirty more seconds. The Moderator stated, "All those in favor of granting another

thirty seconds please indicate by saying aye.” No one responded. At that Mr. Goodchild stated, “Thank you.” The Moderator recognized Selectman John Cronan, who stated, “Thank you Mr. Moderator. Speaking on this article I have mixed emotions myself, but if you don’t start somewhere, you’re never going to start. I rise tonight to speak of a concern that I have with some of... Actually let me start with one of the speakers who just commended Mr. Pacewicz, who deserves a big hand, he really does. He seems to be working alone. I personally went to a few engineers in town and asked them to help the man and for some reason they didn’t and they rise to speak against him. So I’m a little surprised at that, but Mr. Moderator if we don’t start somewhere, we’re not going to start anywhere. So I would urge you to at least get a start here. Maybe there are some things you can work on to make it a little better, maybe you can change it, but you have to start somewhere. Thank you.”

The Moderator the recognized a speaker at microphone number two, who stated, “Alan Slavin, 36 Oak Street, I have a very simple question, if this is moved for further study when does it come back before the town meeting again.” The Moderator stated, “Presumably at the next town meeting, whenever that is. It could be a special town meeting or the October town meeting.” Mr. Slavin stated, “Okay, so if it’s voted down it can come back in six months.” The Moderator stated, “Or anytime between now and six months; speaker at microphone number one.” The speaker stated, “Linda Rinta, precinct five, and with all due respect to the good intentions of the Clean Water Committee and the work that they’ve done, when you say this is a good beginning, passing a bylaw is not a beginning that’s sort of after considerable study. I happen to work at the USDA Building in West Wareham where the soil survey is housed. We have an update soil survey for Plymouth County, with some detail soil information. No one from the Clean Water Committee requested any of that information, in fact no one from Wareham has requested that information; although we’re regularly consulted by the other town planners in all the area towns, as well as private engineers. Probably the most limiting factor for onsite disposal of any thing is the limitations provided by soils and the soils we are going to put these systems in. So that would be one thing that really needs to be looked up before we can really effectively go forward and decide how wastewater should be disposed of. But the other thing that comes to my mind is the last few nights of town meeting and we’re putting an awful lot of weight in our town on our future economic development. I would like to know, and I think it should be covered in a future study, how this will fit into our economic development plan and what this might mean to us. We are often the result of our unattended consequences. This is something that requires further study, not a first step. This is a result of further study, but not a first step. Thank you. I hope we support further study. Thank you.” The Moderator recognized a speaker at microphone number two, who stated, “Mike Houdlette, Mayflower Lane, Mayflower Ridge, sorry. I just want to know if I can have a question clarified from the Board of Selectmen on the makeup of the board, the Water Quality Board.” The Moderator stated, “You want to know what the compositions of the members are?” Mr. Houdlette stated, “I have a question for them regarding that. We had a nice scientific presentation displayed tonight, but we also had one done in October and after the October town meeting four of the Selectmen were in receipt of a letter, I believe, you can tell me if I’m wrong, from the Plymouth/Carver Aquifer Committee, of which Mr. Pacewicz was the delegate at the time. I read four letters from this, it says first, it says this is in response to the request for public information that I received today. I received the tape of the Wareham Town Meeting. I would like to answer your questions about statements made at that meeting and offer corrections to those statements. First, the Wareham delegate to the committee incorrectly stated the Wareham’s proposed Earth Removal Bylaw. Second, the statement that the PCA AC paid Horsley Wynn a hundred thousand to write Wareham’s proposed earth removal bylaw is also not correct.” Brenda Eckstrom rose and called two or three times for a point of order, and the Moderator asked her to state her point of order. Mrs. Eckstrom stated, “This is outside the scope of whether we should further study this or not. This

is bringing up a response from an article that has nothing to do with this article from last October.” Mr. Houdlette stated, “Well if you receive a letter stating inaccuracies from the man that made the presentation and why would you have him take over the committee. Do you have no other options or...” The Moderator stated, “We are not having a discussion here. You can make your comments on why you’re in favor or opposed. You have the floor sir; you don’t have much time left.” Mr. Houdlette stated, “That’s why I tried to clarify what I was asking ahead of time, but ah, my question is if you have, if you received this and there were inaccuracies from the last presentation, why would you ask the same man to present again this town meeting.” The Moderator stated, “To answer the question.” Brenda Eckstrom stated, “To answer the question, because first of all we disagree with the sentiments of that letter. That letter was sent out without the advisory board’s knowledge or experience, and I don’t remember seeing a hundred applications to be on the Clean Water Committee. Every single person that applied got on it, we have a cranberry grower on it, we have a shell fisherman on it, we have Mr. Pacewicz on it, we have a member of the Board of Health on it, everyone that applied, as a matter of fact we expanded the number of seats on it so we could fit every one that applied. All these new faces I don’t remember seeing any of your applications, and as far as that letters concerned, we do have a bone of contention with the Plymouth /Carver Aquifer Advisory Committee.” Mr. Houdlette stated, “Of course you do, they didn’t have the answer that you wanted.” The Moderator banged his gavel to regain order and then recognized a speaker at microphone number two, who stated “Eddie Pacewicz, Briarwood Beach, I rise in opposition of further study. Maybe I wasn’t clear, first of all it’s a draft report; we had a meeting with Dr. Howes. The only thing that’s going to change...” The Moderator interrupted and stated for the person to state their point of order. The person stated the speaker had already used his time. The Moderator stated, “That’s correct, You expired your time. Are you requesting more time of the body?” Mr. Pacewicz stated, “I am, two more minutes.” The Moderator then stated, “I’m sorry I am being corrected by the Clerk. You are speaking on the amendment now, you have two minutes.” Mr. Pacewicz continued and stated, “That’s correct, thank you. I talked personally to Dr. Howes; we had a meeting with Dr. Howes and a number of the authors of this particular report. The only thing in question on this report is the delineation of the watershed area. All of the numbers are not going to change. Dr. Howes assured us that all of these numbers are not going to change. This report when it’s finalized will be used to determine TMDLs, total maximum daily loads of nitrogen for Wareham, Plymouth and Carver. If we don’t take steps now, all the new construction that takes place between now and then is going to add to that fifty-five percent reduction. It’s going to go up, it’s not going down, it’s going up, and as it goes up the cost to the residents to offset that nitrogen is going up. They don’t want you to hear that it’s going up. The first step that we took in this is to address the major source of nitrogen, which is septic systems, and it’s the one that we have the most control over. We’re trying to stop new construction from adding to the nitrogen overload. If you don’t do that, that fifty-five percent goes up, and with that fifty-five percent going up, because your adding nitrogen to the watershed, the cost to fix it goes up. And that’s not a cost to the developer, that’s not a cost to an engineer, that’s a cost to you and to me for sewerage this town, building new sewer plants, new pipes versus the contractors paying to clean up their own mess, which they are not doing today. Thank you.”

The Moderator then recognized Brenda Eckstrom, who stated, “Thank you. I just wanted to say that we’ve had a couple of people say that ‘oh well, if this is just a start then come back when you have everything.’ We tried that a couple of years ago we had a comprehensive, we had bylaws that addressed residential, commercial, new, used, all development, and people said. ‘oh this is too much for us to take in one time, so go back to piece by piece.’ I don’t think it’s a start like as far as you guys are thinking that it’s a start and then it could be..., we’re going to have to add to this. The sewer plant, one of the things in the draft report that Mr. Pacewicz didn’t mention, was that the sewer plant, one of the recommendations is to upgrade the

sewer facility so that instead of putting out four parts per million is going to have to put out three parts per million. That's another twenty-five million dollar addition to our sewer plant. We just did that four years ago, and why, because none of this new stuff, none of the new construction is being addressed, none of the other pollutants are being addressed. So more burden is going on the residents because you own your home, so what is the DEP or anyone else care if their going to tack on another fifteen or twenty thousand dollar bill on to your sewer bill. If these people, if their developing, if their building things then they should have to carry that burden that everyone of us that live in this town have to already carry."

The Moderator then recognized Bruce Sauvageau, who stated, "Why would we let a man speak to us whose opinion, some other group, that is not apart of this body, disagrees with, for the exact same reason that we'd let a man speak to us whose spouse is an employee of a major agricultural developer in this community. Both men have a right to speak because that's what we do here. We debate. If you don't like my brand, that's fine, but you have a right to say about me or anybody else and I too. That's why we're here. Economic development, of course this body and this board wants economic development. It's the only answer remain to our fiscal problems. There's no more cutting, we're at the end of that. Do I understand the question to be, so in order to have economic development we've got to sacrifice our environment, which is the most important thing in this community. Exactly because of who we are, Wareham, and where we're situated. It's not an either or it's a complete balancing act. Both have to be served well or we'll suffer together on both sides. Who's going to come here with dirty water, reduced values of homes because of the environment, whose going to want to develop here in a dirty town? No one, that's why cities are blighted and why their struggling to recover, exactly because their environment is unfriendly and of all the places in the world where we live right now we're sitting on the most environmentally sensitive area in this entire region of the commonwealth. That's why we're back here again and we'll continue to come back." The Moderator recognized a speaker (Geoff Swett) at microphone number two, who stated, "Thank you Mr. Moderator, I rise in support of further study but I do so with no pleasure. I am, especially after the debate of Article 37 and what appears to be the likely results on thirty-eight, I think we should all reflect on the loss of collaboration in this community. We ought to be able to get things done that are in the best interest of this town. Our failure to be able to act on the personnel plan, which does need to be modified, our apparent failure to be able to act on something that would help the water quality is a terrible indication of what has happened to this community. I urge all of us to be somewhat introspective regardless of our position on this article and think about how we can bring collaboration back to this town."

The Moderator then recognized a speaker at microphone number one, who stated, "Dan Goodchild, Parkwood Beach." The Moderator stated, "Are you requesting more time sir?" Mr. Goodchild stated, "I am sir." The Moderator stated, "How much time would you like?" Mr. Goodchild stated, "One minute." The Moderator stated, "Will the body grant an extension of time of one minute to the speaker? All those in favor please indicate by saying aye; all those opposed (majority vote against). Speaker at microphone number two" and the speaker stated, "Thank you Mr. Moderator, Charles Rowley, Carver road again. Two things that I would just like to point out, I've opposed." The Moderator interrupted to redirect attention to the speaker, Mr. Rowley, who continued, "It is no secret that I have opposed every article that has come before this meeting for the last four years. It's not because I enjoy living in a dirty environment. I enjoy living in a clean environment, but I'm also not going to be party to an article that will not do the job it's supposed to do. These articles, as all the others before it, have been presented as a town bylaw. If it had been presented to the Planning Board so that they could hold a public hearing on it, much of the discourse, much of the issues that we are debating tonight could have been handled through a public hearing, through a zoning bylaw. That's why I asked it and suggested it at the beginning of this, even

before we got through the first time that it should be a zoning bylaw proposal. That way anyone would be able to go to a Planning Board meeting, listen to the proposal many weeks before town meeting actually got to the point where you're going to debate, you have some idea of what was going on. Again, this is a partial fix. It doesn't deal with all of the issues. I did not select to go to the Board of Selectmen to get on that committee and I believe that is my choice. It's a freedom that I have and it's a freedom I will not relinquish. I have a right to be at this particular post and to be able to debate this article, but I think it would be much better for the town if it had been presented as a zoning proposal, so you could go through and debate it in terms of subdivision control, all of the issues of zoning that will relate to the entire town. Give us a chance to look at the study, which we decided has not been completed and to do it in a way that would give us some effective means of looking at it tonight, because we're looking at it for the first time, really the first time. A lot of you perhaps haven't even read it before. Whether you understand it or not I don't know that's your decision to make, but if it had been presented as a zoning proposal we would have had the debate long in advance and would have know how to work with it. Thank you." The Moderator recognized a speaker at microphone number two, who stated, "Thomas Bicki, Lookout Lane, I'm still waiting for an answer from the Health Department in regards to their position on the bylaw and also, I'd like to know if any of the Board of Selectmen have approached any of the surrounding towns in the municipality to try and work on a cooperative agreement to try to work on water quality issues." The Moderator stated, "Their free to answer, Sir, but their not obligated to it. You can speak on the amendment that's your privilege." Mr. Bicki stated, "So I can't get an answer?" The Moderator stated, "I can't compel anybody to answer, sir." Mr. Bicki stated, "No one wants to speak? I'll assume that to be that none of you have spoken to them and you can affirm that by not saying anything. Thank you."

