COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

NOVEMBER TOWN MEETING

Memorial Auditorium
Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR: David T. Vieira
TOWN CLERK: Michael Palmer

Tuesday, November 7, 2017
7:00 p.m.

Tinkham Reporting Service
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### SPECIAL TOWN MEETING

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THE CLERK: Okay, all Town Meeting Members, make sure you have your response card voting device that you’ve checked in, and make your way to the Town Meeting member section in the front of the auditorium.

Tonight, we’re going to reconvene the Annual Town Meeting. We left last night on Article 11; we’ll reconvene on Article 12 tonight.

[Pause.]

THE MODERATOR: Okay, before we start Town Meeting, are there any Town Meeting members present tonight that were not present last night and have not been given a briefing on how to use the response card? Just your hand if you were not here last night and don’t know how to use the card.

Nick, you better know how to use it, because you were on the committee that — [laughs].

But, raise your hand if you’re not sure how to use these things yet. Anyone?

Okay. Okay, I know Mr. Palmer briefed
a couple folks already. So everybody’s good this evening to begin using the response cards. Now’s your chance. Okay.

[Pause.]

THE MODERATOR: Okay, I remind all Town Meeting members to give your name and precinct each time you speak, for the record. I want to thank FCTV for broadcasting Town Meeting live.

At this time, we’ll establish a quorum by opening a poll for the quorum.

Rob, would you prepare a quorum call.

The polls are now open for a quorum.

All Town Meeting members present please press 1A on your response card.

[Pause while electronic quorum scrolls.]

THE MODERATOR: Okay, the polling for the quorum is closed. With 184 members present we have a quorum and I call the Annual Town Meeting back into session.

Would all Town Meeting members present, would all present, please rise for the Pledge of Allegiance.

[Pledge of Allegiance taken.]

THE MODERATOR: I’ll recognize Scott
MR. THRASHER: Lord, when it comes to meeting and communicating with each other, help us be good listeners. Help us to be open minded, putting aside our own agendas. Help us to be honest without being insensitive. Help us to be respectful, without being too formal or artificial. Help us to question and to challenge without being harsh. Help us to be aware that this is just one moment, just one meeting. And lastly, help us to remember that you, too, are always meeting and communicating with us. Amen.

THE MODERATOR: Please remain standing for a moment of silence. And, as we reflect on the most recent national tragedies, the families and loved ones that are affected by those senseless acts of violence are in our thoughts tonight.

[Moment of silence held.]

THE MODERATOR: You may be seated.

Okay. Article 12 is where we left off last night. Mr. Keefe.

Can we have a microphone to my left,
please.

MR. KEEFE: Brian Keefe, Precinct four.

Mr. Moderator, I’d like to put forth a motion to reconsider Article 6 on the grounds of new information related to the property owner’s interests and how they were under-represented in the previous discussion. The original plan for the property was not presented as part of the discussion on Town Meeting floor, as well as how the Planning Board arrived at the decision to adjust the zoning for that piece of property.

THE MODERATOR: Okay, this is a motion to reconsider Article 6. This is the rezoning on Central Ave. The petitioner and a representative were here last night, but did not rise to speak on the Article and they had information that they had wished to put before Town Meeting.

So I’m going to let Town Meeting decide this on the motion to reconsider.

All those in favor of reconsideration of Article 6, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed no.
[No.]

THE MODERATOR:  Rob, you want to get the poll ready?  The Chair can’t determine a majority on this.

All those in favor of reconsideration will press 1A.  All those opposed will press 2B once the poll is open.  This is on the motion to reconsider.

The polls are now open.  If you wish to reconsider, vote 1A.  If you do not vote to reconsider, press 2B.  If this motion passes, then the main motion will be placed on the floor.  So you’re just voting on the procedural motion of reconsideration.

[Pause while electronic voting scrolls.]

THE MODERATOR:  Okay, the polls are closed.  By a counted vote of 91 in favor and 101 opposed, the motion to reconsider does not pass and we’re on to Article 12.

Mr. Latimer.

MR. LATIMER:  [No mic: inaudible.]

THE MODERATOR:  Can we get a microphone for Mr. Latimer, please.

MR. LATIMER:  It’s a point of order but
it’s also a question. I voted “No”, so shouldn’t my name have appeared in brown?

FROM THE FLOOR: No.

THE MODERATOR: No, no. Once you cast a vote, it turns green, saying that you’ve communicated your vote.

MR. LATIMER: Oh, okay.

THE MODERATOR: Those that are in the darker colors, those are folks that did not cast a vote.

MR. LATIMER: All right, thank you.

THE MODERATOR: Yes.