The Moderator recognized a speaker at microphone number one, who stated, "Yes, Steve Curry, Rose Point, I know we are all in favor of the clean water. It's just that this article is opened ended where you're gonna pass it and then later on make regulations, I have a concern with that. Secondary, from talking with I know the Board of Health that in construction usually the regulations for title five, there's a hundred and ten gallons per day per bedroom for a home. If you do basically just the math with a two bedroom condo a developer may put in there's two hundred twenty gallons per day for one condo. You could put eight condos together on one septic system and only come up to only seventeen hundred gallons of water a day for discharge or six three bedroom homes in the same way. This isn't going to stop a developer from putting in a complex of eight here, a complex of eight here. The building is still going to go on. This two thousand gallons per day seems more a commercial aspect. So a local developer putting in twenty-four houses or twenty-four condos in groupings of eight isn't going to even meet this limit, so it's not going to stop any type of development. And then from a report from last year, most nitrogen coming down was from the abutting communities, because Wareham, I hate to say it is at the bottom of the hill, and everything from Carver, Middleboro and Plymouth is running down to our waters and down to the ocean. So we're getting I believe a lot of the discharge from other towns. So I think like the previous speaker said we need to confer with other communities to work together to get a good plan together. Thank you."

The Moderator recognized a speaker at microphone number one, who stated, "Glen Reid, Paper Mill Road, I'd like to make a motion to allow Michael Hogan, President of the A.D. Makepeace Company, speak to this body." The Moderator stated, "Well I'll assume he can speak if I don't hear any objections. Is there any objections? I hear an objection. All those in favor of allowing Mr. Hogan to address the body, please indicate by saying aye, all those opposed. All those in favor please raise your cards, all those opposed (majority in favor). Mr. Hogan, you have two minutes." Mr. Hogan stated, "Thank you Mr. Moderator, thank you Glen for making a motion to allow me to speak. As Glen said, my name is Michael Hogan; I'm

the president of the A.D. Makepeace Company. I've been the president of the Makepeace company for a little bit over five years now. My wife and I also are property owners and taxpayers in Onset, a place that we as a family went many years and we bought a home in Onset over two years ago. I believe personally that it is very important to be vested in the community you do business in and so we made that investment in this community. We pay our property taxes, pay our sewer fees, pay our water fees, and my four children and I play, swim and fish in Onset Bay. So I personally have a stake in the clean up of the bay and the nitrogen issues that are here before us. I just want to tell you a little bit about some of the things that we have done at Makepeace already. When I first got here one of the things that I voluntarily did is went back to the Planning Board and asked them to allow us to come back in and amend approval that we received for a traditional subdivision and make it a cluster subdivision to create more open space, and we voluntarily put the denitrification systems on those systems in that community. We're not required to do that. We've preserved over two-hundred and sixty acres of open space here in the Town of Wareham, at no cost to the town or to the taxpayers. And finally, we were very surprised because this was very clearly article thirty-eight was very clearly targeted to the Tihonet Tech Park, which we have been talking about for over a year. We fully expected when this body voted to go for further study that we would be invited to talk to and research and offer the information that we had about the project to the committee. We were prepared, that information was available, we were never asked as previous speakers mentioned. Our underlying zoning for this property is single family, which would create more of a nitrogen impact than what we were purposing to do, which was asked...." The Moderator stated that his time was up and he requested another minute. The Moderator stated, "Ladies and gentlemen, all those in favor of extending time one minute, please indicate by saying aye, all those opposed. All those in favor please raise your cards, all those opposed (majority vote in favor). You have one minute. Mr. Hogan continued, "Thank you sir and thank you members of the meeting, I know it's late. The bottom line is the underlying zoning for that property continues to be single family residential. This body on three separate occasions overwhelming voted to go forward with the business development overlay district to try to create jobs and commercial tax base to diversify the tax base of this community. The proposal that we brought forward was part of trying to keep faith with that vote. We could have gone forward many years ago with the single family homes. The single family homes on that exact parcel would produce double the amount of volume of wastewater and a much higher level of nitrogen. We continue to be prepared today to work with the entire community and the professional staff to be able to advance both economic development and environmental protection. As I said in my early comments, we were dumbfounded that throughout this process the project that was very much the target of the chairman's efforts, we were never invited, we were never asked to produce information or participate in those sessions. Thank you for your time." The Moderator then recognized Brenda Eckstrom, who stated, "Thank you. Brenda Eckstrom, who stated, "Thank you. Communication is a two-way street, Mr. Hogan, and as far as this particular article does not single out the A.D. Makepeace project. It's anything that would be in that realm. Now I went a year and a half ago, no about a year ago, I went to one of these hearings for the project that the previous speaker spoke about and when I went to it I asked one question are they going to do net zero nitrogen because that's what they were doing in River Run. They had told the people that had come to the meeting that they had already gotten permission to hook up to sewer, which as a sewer commissioner I had never been approached. I stated that at the meeting, and I got a letter, first time ever speaking to this developer, I think it was a four-page letter that stated all the good they were doing. I don't question that they do wonderful, wonderful things in this community. I see it all the time, however, I don't think its fair that this town should be looking at twenty-five, thirty, forty million dollars in upgrades to a sewer plant and having to extend sewerage other areas, because we don't want to make someone whose building something to actually pay for it." The Moderator stated, "State your point of order Ma'am. State your point of order, please. I respectfully disagree. We

allowed the previous speaker to speak addressing some of the issues of the previous speaker. You have the floor.” Mrs. Eckstrom stated that she was done. The Moderator recognized a speaker at microphone number two, who stated, “Mr. Moderator, ladies and gentlemen, Howard Smith, Precinct four. One of the people in town that will admit I stood up last year and did state that we do have a nitrogen problem. I will not dispute that but I will say I did attend most of these meetings for the Clean Water Committee and I have to say I was very disappointed. These are they types of reports that this committee should have been looking at. These are zoning laws, zoning issues that are created throughout the community but the area, these are the things to take into consideration, regionalization. They deal with pollution from Sippican River, which is fed by Marion and Rochester; Wankinco which is fed by Carver, Middleboro, other areas, Agawam, Plymouth and so forth. We have about fifteen different sources of water coming into this town from other towns. We need a regional plan, not just a one page issue, alright. This is what we need. Was another statement made earlier that I’m very upset about. One of the issues that came up at the Selectmen’s meeting, and this is public record, there was a comment made that we’ll have this committee in before us if we have a problem and we’ll get rid of them if they do not do what we tell them too do. That’s not an objection, what am I saying, that’s not an optimistic approach. Okay, the first meeting thoroughly disgusted me within the first half hour a member asked what the object and the goals of this committee was; the comment was; we’re out to get Makepeace. We’ve got to stop them before they start. This is not a committee that’s going into something with an open mind. These are what we need.” The Moderator stated, “Times up. Speaker at microphone number one, who stated, “Holly Harootunian, Onset, we appear to have all kinds of conflicting scientific reports going on and I’m no scientist and I’m having a hard time making heads or tails of everything. What I do know is we have a science coming from the people who want to clean up the water and then we have our science coming from the people backing the developers. I’m no scientist but I’ll take clean water guy’s science any day. This is somebody who’s not trying to make a buck; he’s trying to clean up the water. Every townie I know loves Wareham for its boating, fishing, multiple liquor licenses, kayaking and the beach. Everybody I know, myself included, who moved here in the last ten years came for the beach, the boating, the swimming, the kayaking and the fishing. We didn’t come here for the night life or the booming economy. We came for the nature and the water. So boo who, who to the developers. If you’re gonna make money off making a mess; then you get to pay to clean it up.”

The Moderator recognized Bruce Sauvageau, who stated, “Thank you Mr. Moderator. A.D. Makepeace is not the enemy here, and no one is here to attack the A.D. Makepeace Company. They are due respect. They’ve been a long-time employer and a large component of our economy and no one should be diminishing the value of what they have brought to this community. As chairman I would stand to say that I don’t remember any of the Board saying that we were going to get rid of anybody. We were begging people, and no we’re not gonna get rid of anybody. To the previous comment that have we spoken to other communities. We have a delegate on the Plymouth/Carver Aquifer District that Wareham belongs to. We are engaged with multiple communities; economic development is key. I have had the privilege of looking and seeing it and some of the development schemes that the A.D. Makepeace company is planning; there very impressive. I’m very excited about them. I can’t wait for them to come in and roll those out, and they have written us a letter asking us to do that and after town meeting we’ll certainly take them up on it. The vast majority of their projects and any other general commercial projects are gonna be sewerred. It is just unique to this parcel and I understand that’s why people may think that this article is about this parcel; it is not, it is just unfortunate fact that it lies outside in the business development district where there is no sewer. The easiest remedy to that is sewer it. That’s something we can explore but we’ll do it together with A.D. Makepeace at a table where we can all work together and try and achieve their best interest,

because their best interest, economically, will be out best interest. And I fought very, very hard for the business development overlay district.” The Moderator stated, “Times up; speaker at microphone number two.” The speaker stated, “Bob Brousseau, Jefferson Shores, Mr. Moderator, I would like to move the question on this issue.” The Moderator stated, “Okay I’m satisfied that we’ve had enough discussion on this article. All those in favor of moving the question, it requires a two thirds vote, please indicate by saying, all those opposed. It passes by majority. Ladies and gentlemen you have before you a motion for further study on article number thirty-eight. All those in favor of further study please indicate by saying aye. All those opposed. All those in favor of further study please hold up your card and keep it held until you have been counted, please. Teller to my right, 42; in the center, 82; to my left, 34; all those opposed to further study please hold up your card and keep it held until you have been counted; teller to my right, 24; in the center, 47; to my left, 38; 158 in favor of further study and 109 opposed to further study. The motion passes, which now becomes the main motion before the body. All those in favor of further study please indicate by saying aye. All those opposed; it passes by a majority; article number thirty-nine. FinCom do we have a motion on Article 39?” The motion was read and seconded. The Moderator then called for the discussion. No one rose, so he then called the vote, “All those in favor please indicate by saying aye, opposed, it is unanimous; article number forty.”

The motion was read and seconded and the Moderator called for the discussion. Mrs. Marilyn Donahue, Finance Committee member, stated, “The majority of the Finance Committee decided that this is actually a reasonable way to add revenues to the town at a minimal impact to the taxpayers. First of all it’s not a burden on homeowners. It’s shared equally by anybody who’s eating out within the town of Wareham. The actual dollar amount is very small. You’d have to spend a hundred dollars, it would be an additional dollar on a hundred dollar bill, and it’s also shared by anyone who passes through our community and enjoys the restaurants here. Massachusetts and New England has very low meal tax rates. I just came back from Florida and no body down there apologized for what I was paying in taxes on the rental car and the hotel. So it’s not burdensome at this point and we believe it’s a reasonable share. A minority member of the Finance Committee stated that a tax is still a tax, they just don’t want to pay more money.” The Moderator recognized a speaker at microphone number one, who stated, “Thank you, Harry Nickolaow, 11 Hiawatha Road, and I run also Charlie’s Place, a restaurant here in town. I think that this is a regressive tax. I think by putting it in, it will; the income will go down. I think it’s a tax no matter what, it just has the minority on the Finance Committee; a tax is a tax. I think people will, people are very funny, even though it’s one percent you said it’s five percent of a dollar on a hundred. People just won’t come out. I think this is a tax, I’ve been in this business for over thirty-six years since I was ten years old, that was a joke, and I think you should vote against this. I think it does not do anything for the town and I think it unduly puts a burden on one industry, where as it’s not a broad tax across the entire town, but the restaurant business only. Thank you, I hope you vote. I urge you to vote against it. Thank you.” The Moderator stated, “Speaker, at you standing at microphone number two, sir? You have the floor.” The speaker stated, “Hi my name is John Salerno from precinct two, Onset, and I was a little confused as to what this was going to mean at first and I went to the Board of Selectmen to a Selectmen’s meeting to find out more. I asked a couple of questions; one was what was the projected revenue to be generated. I did some statistics and I have some senses, it’s about a half a million dollars a year that the town would generate to spend. I asked the Selectmen if they would answer and how they felt about it, a couple of different Selectmen, I don’t know there was four there, two spoke. One Selectman said they wouldn’t vote for it, felt that it would hurt tips and hurt local wages for local workers in an industry that’s pretty strong in this town. The second Selectman said it was effectively an override and would not be for it, wouldn’t be for any taxes. So I went to my State Representative to find out how my State Rep feeled, and actually my brother had spoke

to Ms. Gifford, and she had said that and she sent a letter, you can have this if you like, ‘Personally I feel that Legislation giving cities and towns the options to increase taxes on meals and hotels leaves the door wide open to tax or increase tax on just about everything. I fundamentally oppose the legislation and will be voting against it if it comes before the state house. Now we just heard recently the state is going to be increasing the sales tax by one and a quarter, which is a twenty-five percent increase over the five percent already. The Governor’s already lining up to increase the meals tax by one percent on his own on the state wide level. To add another one percent at the town level is bringing it up to seven percent. I’m just getting a little tired of the taxes I guess. It’s taxing me, it’s taxing everybody and I just feel it’s an unfair, unjust tax. I know it’s a pass through tax there is a psychological impact on businesses when you start passing taxes like this. It’s getting a little ridiculous for me. I don’t know what to say. I’m frustrated by a lot of things I see and hear. All I know is that if your trying to develop the town economically, want to bring business to the town and you gonna say specific businesses we’re going to tax you, it’s really not going to be inviting for any business that might want to do business in the town. You might want to rethink this and you might want to consider taxing everybody versus one particular industry. Thank you.’”

The Moderator recognized Jane Donahue, Selectman, who stated, “Thank you Mr. Moderator, thank you ladies and gentlemen. I’m going to speak in favor of this one percent tax. I disagree wholeheartedly with one of the previous speakers who said that this is a regressive tax. This is not a regressive tax. This is a progressive tax. This is almost like a luxury tax. This will only affect the people who can actually afford to go out and eat. If you ten dollar bill at the restaurant, if you have a ten dollar bill at the restaurant, then it’s ten dollars and ten cents. Seventy-five percent of our business comes from our restaurants comes from outside the town. They are people who are passing through. We will generate four hundred and fifty thousand dollars worth of revenue. We had a question the other night when we were discussing the budget. How else can we generate revenue for the town without doing some of the other things that we’ve talked about. A half a million dollars for the town is a lot of money, and I think a penny on a dollar it’s not a lot of money to ask. If you can already afford to go out and eat and spend fifty bucks for dinner, fifty dollars and fifty cents is not going to break the bank. Thank you.” The Moderator stated, “Speaker at microphone number one, who stated, “Michelle Langford, Emma Lane, I’d just like to ask how much is this gonna cost us to get this one percent tax. Don’t we, aren’t we gonna have to have someone figure out how much they owe, and then keep track of it.” The Moderator stated, “To answer the question.” Jane Donahue rose and stated, “To answer the question, Mr. Moderator. There’s already a process and procedure in place for collecting the tax that is already on there. It doesn’t cost us anything to do anything more to get the extra one percent. Thank you.” The Moderator recognized a speaker at microphone number two, who stated, “My name’s Marc Salerno. I’m from Onset, and I just got to ask one thing, do we remember the cigarette thing, when we said no smoking in Wareham, and then I saw everyone go down to Buzzards Bay and Middleboro to smoke their cigarettes, to eat their food and to drink their liquor. Now is Buzzards Bay going to say no to this, yes to this, Plymouth, Middleboro, Carver? I know it’s only one percent to you, but it’s more than one percent to me and it’s more than one percent to all these other restaurants and all these other hotels. I just don’t get it. I pay taxes, a lot of taxes to the town of Wareham. And you know, I thought it was like the bill of rights, and I’m going to bring that up again and the amendments and all this stuff, I thought it was for everybody. Why am I getting singled out again, and I don’t think it’s fair. I think everybody should pay one percent. Why don’t we raise everybody’s taxes one percent in the town of Wareham? We all just add another one percent then you get your five hundred thousand dollars or maybe go into something different, like maybe put a wind turbine up at the school and pay less money for utilities, or do something with, you know, you have all these grants coming out for all this environmental stuff. Why don’t you go into there and try to save money with your utilities, gas, electric, shut the water off, shut

your lights off. You use less gas driving around. I don't know how you want to solve your problems but I don't think any raising of any taxes right now in this with what we have going on in the world and in Wareham and in the state and in the federal government is a good solution to what you got going. Thank you."

The Moderator recognized a speaker at microphone number one, and then stated, "Did you expire your time; are you requesting an extension of time." He stated one minute and the Moderator stated, "How much time would you like?" The gentleman repeated, "One minute, please." The Moderator then stated, "Would the body vote to extend one minute to the speaker, all those in favor please indicate by saying aye, all those opposed (majority vote). You have one minute sir." Mr. Nickolaow stated, "Thank you very much. Just briefly, you, in regards to selectwoman, it is a luxury tax. I think it's a luxury we really can't afford. Who can afford the thousand-pound gorilla in the corner is the economy, and this is neither the time to put an additional tax burden on people, and certainly on an industry, and I do have to agree with my colleague, between the waitresses and the bartenders they'll be hurt by this also. So I don't think this is a, if you want to revisit this later one when things are better or maybe, but I think this is the wrong time and the wrong tax."

The Moderator stated, "Gentleman at microphone number two are you requesting more time, sir?" John Salerno stated, "Yes, please." The Moderator asked, "How much time would you like?" Mr. Salerno stated, "One minute please." The Moderator stated, "All those in favor of extending time to the speaker, please indicate by saying aye, all those opposed (majority vote). You have one minute, Sir." John Salerno stated, "I just want to reiterate, I know you feel that it's not a big deal, but it really is. The state is probably not even going to allow the town's disability. They haven't even voted on it yet. So I think we should not even vote on this tonight and think about what this impact would be on the community, and give it time for discussion, because this probably won't get passed for a while, so I don't know why we have to pass it tonight. One percent, if you say it's not such a big number, I don't think you fully understand what it means in this economy right now in the restaurant business. One percent is a huge number, it's a percent of another number by the way and that's a big number, so I really wish we would not say it like it's callus like it not a big deal, because it is a big deal. I wouldn't be here speaking and emotionally about it because it is. It impacts our business and our community in a particular time when things are tough enough. So you have to find another way to solve the problem. Tax all business, not just restaurants. Thank you." The Moderator recognized a member of the Finance Committee, Bonnie Cottuli, who stated, "Thank you Mr. Moderator. I keep hearing, oh Bonnie Cottuli, by the way, and I'm actually a, one of the minorities on this FinCom vote. I keep hearing talk about it being a luxury tax and that bothers me, because that Mom going to soccer practice on Saturday afternoon who gets to stop at MacDonald's to buy her kids their dinner because she's working and very busy, she's going to have to pay. It's not one percent, it's actually two percent the government is proposing, one percent going to the towns. My second problem is that people are talking about it being shared by the visitors that are coming to this community. Our season here is what, three, four months out of the year. The rest of the time it's the citizens of this town that are supporting the restaurants in this community. It's us who are going to have to pay that tax. Thank you."

The Moderator recognized a gentleman at microphone number one, who stated, "Joe MacDonald, 83 Cromesett Road, I don't own a restaurant but I do pay taxes, and in my opinion this is no different than a proposition two and a half override. I pay enough taxes, I'm not interested in paying any more." The Moderator recognized a gentleman at speaker number two, who stated, "Tom Bicki, Little Harbor, I read in the Boston Globe a couple of days ago that in France the value added tax to restaurants is nineteen percent.

Now I had to chuckle when I thought about all the discussion we were going to be having about a one percent increase. If you take the perspective that we provide beautiful Onset beach free of charge to the general public. We provide bathroom services. We provide parking at a pittance compared to most of the other towns on the Cape. People get away relatively scot free. We provide through community fund raising fabulous fire works on the fourth of July, all of which are free. For anybody that takes advantage of all those things, I don't think it's too much to ask for them to spend ten cents on a ten-dollar lunch. At Salerno's a two-dollar slice of pizza will cost them two cents more. If they lose business of two cents, I'd be shocked, and so I support this one percent increase. Thank you." The Moderator recognized Jane Donahue, who stated, "Thank you Mr. Moderator, thank you ladies and gentlemen. I just want everybody to understand that if we implement this tax, again I think it is a progressive tax, and I feel for the Mom who has to stop and pick up a fast-food lunch, but if she spends fifteen dollars, she's going to spend another fifteen cents for the lunch. On the other point that I really want everybody to understand is that of this potential half million dollars that would come to the town of Wareham, half of it would go to the schools. The rest would go to anything, the library, the beaches, lifeguards, all of those things could be benefited." The Moderator stated, "Times up; member of the Finance Committee." Mr. Paulsen stated, "I thought the Selectmen had troubles last week with the microphones." The Moderator interrupted and stated, "Yes, I'm reminded the hour is ten o'clock, we need a motion to extend beyond the hour of ten o'clock, according to our bylaws. Motion made and seconded. We need a two thirds vote. All those in favor of extending the time past ten o'clock, please indicate by saying aye, all those opposed, passes by the two-thirds majority. You have the floor (to Mr. Paulsen)." Mr. Paulsen continued, "Thank you very much Mr. Moderator. As a business man, I'm very reluctant to suggest that taxes be raised. But let me put this in a somewhat different context. I believe the figure that Selectman Donahue suggested would come to the town somewhere in the neighborhood of five hundred thousand dollars. Think if you lived in Onset and you didn't have the summer police, which I believe runs about sixty thousand a year. Put it in that context. What are you going to give up if you don't have the money, and that's the issue we face here all the time on our committee as well as on the selectmen level. That's five years of police protection in Onset, in effect, on the five hundred thousand dollars. Well actually it's more than that isn't it, it's closer to nine years, and that's what you have to think about. From a business man's standpoint, it's difficult to say raise taxes. You want the services; unfortunately you have to pay for them."