MR. LATIMER: Another question: does that door need to be open?

THE MODERATOR: That’s a point of personal privilege, are you cold?

MR. LATIMER: Yes.

THE MODERATOR: You’re cold. Okay, yeah. Could we – we’ll close the door until I get hot, and then we’re going to open it again.

Okay, Article 12. Madame Chairman for the main motion on Article 12. Chairman of the Board of Selectmen.

CHAIRWOMAN MORAN: That the Town vote Article
THE MODERATOR: As printed. This is to delete the section in the Code of Falmouth dealing with the beaches and adding Article 7, Beach and Park Regulations. So the main motion is as printed.

We have an opening presentation on this.
Do we have a presentation or are we just going to discussion? Okay, discussion.

Mr. Netto.

MR. NETTO: I’ll make it quick. Good evening, ladies and gentlemen, Joe Netto, Precinct nine.

Whoops. The button in the middle, right? While home today, something ran through my mind, and before I get talking about this I just - you know, last night we had a couple of those real good articles as Town Meeting members; makes us feel good. It came up again to start the evening. Zoning, rezoning property, and neighbors got up and asked us not to, and we voted those changes down and we protected our neighbors.

I’m asking you tonight to take a good look at Article 12. As I said last night, it’s not needed. The process in this whole discussion of, you know, the sign that went up and how it went up, fine, but the process is there in the Charter in our form of
government.

Whoops. These are out of – to start off with, if you look at Article 12, this is what it gets rid of. The very first line, check your warrant book, we get rid of Section 87-3. So we’re getting rid of a bylaw that was passed in 1964 by this legislative body. I see no justification to do that.

We – I know the beaches are closed right now. So we’re not worried about anybody having a softball or baseball game down there, but I’m confused as to why that’s the opening line in this article.

The Charter as it stands created committees that came under the Board of Selectmen, and this Beach Committee, under Article 12, would basically be void of any function. Read the article and it’s asking you that the Selectmen are going to hold hearings and develop rules and regulations. They’re in charge of policy, that we’re all in agreement with. What would the Beach Committee do if we passed Article 12? I think, by doing nothing, we do something.

When the Superintendent of Beaches came to this podium last night, he told you something. He said, “Yeah, I realize we can’t do this at every beach. Some of the beaches don’t even have any space.” I defy you to find a place to sunbathe at
Menauhant West on a high tide; there’s no more beach there. It’s literally gone.

I think through the winter, if we defeat this, the message is clear. And there are people who want some type of athletic activity other than sunbathing, if that’s an activity. And rightly so.

But let’s go through the process, as I said last night, of the public having input.

Every one of these beaches is a neighborhood beach. I think we would find, certain beaches, there’s no room. Or the beaches, if there’s room, there might be a designated area. I don’t know.

That’s for the Beach Committee and those of you who feel strongly one way or another to attend and have your public input. Then, according to the Charter, under C-7-12, the Beach Committee would make those recommendations to the Selectmen, who are the only body in town that can create policy.

I told you I’d be short, and I am. By doing nothing, by defeating this Article 12, we will send a message that we want this fixed the right way. Because technically - and I will stretch this a little bit. I’m not being paranoid, but literally we are coming close to changing the Charter.
Whoops, excuse me. Well, we’re not getting rid of the Beach Committee, but we’re basically taking their function away. And I’d like to remind you that, built into the Charter, is a mandatory seven year Charter Review Committee that is formed every seven years to look at this. It’s a fluid form of government. It’s built into the first charter, and that Charter Review Committee makes reports and says, “Change this”. It asks for our input, what should be changed, and the process is there. Let’s solve this problem the correct way.

Thank you.

THE MODERATOR: Mr. Johnson. Microphone to my right.

MR. JOHNSON: Leonard Johnson, Precinct five.

I read in the warrant that this article is proposed by the Board of Selectmen. I would hope that when the Selectmen propose an article they could explain to us why they think we should pass it.

Thank you very much.

THE MODERATOR: Yes. Mr. Brown.

SELECTMAN BROWN: Hi, Douglas Brown, Precinct nine. I’m the Beach Committee liaison for the Selectmen.
So I’ve attended all these meetings this past year and the Beach Committee is doing an excellent job managing this situation. The Falmouth Heights people have been coming to the meetings asking for changes. The Beach Committee has been reacting, they’ve been responding and they’ve been offering a solution. They’ve got a chain of command set up to deal with the problems. They don’t have any actual complaints. The complaints all come at the end of the season after the fact. We don’t have any complaints on log from the residents.