The Moderator the recognized Brenda Eckstrom, who stated, "Thank you. I was one of the Selectmen who voted no action on this. My reason and well some of the reasons I heard are very good, but my reason for it was for the waitress and the busboy that make less than half of minimum wage as their base pay. And when you're figuring out what you're going to leave for a tip, you're not going to kibitz about that one extra percent, and it's probably going to be the waitress and the busboy whose going to get shorted in that, and so even though it doesn't sound like a lot, by the end of the week you're probably talking fifteen, twenty dollars out of that waitress' paycheck, which could be her gas money to get back and forth to work. I know that some of the owners of some restaurants we're hearing, yeah it might affect their pockets and they have increases going up and I think that this body, we just voted against a personnel plan that would have limited what we were paying out. We just told a developer, don't worry about what you're putting into our waters, we'll clean it up, we'll foot the bill, so I just don't think that we should again find another way to tax and burden the small working guy or girl in this town." The Moderator recognized a gentleman at microphone number one, who stated, "Dan Goodchild, Parkwood, if I'm not run out. I think this is the first time I agreed with Madame Selectman. Well make note of the time and the date. What we're not talking about is the restaurant tax already five percent or is it six percent. All right so another ten cents, plus five percent, so that's another fifty cents, so now you're at sixty cents. How about a hundred dollar bill, you're not

talking just another ten dollars, do the math. And so as I said, I agree with Madame Selectman. The ones that are gonna suffer are the restaurants and the people that work in the restaurants, and there's a lot of people in this town that work in restaurants. So I urge you to vote this down." The Moderator recognized a speaker at microphone number two, who stated, "Mark, again. I know you think everything is free down in Onset. Your waters free, those lights on the corner are free, all those activities at the band shell are free, all this stuff is free, well there not free, but that's okay, and if you want one more percent of my business that's all right with me, you can take it, I'll be more than generously to give you that money. Because I don't really spend a lot of money myself personally, but if you need that money to spend, it's yours there and if you want to pass yes go ahead, it doesn't matter to me because I'm fifty-three years old and if you want to burden my kids with more taxes that's fine with me. No problem." The Moderator recognized a speaker at microphone number two, who stated, "Eddie Pacewicz, Briarwood Beach, the restaurants aren't paying this tax, it's the patrons who are paying this tax, and we went from a hundred dollar bill to paying five dollars on it, to a hundred dollar bill paying six dollars on it. Now I don't know about you, but when I figure out my tip I add it all together and look at the bottom line. So, if we add one percent, the waitresses get more money. I don't separate the taxes. We're talking nickels and dimes here, okay, which can add up to a half a million dollars that the town can definitely use. Remember its one dollar on a hundred dollar bill. Ladies and gentlemen I urge you to pass this. Thank you."

The Moderator recognized a member of the Finance Committee, Mr. Trudeau, who stated, "I'm the other member who voted no. I'm opposed to it because its taxes. We're watching the legislature right now increasing gasoline taxes, their going to increase the food tax by one percent, they were told to reduce the state income tax from 5.3 down to five. Why do you want to impose more taxes on ourselves, when we have a legislature that doesn't listen to what the body or the state says to do. So their selling it by saying to you its gonna come back to the town. Their only going to increase it one percent, so you're gonna go from five to seven percent, somehow it's another tax no matter which way you call it, no matter how you sell it a tax is a tax, and we're gonna get enough this year from the legislature."

The Moderator stated, "Okay ladies and gentlemen the motion before us is in favor of adding one percent to the meals tax. All those in favor please indicate by saying aye, all those opposed. All those in favor please hold your card up. We'll do a hand count. All those in favor, all those opposed. The article is lost (majority vote); article number forty-one. We already voted to go beyond the hour of ten o'clock, ladies and gentlemen. Ma'am for what reason do you rise?" She stated, "Mr. Moderator, Anthi Frangiadis, Precinct Two, I move to continue town meeting to the next available day the auditorium is available at 7:00 p.m." The Moderator stated, "Motion made and seconded. Dr. Rabinovitch I just want to ask you a quick question is May 11<sup>th</sup> the next available day for this auditorium. I believe it was the eleventh, I just want to confirm. Okay, so it would be appropriate to make the motion to adjourn to Monday, May 11<sup>th</sup> at seven p.m. in the Wareham High School Auditorium." Mr. Frangiadis stated, "So move." The Moderator stated, "Motion made and seconded. All those in favor, all those opposed (unanimous vote). See you on Monday." Town meeting adjourned at 10:25 p.m.

#### FOURTH NIGHT TOWN MEETING: MAY 11, 2009

The Moderator opened the meeting at 7:08 p.m., and stated, "Ladies and gentlemen we have six student tellers this evening. Why don't you stand up when I call your name: Leanne MacDonald, Andrew Cavicchi, Brianna Rakoski-Calvin, Kayla Wyatt, Joanna Da Cunha and Victoria Verrier. Ladies and gentlemen they'll be taking...one of the few times that I will allow applause. Ladies and gentlemen they will be taking

the count, assist them please, help them out in doing their duties. I will ask you now to take the quorum count, and as you do that I will go over some of the rules and regulations of our town meeting. No parking in the fire lanes. If you are parked in the fire lanes, and oh yes, hold up your pink slips. This evening we are voting with pick slips. And tellers do not count any voters unless they have a pink slip. If they have a raised hand without a pink slip you are instructed not to count those voters. And again please, no parking in the fire lanes. We need to be able to get emergency personnel vehicles in and out of this area quickly and safely. Please turn off any cellular telephones and pagers or electronic devices. I remind the body that this is a legislative body; we are not subject to the open meeting law, which means that anybody is prohibited from taking audio or visual recordings. That's strictly prohibited unless you have express permission of the Moderator. The media has that permission and Wareham Cable Television has that permission; anybody else please refrain from doing so. We have the Chairman of the Finance Committee who would like to make an announcement to this body before we get started; Mr. Chairman would you like to make your announcement please?" Mr. Paulsen rose and stated, "Thank you Mr. Moderator, this will be very, very brief. As some of you know, we have started a community garden here in Wareham and through the generosity of Makepeace, who provided both the land and the water, we've got about twenty, forty plots. We have forty plots, about twenty of them are spoken for by a variety of different entities, including the senior citizens, Boys and Girls Club, some Cub Scout dens and even somebody who refers to herself as a rookie; Ms. Jane is also joining us. I told her in an email, you have never been a rookie Jane, so don't apologize. In any event if any of you have any interest in gardening, the price is fairly low, twenty-five dollars a year, we have a fairly diverse group of people. We have a website if you want to take a look at it. It's called [www.warehamcommunitygardens.com](http://www.warehamcommunitygardens.com) and there's all the information you could want or maybe need or more than you need perhaps, but do look at it and if your interested sign up and join us. We're going to have a good time this year. As I said, we're about half way home. Thank you very much, thank you Mr. Moderator." The Moderator stated, "You're welcome. Also I was asked to make this announcement, ladies and gentlemen, the lions club, if you probably noticed, had a desk outside, had a table outside. They are trying to start a new chapter in Wareham. There use to be a Chapter many years ago but it devolved into a lack of membership. They are trying to revive that committee and start a new chapter. They will be here in the town of Wareham seeking to recruit new members, new volunteers. They will be at the Wareham Town Hall tomorrow evening at 6:30 p.m. They'll be back at the Wareham town hall at 6:30 p.m. on Thursday. So if you have an interest in joining the Lion's Club, they ask that you please come and join their organization. As everybody knows it's another civic organization that in these times when money is tight at the municipal level and all levels for that matter, it's agencies like this that provide services to the community. Are we ready for the quorum count? Teller to my right, 38; in the center, 76; to my left, 36; there are a hundred and fifty voters in the hall ladies and gentlemen, which is the threshold quorum for voting on all articles before us. I am required by the town charter to take a roll call: Administration; Animal Control, Board of Assessors, Accountant, Building Department/Zoning Officer/Inspectional Services, Town Clerk, Treasurer /Collector, Community and Economic Development, Conservation, Counsel on Aging, Data Processing, Emergency Medical Services, Harbormaster/Shellfish, Board of Health, Library, Municipal Maintenance/Water Pollution Control, Planning Department, Police Department, Procurement/Purchasing, Recreation Department, Board of Selectmen and School Department. Okay, just to go over my comments very quickly. This town meeting is concerned with discussing and voting upon those issues contained in the published warrant for this meeting. It will be governed by the laws of the Commonwealth of Massachusetts, the Wareham Home Rule Charter, the By-Laws of the Town of Wareham, the publication entitled Town Meeting Time, town meeting tradition and my rulings. For clarification, a few of the rules of the meeting are as follows:

1. To be recognized a voter must queue up behind one of the two stationary microphones located in the auditorium, and remain standing until you are called upon. I will alternate from microphone to microphone. I will indicate microphone to my left as microphone number one and microphone to my right is microphone number two and I will call on the speakers in the order that they arise in as reasonable fashion as I can. Anyone who is in a wheelchair or unable to stand for a long period of time, please draw as near to the stationary microphone as possible and notify the tellers and thus the Moderator of your intention to address the body. I'll do my best to recognize those people so identified by the tellers.
2. Moving the question is a procedure to cut off debate. To make such a motion one must be recognized by the Moderator. No one will be allowed to move the question at the end of a speech. And finally no motion for moving the question will be in order until the Moderator determines that all sides have had a fair opportunity to be heard.
3. Motions for reconsideration of a past article will only be allowed if in the Moderator's opinion there is new information that was not available to The town meeting at the time the article was considered or substantial Evidence exists that town meeting voters were confused as to either the Basis or nature of the action which they took at the time that they took it.

I realize parliamentary procedure can be confusing at times. I will do everything that I can to be sure that everybody understands the proceedings, and I will stop the proceedings, to make sure that everybody does understand where we are in the process. Finally, we must always remember that this is a deliberate and deliberative body, whose function is to debate issues and to decide those issues by a vote. There is no place in the meeting for discussions of personalities and no such discussions will be allowed. At this point I also remind you that we voted to limit debate to five minutes to the proponent of an article and to two minutes to each subsequent speaker. However, be advised that this motion may be overridden by a majority at anytime during the meeting in order to extend time to any speaker so requesting an extension of time. I also remind this body that we have accepted the provisions of Massachusetts General Laws, Chapter 39, Section 15, which provides that whenever a two-thirds vote is required by statute, such a vote maybe declared by the Moderator, as such, without a count and be recorded by the Clerk as such upon such declaration, provided, however, that if seven or more members doubt the vote, a counted vote shall be taken. Ladies and gentlemen I ask you all to rise to turn to your left and join me in the pledge of allegiance to the flag of the United States of America." The body then recited the pledge of allegiance. He then thanked all. The Moderator then recognized a member standing at the microphone. The speaker stated, "Alan Slavin, 36 Oak Street, Chairman, Charter Review Committee, I would like to ask if the Moderator would consider moving articles forty-five to fifty-three ahead of schedule, please. I have a motion for that." The Moderator repeated, "Forty-one through fifty three out of order." Mr. Slavin stated, "Forty-five through fifty-three." The Moderator repeated, "Forty-five through fifty-three out of order. Is there a second? Motion made and seconded. I think I have that, that's pretty straight forward, I don't need it in writing, but at sometime if you will give it to the Clerk so she can have it for the record, thank you. You have the floor." Mr. Slavin stated, "I would like a motion to basically put forty-five through fifty-three...." The Moderator interrupted and stated, "Could you set it for five minutes please. Thank you, you have the floor." Mr. Slavin stated, "Thank you. Thank you to the town meeting for considering this. What we would like to do is basically take forty-five through fifty-three, which are all basically charter review items that the Charter

Review Committee is presently working on and we'd like to put these all for further study. That's my motion." The Moderator stated, "I heard a second early, discussion. All those in favor of taking articles forty-five through fifty-three out of order please indicate by saying aye, all those opposed? It passes by a majority. That's to take them out of order, so you're requesting further study, any discussion? All those in favor of further study, please indicate by saying aye, all those opposed? It passes by a majority. Article number forty-one." Donna Bronk, FinCom member rose and recited the motion, "Thank you Mr. Moderator. I move the Town vote to accept Chapter 40, and 21D of the Massachusetts General Laws, which is necessary in order to enforce any local ordinance or bylaw, including any ordinance or bylaw prohibiting public use of marijuana." The Moderator stated, "I heard a second, any discussion? All those in favor please indicate by saying aye, all those opposed. It passes by a majority. Article number forty-two." Donna Bronk, member of the FinCom rose and recited the motion, "Ladies and gentlemen I move that the town vote to amend the bylaws of the Town of Wareham by adding the above language." The Moderator stated, "Was there a second, discussion? All those in favor please indicate by saying aye, all those opposed. It passes by a majority. Article number forty-three." Bob White, FinCom member rose and stated, "Mr. Moderator, I move that the Town vote to amend the bylaws of the Town of Wareham as follows: basically this is an open meeting law, open bottle law and the motion would replace the original language with the language at the bottom of the chart." The Moderator stated, "Motion made and seconded, discussion? Microphone number two." "Mr. Moderator I'd like to make an amendment to this motion." The Moderator asked her to go ahead. The speaker (Leie Carmody) stated, "I'd like it to read, it shall be unlawful for any person though he or she has attained the age of twenty-one and the right to consume alcoholic beverages to consume or have in his or her possession opened alcoholic beverages or containers on public highways, including vehicles thereon public places within the Town of Wareham." The Moderator asked if there was a second, he heard a second and then called for the discussion. He then recognized a speaker at microphone number one. The speaker stated, "Frank DeFelice, 53 Maki Way, I just wanted to speak to the article. If somebody could correct me..." The Moderator stated, "Could you turn the volume up please. Oh, and ladies and gentlemen, excuse me; it just reminded me at the last town meeting you know that I asked people not to tap the microphone, especially the portable microphones. Two microphones were broken; as they are very sensitive they have thin wires inside. So I just ask all speakers please don't tap the stationary microphones, don't pull them out of the holder. The high school is really running low on microphones and they have plays coming up and they have graduations coming up and they'll need to be replacing those microphones. Go ahead, you have the floor." Mr. DeFelice continued, "I just need one explanation. If I do read this right, if I was to buy a six pack out of a liquor store, put it in my car and go home, as I'm driving if they stop me I could be fined? Is that correct?" The Moderator stated, "I think that I can answer the question, but if Counsel wants to, I believe this is really an open container law trying to correct the language on age twenty, but I think the motion addresses the issue that this is confusing and problematical, but if counsel wants to enlighten the body on that." Rich Bowen, town counsel, stated, "Mr. Moderator through you to the previous speaker, Mr. DeFelice. What the amendment does is it takes this part right here and changes it from possession of alcoholic beverages on public highways in case you were right the town could have wracked up a little money if you went to the package store and changed that possession to alcoholic beverages open container of alcoholic beverages, so that now you can go to a package store without getting fined, but if you crack it open on the way home, then you have a problem." The Moderator stated, "And we'll try to get that language up for you, but I do appreciate the explanation. I think that's the intent. It was first discovered, as I understand it, that the age in the existing bylaw, twenty years, was obviously neither fish nor fowl, I don't know if it was written before the age was eighteen years or after it became eighteen, I think it was twenty at one time, went to eighteen to twenty and then twenty-one, and the language wasn't corrected. And I think the other language will attempt to make this clear. Is that it Matt or is there anything else to go in there? Okay bear with us a second. Could you do me a favor just for expediency, work with the IT person. Delete the

or in front of containers please, because we don't want to fine people who are drinking milk in their vehicle. Okay, we just want to get it right and want the body to understand the language of the amendment. We'll get it straight, give us another minute. Okay, gentleman at microphone number one." The speaker stated, "Stanley Andrews, Cranberry Highway, does this mean if you're under twenty-one you can drink? That's what it says." The Moderator stated, "We're talking about the bottom half, correct sir? Was your question answered Sir. I think again to reiterate sir; this article is intended to address open containers. I'm sure there are other laws on the book that says it's illegal to drink under the age of twenty-one. Is that right counsel? I'm receiving an affirmative answer from counsel. Chapter 138, Section 34. Gentlemen at microphone number two." The speaker stated, "Carl St. Pierre, 23 Cromesett Road. I have a problem with on public highways, including vehicles. Does that mean I sitting in my driveway after working four to six hours hauling sand, working out in the yard, who knows all kinds of things and your gonna come along cause I'm sitting on the tailgate drinking a twelve ounce can of bud and say here's a twenty dollar ticket." The Moderator stated, "You said in your driveway sir, that's not a public way that's your private property." Mr. St. Pierre continued, "Well let's put it like this as soon as you put that comma in after public highways including vehicles, where is the vehicle to be found?" The Moderator stated, "On a public highway. Including vehicles thereon, which I assume is on a public highway. Lady at microphone number two." The speaker, Leie Carmody, stated, "Mr. Moderator may I amend the amendment with another word or two?" The Moderator stated, "It's problematic in terms that we don't allow amendments on amendments. For clarification what are you trying to do?" Ms. Carmody stated, "To calm those who think that this means under twenty-one you can drink. We can change it to, it shall be unlawful for any person, even those who have attained the age of twenty-one years and the right to consume alcoholic beverages and then continue it, and that means everybody." The Moderator stated, "I don't think it's necessary. Counsel's telling me that he does not believe that's necessary. Madame Selectmen. Can we have volume on the selectmen's microphone, thank you? Turn the switch on please. Don't tap it but you can turn the switch on." Brenda Eckstrom stated, "Thank you Mr. Moderator. Just for clarification, it's unlawful for anyone under the age of twenty-one to drink, whether they are on a public road, in a public place or in the privacy of there own home. It's illegal no matter what. This is to address over twenty-one where you are legal to consume where it's forbidden. All this is back in I think 80 or 81 when the drinking age was twenty, the bylaw was put into place and alls that we're doing is correcting the error that's been sitting there for twenty years. Just correcting to say that you have to be twenty-one and then this is forbidden. Under twenty-one this is forbidden no matter where you are." The Moderator recognized a gentleman at microphone number two. The speaker stated, "Mr. Moderator, ladies and gentlemen, I'd like to move the question." The Moderator stated, "Motion to move the question, all in favor please indicate by saying aye, all those opposed. (Majority vote) All those in favor of article number forty-three as amended please indicate by saying aye, all those opposed (majority vote). Okay ladies and gentlemen that becomes the main motion before us. Any debate on the main motion? All those in favor of the main motion as amended please indicate by saying aye, all those opposed, it passes by a majority. Article number fifty-nine." A speaker rose and called for a point of information. The Moderator asked what the point of information was and the speaker asked if we should be on article number fifty-four." The Moderator stated, "No we handled that, article forty-four we handled on the consent agenda on the twenty-seventh." The speaker repeated, "I'm sorry, fifty-four." The Moderator stated, "Let me check. Hold on I'm just checking with the Clerk. Yes, you are correct, article fifty-four is before us. For what reason do you rise? Speak into the microphone please." The speaker (Lynne Burroughs), stated, "Can we go back to that last article? I had a motion that I wanted to make on that, sorry an amendment." The Moderator stated, "You want to reconsider article number forty-three?" Ms. Burroughs stated, "Yes please." The Moderator stated, "All those in favor of reconsidering article number forty-three please indicate by saying aye, it requires a two thirds vote. All those in favor of reconsideration, please indicate by saying aye, all those opposed (lost by majority). Article fifty-four is before us. You have the floor." Mr. White of the Finance Committee stated,