They’ve asked – they’ve given out cell phone numbers. Don Hoffer gave out his cell phone number. Bruce has given out his cell phone number. They’ve asked, if there’s any problems, speak to the lifeguard. If the lifeguard can’t handle it, they’ll speak to the head lifeguard. If that doesn’t work, they’ll call the Beach House, and if that doesn’t work, they’ll call the police. And nothing’s been happening.

The Beach Committee discussed this sign issue when the neighborhood kept pushing the issue and saying, “The signs say this, the signs say that.” So they looked into what’s on record. What’s on record is no ball playing, no softball. It’s not very – you know, it doesn’t really do much. So they discussed
the idea that maybe the signs shouldn’t be, you know, misleading. Because those rules that were on that previous sign were not really in place.

So they did discuss it at their meeting. They took their vote and they sent their message to the Selectmen that this is what they were going to do.

I think what we have here in Article 12 really affirms the process that’s already in place which, contrary to some people’s belief, I believe is working. And I don’t think we’re taking anything away from the Beach Committee. This just affirms that when the Beach Committee makes a decision, they’ll send it to the Selectmen just like any other Committee does and we sign off if we agree. And if it’s something that we just can’t agree with, then maybe we’ll rethink it and ask them to, you know, reconsider. But basically what they suggest is what we go with unless there’s some reason why we can’t.

So, I don’t see any harm in Article 12. So I don’t know why we would not vote it.

MR. DUFFY: I’m Frank Duffy, Town Counsel. I drafted this article and submitted it to the Selectmen at the request of the Town Manager, with the knowledge of the Board of Selectmen.
As you know, last night we debated Article 11, which was a petitioner’s article and it contained a proposed bylaw for the beaches. The Selectmen wanted to have an alternative. They understood, and through the Town Manager informed me that they understood this and there were issues on the beaches that needed to be addressed. So I proposed this article which would authorize the Board of Selectmen to adopt rules and regulations for the beaches and the parks, too, because the same issues, by the way, exist in the parks.

The Board of Selectmen is the appropriate authority to promulgate rules and regulations in the Town of Falmouth. They already do it for a number of other activities. As pointed out in the explanation, they promulgate rules and regulations for alcohol licensing, mooring, shellfish, there’s taxicabs and there are probably some others that I couldn’t remember.

The deletion of Section 87.3 that Mr. Netto pointed out was not to allow the indiscriminate playing of ball on the beaches, it was to give the Board of Selectmen a clean slate so that when they approach Beaches and try to adopt rules and regulations, they can include every activity that’s there that comes to their attention. And I would
assume, and I – I presume that if they have the
authority to promulgate rules and regulations, they’re
going to address ball playing.

SELECTMAN JONES: Mr. Moderator.

THE MODERATOR: Mr. Jones.

SELECTMAN JONES: Also, to respond to
Mr. Netto’s concern about 87.3, I just want to
let you know that 87-1 has to do with the
prohibition of fires on the beaches and there was
no intent to change that bylaw. 87.2 is the
prohibition of smoking and alcohol on the
beaches, and we do not want to change that
regulation. 87.3, the only thing it mentioned
was the ball playing and softball playing. 87-4
is dogs on the beach. 87.5 are the hours of the
beaches. 87.6 has to do with littering. 87.7
is water craft on beaches. And 87.8 is the
parking. 87.3 was the only one that dealt with
activities that were going to be allowed on the
beach or be changed that would be promulgated
under the rules and regulations given to the
Board of Selectmen and that’s the reason why 87-3
was the only one that was being deleted.

THE MODERATOR: Okay, Ms. Moran.
CHAIRMAN MORAN: And just to add to what Doug said, the section that discusses recommendations from the Beach Committee will be followed is C-7-12; that also was not changed.

THE MODERATOR: Okay, Ms. Lichtenstein.

MS. LICHTENSTEIN: Lesley Lichtenstein, Precinct eight. I have a question.

What we’re doing is we’re deleting a bylaw. We’re not putting a new bylaw in place? There will be no bylaw that covers rules and regulations – this – of playing on the beach. It now becomes a rule? Or is this a bylaw that’s going to be generated by the Board of Selectmen?

THE MODERATOR: No, the Selectmen would issue rules and regulations under the bylaw. So this article creates the little bylaw that allows them to issue rules and regulations on the beaches. So those rules and regulations of beaches will not be in the bylaws of the Town, they will be regulations.

MS. LICHTENSTEIN: I see. Because in the past, everything that has to do with the beaches, the dogs and fires and things like that, were bylaws and did come before Town Meeting to be passed.

Is there a reason why it will not come
before Town Meeting to be passed?

THE MODERATOR: Yes, Mr. Patterson.