“Thank you Mr. Moderator, I move that the Town will vote to take the following action replace sentence in the bylaws Division I, Article II, Boards and meetings and hearings, section one, page two, with the language that is at the bottom of the chart.” The Moderator stated, “Is there a second? I heard a second, discussion. Madame Selectman.” Brenda Eckstrom stated, “Thank you Mr. Moderator. The Board of Selectmen voted no action on this merely for the fact not that we disagree with getting the information out there but the problem is that if there is a problem with the computer system, if the IT people aren’t available, anything like that it could be problematic and so whereas we would be adhering to the open meeting law by putting this in our bylaws, it could be problematic and it could make any board, committee or commission violate the town policies because someone’s not available to do something. So I would urge you to vote this down. Thank you.” The Moderator stated, “Any other discussion? Who was up first? Finance committee member.” Marilyn Donahue, Finance Committee member, stated, “Thank you Mr. Moderator, ladies and gentlemen, for those of us who work out of town during the day it is difficult if not impossible to get into town hall and even as a member of the Finance Committee it’s not always possible for me to get in and find out what I need. In this day and age of technology and the money that we’re investing in technology I think it’s critical that we learn how to communicate that way. Our kids and we’re teaching them how to use all of these tools; we need to do it as well. And I understand there will be technological glitches and there’s always a problem with someone out sick, we’ll be understanding of that but we need to move forwards and embrace the technology that we have available and I urge you to vote in favor of this.” The Moderator recognized Bruce Sauvageau. Mr. Sauvageau stated, “Thank you Mr. Moderator. With respect we’re really not investing in technology right now. In fact it’s a major problem for us at the moment. This is a good intentioned article. I understand the merits but I also understand the practical side, which I have to as chair and other chairs have to deal with on a regular basis, as we deal with our committees and boards. We are responsible for legally and responsibly posting open meetings, according to the open meeting law. I think it’s a slippery slope when we start transferring that responsibility, in effect, to whoever the webmaster is or the IT person. The law is specific as to who bears the responsibility for that and it’s very important with respect to openness and transparency that our boards and committees are held responsible for that purpose. The other practical problem is many of our citizens don’t have access to a website. They may not even have a computer. In that event it becomes problematic for their access and for their notice when the primary legal notice is on the web. I think the way this is; I would move no action on this article. I think the way this should work is to have the website become a secondary informational source only but not the legal notice. Let the printed version as it always has been be the legal notice and those of us who do have web access can enjoy the convenience of just being notified that way. And that would be my motion as amended.” The Moderator stated, “You’re making an amendment for no action?” Mr. Sauvageau stated, “No action, Mr. Moderator.” The Moderator stated, “Is there a second, I heard a second; gentleman at microphone number one.” The speaker stated, “Thank you Mr. Moderator, I’m Bob Brady, precinct six, 6 Spectacle Pond Terrace. I’m actually named as the proponent simply because I was the first signature on the petition. So if I run out of my two minutes I know I have a few extra. Nevertheless, I think to clarify this it doesn’t change that any public meeting will still be posted. If you read it ‘shall cause to be posted at the town office building at a single designated location, which is exactly the way it’s done today. There is a public bulletin board, it is officially in the town hall and that isn’t going to change. What we’re hoping to acquire is as the FinCom member noted, trying to move Wareham more into the twenty-first century relative to technology, and it does allow many of us who don’t have time to run to town hall on a weekly basis to understand or to learn how many meetings are taking place and what the subjects are. You should be able to go to the website and get the same information in the same timely manner. It’s not changing that. So I would encourage you to support favorable action. If we need specific language I would heed to counsel but it’s not changing the way things are done today. It’s only adding to the effort to get up to the twenty-first century technology. Thank you.” The Moderator recognized Selectman Jane Donahue. Ms. Donahue stated, “Thank you Mr. Moderator, ladies and

gentlemen. Well I don't again necessarily disagree that posting it on the website is a bad thing. What I think we are trying to tell you is that it's a matter of practicality and it can tie the hands of many boards if there is nobody, in fact, responsible for this posting on the website. Right now the Town Clerk and the boards are responsible for posting their meetings, so while it would be a good thing, I think that if you vote in favor of this you're going to be tying the hands of boards and committees if nobody can get it on to the website. If we put it out their voluntarily as part of the calendar that's one thing, but if you're putting it out there as part of a bylaw it's actually a requirement and that changes the tone of it. Thank you. I urge you to vote for the amendment."

The Moderator recognized a gentleman at microphone number one. The speaker stated, "Hi everybody, I'm Dan Goodchild from Parkwood. Basically the person that is in charge of typing up the posted page on the bulletin board can just copy it right to the website. I mean it's just a simple as that. There using a computer anyway, why not just put a link to it and throw it in there, and have a separate section that limitedly says upcoming meetings. That's all I have to say. Thank you." The Moderator asked for any other discussion. He stated, "The motion was for no action. All those in favor of no action, please indicate by saying aye, all those opposed (majority). The motion fails. We have before us the main motion for favorable action. All those in favor of favorable action, please indicate by saying aye, all those opposed. It passes by a majority. Article number fifty-five; who's the proponent of the article, would you like to make a motion?"

Bob Brady rose and stated, "Mr. Moderator, ladies and gentlemen, I move that the Town vote to take the following action: By changing the wording in the bylaws, Division I, Article II, Board meetings and hearings, section one, page two, to read that "All Board of Selectmen executive sessions must be called for open meeting that are announced by posting at the town office building at a single designated location, electronically via the news and announcement system at the Town of Wareham's web address and on the Town's website that give notice of the hour and place of the opening meeting and the jurisdiction of the executive session as specified by Mass General Law Chapter 39, Section 23B, at least twenty-four hours prior to that meeting." The Moderator stated, "Motion made and seconded. You have the floor." Mr. Brady stated, "Again Mr. Moderator, ladies and gentlemen, in trying to keep with moving this community into the age of technology. It makes sense to me and to many others, at least ten of us who signed the petition, that we should consider putting all of our information electronically on the site available for all to view in a timely manner so that issues like executive sessions don't just get called at last minute and everybody has the opportunity to attend and understand what's being discussed. At least know what's being discussed in executive session. Thank you. I did make a mistake, I said attend, I don't mean attend but at least you understand why executive sessions are being called, you understand what the discussion topics are and if you choose to follow them up and find out what's going on you have that opportunity to do so." The Moderator stated, "Mr. Selectmen." Bruce Sauvageau stated, "We do comply with the open meeting law with respect to executive sessions. Again this is not a communication issue, it is not a technology issue, it is a legal issue. It is the law under the open meeting law is very specific about the purpose and the reason for executive sessions, who can attend. The specific delineated legal reasons that are only allowed for executive session. We follow and comply with that law. To say that it's a technology issue; that it's an information issue really belies the fact of the matter. We need to be able to conduct executive sessions for the very reasons that the law states in order for us to conduct our business. This essentially ties ours and every other board that come after us, our hands. It does not allow us to deliberate fully when an issue comes before us we may not have the time for legal reasons to deliberate post forty-eight hours and then gather us together. It's very difficult for us I can tell you as chair to gather these people together in a room and any other night than Tuesday night. We have other commitments and we have other committees we are liaisons to. It's very difficult for us to coordinate our time and effort. This would be a tremendous burden, in my opinion, on our ability to do the people's business, which is what we were elected to do." The Moderator recognized a

gentleman at microphone number one. The speaker stated, "Thank you Mr. Moderator through you to the body. I hope everybody's appreciating my brevity. Perhaps I could offer an amendment to insert somewhere in the proper place, which is not my place, but in case of an emergency then of course I know that boards sometime have emergency sessions. They have to, something comes up they need to discuss it. You can't advertise that forty-eight hours for an emergency thing. So maybe if we modify it slightly to say except in an emergency would that make the board feel better? I offer that as an amendment." The Moderator asked, "Where would you like that inserted?" Ms. Goodchild stated, "I'll get you a copy." The Moderator stated, "Thank you is there a second? I heard a second. Madam Selectmen." Ms. Eckstrom stated, "Thank you Mr. Moderator. The issue, as far as emergencies, I don't believe that the Chairman of the Board of Selectmen meant that. An emergency under the law is different than just saying that something that has to be done. You have to remember that the Board of Selectmen, although we usually meet every week, under the bylaws we only have to meet twice a month, and we're talking about the technology era and everyone has to get all of the notices at their computers, if we're meeting every two weeks and we get to a meeting and there's a legal issue that has to come up, whether it's litigation, collective bargaining, something, and the Town Administrator has to say to us, and oh I have something to do with collective bargaining, and then we have to post a meeting. Well Tuesday night, it's too late to post it except until Friday, because we have to post it forty-eight hours in advance. So in order for us to discuss something in executive session that comes up Wednesday through Monday and would be notified on a Tuesday, post it and then have to wait until Friday to do it. If people are talking about the information age and getting and having things move, this is taking it back a hundred years. This is like snail mail, so I urge you to defeat this because there is no practical way that we can get that out, except for us meeting on Friday nights or Saturdays, and that would be the quickest we could get something done." The Moderator recognized a gentleman at microphone number one. The speaker stated, "Thank you again Mr. Moderator, Bob Brady. I would like to understand through you Mr. Moderator to counsel if he would share with the body what the law does read relative to posting executive session open meeting. Excuse me executive session meetings. As I understand it and for many of you, like myself, who maybe don't get to town hall soon enough on a Tuesday evening, I have the luxury of watching the Tuesday night selectmen's meeting on the television and I can't tell you how many times I have witnessed near the end of the meeting one of them will say, Mr. Chairman we've got to go into executive session because of number two, or because of number three, because of some number. I believe the law suggests that there should be proper notice for executive session and you just don't do it on a whim. You have to publicly notify people and the reason for that should also be included in that notification, Mr. Bowen." The Moderator stated, "Counsel do you wish to answer that question?" Rich Bowen stated, "Through you Mr. Moderator to the previous speaker and to the meeting. The process for going into executive session is governed by Chapter 39, Section 23B. I'll read the pertinent paragraph and then describe the reason for which you can go into executive session. I quote from the statute, 'no executive session shall be held until the government body has first convened in an open session for which notice has been given. A majority of the members have voted to go into executive session and the vote of each member is recorded on a roll call vote and entered into the minutes. The presiding officer has cited the purpose for an executive session and the presiding officer has stated before the executive session if the governmental body will reconvene after the executive session.' It follows in the statute ten different reasons, which are number in the statute, for going into executive session. They include, and I'm summarizing here, discussions of reputation, character, physical condition or mental health of individuals; discipline or dismissal or complaints against public officers, employees or staff members, that's reason number two; reason number three, discussion of strategy with respect to collective bargaining; four, discussion of deployment of security personnel or devices; five, to investigate charges of criminal misconduct or to discuss the filing of criminal complaints; six, to discuss the purchase, exchange or lease of value of real property; seven, to comply with provisions of any general or special law or federal grant and aid requirements; eight, to consider and interview applicants for employment by a preliminary

screening committee; nine, to meet or confer with a mediator, and finally, number ten the most recent amendment, deals with discussion of trade secrets and proprietary information. By citing those reasons and I understand that sometimes people do cite them by the shorthand by giving the number, you're in compliance with the open meeting law." The Moderator recognized Bruce Sauvageau. Mr. Sauvageau stated, "Thank you Mr. Moderator. I'm not sure what the proponent or the previous speaker actually sees at home but I'm sitting there in the meeting and I understand that we do follow the exact legal protocol. We do announce the number and define it. We do take a roll call votes. We do announce whether we will or will not come back into public session. And then we conduct our meetings in accordance with the open meeting law, which is by the clerk taking full notes and they are recorded and available to the public. I fail to see the urgency of notice when in fact the only people that are going to be in that room is the Board of Selectmen and any participating party if they have information or if their relevant to the discussion. This is an indispensable vital part of our function. We need the ability to be able to react and discuss where negotiations may be affected, where litigation may be affected, where our engineers may have new information that we as sewer commissioners need to act on in an immediate way for the benefit of the community so that we don't cost the community more money than we have to. There's nothing insidious happening here. These aren't by surprise and there is no secrets happening here. There all published and public what happens in our executive sessions. There a matter of record. I don't see the urgency here where we need to restrict ourselves to do people's business. It's not easy to get people in a room, as I said I don't want to meet on a Friday and Saturday. I have a life other than this, believe it or not, so do my colleagues. So please, we're not asking you for much here, just let us go on and conduct our business in the orderly fashion that we have in the past. I don't see the damage that's happening. Thank you." The Moderator recognized a gentleman at microphone number one. The speaker stated, "Thank you Mr. Moderator, Leo Breault, 22 Terry Lane East, just a suggestion that we make a clerical change before we need another amendment. There's a period after the word meeting. I don't think there should be a period there." The Moderator stated, "Its okay, I appreciate that, the official recording would state it without the period, but we should change it. Matt could you take that period out. Thank you. Gentleman at microphone number.... Finance Committee you were standing before, you defer." Bob White stated, "Just for clarification, are we talking about twenty-four hour notice or forty-eight that I have heard mentioned several times." The Moderator stated, "This proposed change is looking to make the posting on the website twenty-four hours. My understanding of the law is still a forty-eight hour posting. And where in the place where it's supposed to be posted now, which is the official bulletin board outside of the Clerk's Office. Gentleman at microphone number two." The speaker stated, "Eddie Pacewicz, Briarwood Beach, it's my understanding that you cannot call an executive session except at a properly announced open meeting. So we've got a posting on the open meeting. It's going to be electronically posted; we just passed that, what would be the purpose of posting the executive session. It can only happen at an open meeting. So if it's going to happen at the open meeting and you already know about the open meeting, why do you need another notification? It's just a duplication, and it's just trying to slow everything down. I hope that you vote no action on this entire article. Thank you." The Moderator recognized a gentleman at microphone number one. The speaker stated, "John Decas, 16 Winship, the Town of Wareham over many years has gotten very careless as to how it adheres to the open meeting laws. I'm not going to stand here and be critical of this particular board, they've had their share of problems and I know that these laws require certain things that we have not seen function properly in the way the town had proceeded on executive sessions. Minutes have not been printed since who knows when beginning at least in 2003 and probably a lot sooner than that. The laws are such that it's very easy to violate those laws and when we do violate them and someone wants to make a political issue out of it, it's very easy to embarrass people who might have made an inadvertent mistake in carrying out those laws. For example, as I understand it if a selectman calls another selectman on the phone and says look I would like your support on this or that and then calls a second selectman and the three of them speaking one on one...." The Moderator stated, "State your

point of order.” Mr. Pacewicz stated, “Where is this going, we’re not discussing the article at all. This is just a personal attack on the selectmen.” The Moderator stated, “I’m not going to get into personal attacks, but it does raise a question of relevancy. This doesn’t have to do with minutes this has to do with the postings, if you could keep your comments to the amendment.” Mr. Decas continued, “Well the amendment is a small step toward helping tightening up these laws that need to be adhered to. I mean I can give you one example, there was an executive session posted by the Selectmen relative to using certain funds from the CPC back in 07’ I believe. The previous speaker who just got up and complained about my comments attended that meeting. Now he had no official reason to be there. He obviously must have been invited by the Selectmen, why weren’t others of us who had an interest in that particular article have that same opportunity. So all I’m saying is....” The Moderator interrupted and stated, “Again the relevancy of the article.” Bruce Sauvageau called for a point of clarification. The Moderator stated, “Hold on, hold on, your time is up sir.” Mr. Sauvageau repeated, “Point of clarification. The District Attorney ruled on that matter and the District Attorney said that this gentleman was entitled to be there because his presence was relevant to the discussion, number one and number two, I personally believed that was an open meeting at that particular point, so this is totally irrelevant to the question.” The Moderator stated, “I am concerned about relevance. Are you requesting more time?” Mr. Decas stated, “Just less than a minute.” The Moderator again asked how much time would he like and stated one minute. The Moderator called for the vote. “All those in favor of granting an extension of time to the speaker of one minute please indicate by saying aye, all those opposed. All those in favor please raise your cards, all those opposed. You have one minute. Could you set it for one minute please?” Mr. Decas continued, “Mr. Moderator I did not get up here to create a fuss about this, I tried to indicate that in my early part of my comments. There’s two ways to run a selectmen’s meeting, there’s two ways to run a town meeting, there’s two ways to do anything. That’s the right way and the wrong way. I think this amendment tries to strengthen the right way of conducting business in this town, being fully open to the community and to the citizens of this community, the voters of the community about what’s going on. You never can give us enough information; you never can keep us involved enough. That’s all it is. I understand the comments about emergencies and all that and I think that’s been addressed with the amendment that’s before us. So I would simply urge support of this article. That’s all. I’m not looking to fight with anybody. I tried to get minutes for over a year from this Board of Selectmen and I couldn’t get it, so they do violate the law.” The Moderator interrupted and stated that we are not talking about minutes and recognized the speaker at microphone number two. The speaker stated, “Eddie Pacewicz, Briarwood Beach. The law requires the open meeting to be posted twenty-four hours prior to the meeting. Forty-eight, I’m sorry. Does the law also require a twenty-four hour notice for executive session?” The Moderator stated that the answer is no. Mr. Pacewicz continued, “So what are we trying to do here? The law doesn’t require twenty-four hour notification. The executive sessions have been held according to the law and now we’re trying to throw a monkey wrench into this so we can delay executive sessions and delay the Board of Selectmen from doing their job. The notification for the executive sessions takes place properly at the open meeting. That’s all there is to it. Thank you.” The Moderator recognized a gentleman at microphone number two. The speaker (Geoff Swett) stated, “I confess I’m troubled by this article. The paragraph, I guess it’s the third paragraph, it refers to the selectmen, assessors, board of public health and any other regularly elected boards and committees and yet the next sentence seems to single out the Board of Selectmen. That doesn’t seem appropriate to me on it’s face. If the Board of Selectmen is being asked to abide by this burden, it seems like every other committee and board should also be asked to do that. So that troubles me. And in addition, I actually agree with the previous speaker that this does seem to tie the hands of any committee or board trying to legitimately decide whether something is appropriate to go into executive session. So I find it difficult to support this article. Thank you.” The Moderator recognized a gentleman at microphone number one. The speaker (Dan Goodchild) stated, “I believe I have about thirty seconds. This should take a very short time. All you have to do when you post the meeting is say a potential executive session. I mean

there are executive sessions a lot so it wouldn't be too much of a stretch. Thank you." The Moderator recognized a gentleman at microphone number two. The speaker stated, "Larry Gains, Pheasant Avenue, can we move the question?" The Moderator stated, "Motion to move the question, seconded, all those in favor please indicate by saying aye, all those opposed (majority). We have the amended version of article number fifty-five before us, which includes the language at the end after the comma, except in the case of emergencies. All those in favor of the motion as amended please indicate.... The question is what are we voting on; we're voting on the motion for favorable action as amended. To include the words at the end of the paragraph after the comma, except in the case of emergencies. A vote in the affirmative is in favor of the change as printed below. All those in favor please indicate by saying aye, all those opposed. The amendment is lost. We have the main motion which is for favorable action without the words except in case of emergencies. All those in favor, any favorable vote would be in favor as printed, without the words in case of emergencies, and please indicate by saying aye. All those opposed. The motion's lost (majority). Article number fifty-nine."

Marilyn Donahue rose and stated, "Thank you Mr. Moderator, Ladies and Gentlemen. The Finance Committee Moved no action on Article Fifty-nine as originally printed in the warrant and as I found out if you sign..." The Moderator asked Mrs. Donahue to speak up a little louder. Mrs. Donahue continued, "The Finance Committee voted no action on Article Fifty-nine as it was originally printed in your warrant, and as I found out if you're the first signature on a petition, you get to be the proponent and explain it. So I proceeded to speak with members of the Finance Committee, Conservation, Open Space, CPC and others in this town..." The Moderator interrupted, stating, "Excuse me, I just need to interrupt, are you making a motion?" Mrs. Donahue stated, "I'm going to make a motion." The Moderator stated, "You need to make a motion first as the proponent of the article and then you can speak on your motion." Mrs. Donahue stated, "I'd like to read the amendment to Article Fifty-Nine." The Moderator stated, "You're the proponent you can make any motion that you want." Mrs. Donahue stated, "The amended motion reads as follows: To see if the town will vote to establish a committee to research the potential uses of the property known as the Swifts Beach property taken by the Town by eminent domain, other town-owned property located at Swifts Beach, Little Harbor Beach and any other beach properties owned by the town of Wareham, with the exception of Onset Beach. The committee shall explore the types of recreational uses to be allowed, possible income-generating uses of the properties and the benefits and costs of conservation measures. This committee shall report its findings to town meeting members at the April 2010 town meeting and the committee shall have seven members, as follows: one member of the Board of Selectmen, one member of the Finance Committee, one member of the Open Space Committee, one member of the Community Preservation Committee, and three volunteer members of the community to be appointed by the majority of the above nine members." The Moderator stated, "I heard the motion, and I heard the second. You have the floor. You have five minutes." Mrs. Donahue stated, "Thank you. As I started to explain out of order, after speaking with people around town on these various committees and on the Finance Committee, and understanding that this town is lacking in revenue, is lacking in an open space plan, and is lacking in any kind of comprehensive management plan for our beaches, which is actually one of the most important assets of our Town. We need to have a committee to pull this together to work together with these different uses. In my heart I use to say I was an environmentalist until I met some environmentalist that make me look like I could be an industrialist, but nevertheless, there is a need to protect Wareham's shoreline to have open space. At the same time the property of Swifts Beach, which I don't have pictures approved I guess to put up there. It's in a very dense area. It's a populated dense area. It's an area that's been used for recreational purposes. We have postcards from the twenties. My family was there in the forties when they were dancing and walking on the streets. People have used that land. We need to work together as a community to decide how we want to use it now. There seems to be a way that we should be able to strike a balance between conservation, recreation and revenue. And that's what we need to work to do and I

urge you to read the amendment as it gets put up and vote in favor of it. Thank you.” The Moderator stated, “I am sorry I did not see who was standing next; Lady at this microphone.” The speaker stated, “Michelle Langford, 5 Emma Lane, I think this particular property has cost the taxpayers of this town dearly. We have all paid for it, I’d like to know the exact amount that we have paid for it, after all was said and done. And I think everyone in this town should have free access to that property in perpetuity. I’m sorry I just think we’ve paid too much for it and I don’t think its right that we should rent it out, lease it out or do anything that restricts access.” The Moderator stated, “To answer the question about the price that was paid.” Jane Donahue rose and stated that she had a point of order and the Moderator asked her to state her point of order. Mrs. Donahue stated, “The point of order is that the article that was before us originally and the amendment placed before us are greatly different in scope and I’d like to have reading from counsel on that please.” The Moderator stated, “I’ll contemplate, I will ask counsel for a ruling on that, not immediately. I will discuss that with him. In answer to the question how much was paid for the property. The estimated total 1.55 million, to answer your question. We’re you the next speaker, sir. You have the microphone number two.” The speaker stated, “Alan Slavin, 36 Oak Street, Marine Resources Committee. We already have a committee that does that particular job right now. The Marine Resources Committee is about to bring before town meeting in the fall the new Harbor Management Plan and also the possibility of a new Harbor Management Authority, which will take into all aspects of what this particular discussion is about. Therefore, I suggest voting against this since everything is already in place and working along quite a bit. There’s no sense going backwards and starting from scratch when we already have about a years’ worth of work into it. And I can say we do expect to have something before town meeting in the fall. Thank you.” The Moderator recognized a gentleman at speaker number one, who stated, “Point of order Mr. Moderator, I wish to present John Bostwick, 6 Ruggles Street, I wish to present several slides to the body for the purposes of this amendment.” The Moderator asked if he had permission. Mr. Bostwick again stated, “Point of order Mr. Moderator I would like to show several slides to the body for the purposes of this amendment.” The Moderator asked if he had copies so that he could view them. Mr. Bostwick asked if he could get an extra two minutes as he had several slides to show the body so he could explain them in detail. At that point the Moderator viewed the slides and stated, “Sorry about that and Ladies and Gentlemen, just for your clarification those slides were presented to me, I did give approval. I did not recognize your name sir and for that I apologize. Matt, I did give you those slides earlier. Are you done typing? Okay you finish typing and Sir if you don’t mind could you step aside we’ll just continue the dialogue. We’ll continue the discussion and we’ll get to that. Who was next? Madame Selectman.” Mrs. Eckstrom stated, “Thank you Mr. Moderator. One problem with this, a previous speaker said that this beach should be open to all the residents. You’re absolutely right; several years ago, 2002, 2003 the town took this. It was undervalued in the assessment. We went back and forth that’s why it ended up costing so much. But it should be and we did use our community preservation funds for this for protection of open space. If we go into looking at other uses, changing it other than open space, the Town is going to have to pay Community Preservation back the money because we wouldn’t be able to use it as open space or it wouldn’t be deemed as open space if there isn’t a restriction on it or whatever. So I agree with the previous speaker to protect this as beach front. I mean we have fifty-four miles of coastline and it’s dwindling down as far as public beaches and I think that we just need to leave it as open space for the community to enjoy.” The next speaker stated, “Larry Gains from Pheasant Avenue. This is about money, and this piece of property was not meant for that. It was meant for most of the people’s use in the town as they needed it. There’s not enough public availability in this town and to see a consideration or lack of consideration for the taxpayers and for the more moderate income people and even those who are a little poorer to have a place to go to enjoy themselves in the summer. I don’t know, I’d be ashamed of myself, but I would vote against it.” The Moderator recognized a gentleman at microphone number two, and the speaker stated, “Thank you Mr. Moderator, Bob Brady, Precinct Six, I have to take comment with a couple of previous speakers that first of all a conservation restriction is pretty much what a community should

consider, but the community should play a part in the eventual uses of that property and I would encourage you to support the article, establish a committee made up of a pretty diverse sector of our volunteer and elected officials to come up with a plan that will best suit all of us. And by playing a part in that role hopefully those people, seven members you said, will be able to reach out to the greater masses and get as much input as possible as to what might be the desired uses for the property, instead of simply tying our hands and not allowing us to anything except possibly walk across the beach. Is there a greater use for one point five or one point six million dollars? Should our beaches have bath houses where you can maybe use hot and cold water to wash the sand and salt off before you get back in your vehicle? Should we have a men's and a ladies' room so that you might want to go to the bathroom versus a bouse house. Those are sorts of options that I think this community ought to entertain, with not just Swifts beach but bring back the use of that at Little Harbor. We have it over at Onset. Those are the assets that this community offers which provide us with additional revenue which we all know we badly need right now. I would say not tie the hands of this community and offer to work together to come up with a comprehensive plan not just a simple conservation restriction. Everybody needs to work at this. Thank you." The Moderator recognized a speaker at microphone number two. The speaker stated, "Eddie Pacewicz, Briarwood Beach. I'm not interested in a beach club, I'm not interested in a dock and this town meeting already voted. We voted for open space for Swifts Beach. We don't have to do it again. We've already done it once, and that's what the majority of the people wanted. Do we want to see a beach house there? Do we want to have access to that or are we going to open this up to everyone in the world? We voted; we spent our money to buy this for open space. We're not going to change now. I urge you to vote against this article, thank you." The Moderator asked Selectwoman, Jane Donahue if she was standing to speak on the merits of the article and she stated yes. He added that before she did, he recognized another speaker and stated that he was next. He stated, "On the ruling of the scope of the article. I have conferred with counsel. It is my ruling that the warrant article as printed and published notified the community that there would be a discussion at town meeting regarding a committee to research the potential uses, disposition of the property known as Swifts Beach property. And if you follow along with me in your warrants, I'm reading from the warrant, taken by the Town by eminent domain, and it seems to me that is what the public was put on notice. Although we did have a good debate and discussion about that; Counsel and I that is to say, and I really think that the public did not get sufficient notice that the motion might include other beaches in the community and what is also troubling to me is that the Onset Beach, as the amendment was proposed, is excluded and accepted. So I am going to rule that the motion can be, if you wish to amend it and since you made the original motion, you can withdraw your motion and make your motion to be consistent with what's printed in the warrant. The second portion is the same in either one. So I think it just that first paragraph that should be the subject of debate and a vote this evening. Again, and Matt if you could help me with this, it's specifically as printed in the warrant. So if you go back did you save that one, as printed in the warrant Matt? And if you would withdraw your motion and make your motion to be as printed in the warrant that would be acceptable to the scope of the article." Marilyn Donahue stated that her intent was to add the existing town owned property at Swifts Beach that's already....So this is going to be specific to what was taken by eminent domain?" The Moderator stated, "As was printed in the warrant, yes; known as the Swifts Beach property taken by the town by eminent domain. Do you have that up there Matt?" Mrs. Donahue stated, "Okay, I withdraw the amendment." The Moderator corrected, "You withdraw the motion? Who made the second, would you withdraw your second please." The person withdrew their second. The Moderator continued, "Okay, so the main motion is as printed, is there a second to the main motion as printed in the warrant. I heard a second. The Moderator then recognized John Bostwick. Mr. Bostwick presented several slides showing the property at Swifts Beach and how the property in question floods several times a year due to a full moon, high tide with winds or severe storm. Mr. Bostwick stated that he did not understand what the discussion was about. He added that the water rises two to three feet, sometimes up to Ruggles Street, but does not affect the houses. However, he added that if houses are erected

on that land there will be problems. The Moderator informed Mr. Bostwick that his time was up and he thanked the Moderator and the members of town meeting. The Moderator then recognized a speaker at the microphone number one. The speaker stated, "Nancy Miller, 6 Riplah Road, Onset, just for clarification Mr. Moderator, Onset was not included in that potential amendment because the Onset beaches are covered under the 1916 Decree. It's a very different set of laws for those beaches. I am currently Chairman of the Community Preservation Committee and so I would like to address a little bit about Swifts Beach for this body. First of all the money that you paid for that beach was the only money you will pay to use that beach. You will not be charged to go and use Swifts Beach. Anyone in the community of Wareham can use that. It's called according to the Department of Revenue double dipping if you use community preservation funds to purchase open space and then charge the citizens of the community to use it and so there is no intention of that. The gentleman that was just here with those pictures, I'd like those copies if I could. We are working on a conservation restriction and I firmly believe that Marilyn's intent with this article is to open dialogue so that the citizens of Wareham who have a specific idea or concern with this beach can be heard. I don't see anything underhanded with this, which is why I believe she tried to include other beaches because there's a lot of animosity with some towards this community preservation purchase. What we have done so far is we have been gathering baseline documentation as to what is important to preserve at that beach. What is important for us to protect. What you as the citizens of Wareham, what your children and their children should be and not be permitted to do out there. So far we know that off-road vehicles that are riding up and down that beach are horrible; their breaking the law. Dogs are a big issue." The Moderator informed her that her time was up and she asked for another minute. The Moderator stated, "Request to extend time for one minute to the speaker, all those in favor indicated by saying aye. All those opposed. You have one more minute." Ms. Miller continued, "Thank you. But what we're trying to do is make this beach as accessible and yet protected as we possibly can. We're not going to make everybody in the world happy with what has to go into the conservation restriction to protect the property but we're going to do our very best, and we will listen to any and all ideas. Community Preservation has partnered now with the Wildland's Trust of Southeastern New England as well as the Conservation Commission here in town to work out a very, very good restriction for that property. So I just want you to know that we are moving forward. I'm not going to recommend one way or another about the article and I think we're moving in the right direction. Thank you."

The Moderator recognized a gentleman at microphone number two. The speaker stated, "Bill Whitehouse, Gibbs Avenue, point of order Mr. Moderator." The Moderator asked him to state his point of order. Mr. Whitehouse stated, "Could you explain to the body why you disapproved the illustrations that accompanied the proponent's article?" The Moderator stated, "I'm sorry I didn't understand your question. Could you repeat your question, please?" Mr. Whitehouse stated, "Could you explain to the body why disapproved of the illustration that accompanied the proponent's article?" The Moderator responded, "I did not disapprove any illustrations. I did not receive any illustrations for my review. I was told by the proponent they were sent some time, was it this afternoon or earlier this evening, this afternoon. I didn't receive it. Any other discussion? Sir, microphone number one." The speaker stated, "Just real quick, Phil Verrier, Swifts Beach Road. Looking at what I'm seeing here, I couldn't really support what this, but what, I didn't catch your name. But anyway the amendment you had put sounded like a good idea to me. If we could something like that come back as an article back in the fall town meeting to open up dialogue to see what we could do for recreational and perhaps improving and enhance the beautiful beach front property we have, that would be really great, but this I couldn't really support because it looks like it really the way it reads almost aims toward building on that property, which I was at town meeting when we voted to preserve that as open space and would really like to see it stay that way. It doesn't need anything on it as far as buildings as far as I'm concerned. Thanks." The Moderator asked if there was any other discussion and then recognized a

gentleman at microphone number one. The speaker stated, "Dan Goodchild. Could I ask a question about the lawsuit?" The Moderator stated no that it was not within the scope of the article. The Moderator then recognized Donna Bronk from the Finance Committee. Mrs. Bronk motioned to move the question. The Moderator then called for the vote to move the question and it was unanimous. The Moderator then stated, "Ladies and gentleman you have the motion for favorable action. A vote for favorable action would pass the article as printed in your warrant. All those in favorable action please indicate by saying aye. All those opposed, the article is lost (majority). Article number sixty. Is the proponent of the article...Madame Finance Committee member?" Marilyn Donahue rose and stated, "Thank you Mr. Moderator. Article sixty states to see if the town will vote to amend the bylaws..." The Moderator asked if she had a motion and she responded, "The Finance Committee moved no action to amend the bylaws of the town of Wareham, Division One, Article One, Town meetings by adding held in the Wareham high school auditorium in the third paragraph of section one the entire sentence will be changed as follows, from the general business portion of the spring and fall town meetings shall be called to order at 7:00 p.m. and shall not adjourn not later than ten o'clock p.m., except the meeting may be continued beyond ten o'clock p.m. by a two thirds vote of those present and voting, to the general business portion of the spring and fall town meetings shall be held in the Wareham high school auditorium and called to order as written above." The Moderator stated, "Is there second, second, discussion. All those in favor of no action please indicate by saying aye, all those opposed. It passes by a majority. Ladies and gentlemen that completes our business. A motion to dissolve is in order." The members yelled out "so moved." The Moderator continued, "Motion made, is there a second, (several people call out second), all those in favor of dissolution of this town meeting, please indicate by saying aye, all those opposed. It is unanimous. Thank you as always Ladies and Gentlemen for your participation. If you are interested in serving on any committees or commissions, you can go to the website or you can contact the Board of Selectmen. See you in the fall. The meeting adjourned at 8:17 p.m.

Respectfully submitted,

Mary Ann Silva  
Wareham Town Clerk