MR. PATTERSON: I think what this is doing is giving us a little more timely response. I mean, now we have drones flying around. As --

FROM THE FLOOR: Can’t hear you.

MR. PATTERSON: I’m sorry. I think this gives us a little bit of an opportunity to respond more quickly rather than having to wait for a Town Meeting to actually change the bylaw. You know, this is something where recreational things like Ultimate Frisbee discs, drones, show up that haven’t been there before and aren’t covered by the language of the bylaw. Now, do we have to wait until Town Meeting before we actually change the rules?

I think this just gives the, if you will, the rule changing option to the Selectmen to respond in a more timely manner. It’s up to you to decide if that’s a control that you want to invest with the Selectmen.

THE MODERATOR: Okay, Mr. Herbst.

Microphone to the right, please.

MR. HERBST: Ralph Herbst, Precinct
eight.

The very last line under the explanation says that the Board would hold a hearing to solicit public input before adopting or amending the regulations. So I don’t understand Mr. Netto’s concern about not having public input.

THE MODERATOR: Okay, Mr. Alliegro.

MR. ALLIEGRO: Mark Alliegro, Precinct seven.

I would just like to respond to a couple of these supporting statements that I heard a couple of minutes ago. First I heard that the system is working fine as it is. So I’m not sure why we need to change it. And the second thing I just heard was that this will allow us to respond more quickly and not have to wait for Town Meeting. But we have to wait for Town Meeting for so many other things because that’s what’s built into the Town Charter.

So I don’t understand why we should have this creep to – no personal attacks, here. To have this mission creep and short-circuit Town Meeting.

THE MODERATOR: Okay, Mr. Alphonso.
MR. ALPHONSO: Phil Alphonso, Precinct nine.

The only issue I have the way this is written here and would be sort of what Mr. Herbst just pointed out. Mr. Netto made a good point that the Beach Committee, they’re allowed to do what they do and shouldn’t have Town input on top of them. I sat home last night and watched Town Meeting and I watched more than a couple of you stand up and say, “Why are we here?” It seems to be ineffective if this happens.

I think the Beach Committee is really ineffective and shouldn’t even be in place if there is public input involved. I think as long as under the explanation line you strike that last sentence that Mr. Herbst just mentioned, put the faith in the Beach Committee as well as our Selectmen. When you have bad brakes, you go to the brake place. When you have a bad muffler, you go to the muffler shop. I think our Beach Committee has been a fantastic job. We really shouldn’t be focusing on a solution for a problem that doesn’t exist. Thank you.

THE MODERATOR: Okay, Mr. Netto.

Tinkham Reporting
MR. NETTO: Yes, I’d like to answer the previous question about the open meetings and the public input from — been two different speakers.

I would think that the Board of Selectmen have more on their plate that they can do than to not let the Beach Committee do this. So every change is going to be at a Selectmen’s Meeting and that’s where the public input is going to be? I was trying to lighten your load, and you want to have more work.

You have meetings that end at eleven and past at the end of the night. You know, the agendas are so long. I know you’re making an effort to try to meet more. I was going to address that in my presentation; I said, “No, let it go.” That’s one of the things I dropped off.

But, no, public input is paramount and how democracy works. Keep it like it is. Vote down 12 and you bring it up at the level of the Beach Committee.

You vote for this, you’re giving a board more work to do, more tie-up of Town. You want to be talking about playing Frisbee or do you want to talk about how to balance the budget?
How to stay within the confines of Proposition 2 ½. How to make sure we get clean drinking water.

Those are the - Mr. McCaffrey got up; I said, "Thank God you made people aware that our coastline is disappearing." That’s probably the most major issue that we’re going to deal with, the coastal - the beach, Menauhant, the beach that I laid on is in the ocean. The road that I rode my bicycle on is in the ocean. Those are the things you should be discussing. Not whether we’re going to play Frisbee.

No offense, that’s at a level, that’s why we have committees. Thank you.

THE MODERATOR: Okay, Mr. Hargraves.

MR. HARGRAVES: Peter Hargraves,

Precinct nine.

Through you, Mr. Moderator. I appreciate the explanation about the response time being lower for rules run according to -

FROM THE FLOOR: Can’t hear you.

MR. HARGRAVES: Sorry. I appreciate the - both sides of the argument, really, and the response time being faster for rules and
wondering why something like this would be in a bylaw. But, to help me make my decision, I’d appreciate if someone could explain whether there’s a difference in the power or enforcement of a rule, as it would be promulgated under this article, versus a bylaw, in terms of how we would bring it into practice and whether there would be penalties and who we can call upon to enforce it and any other differences. Because the two things are being positioned here as essentially accomplishing the same thing. And it would help me to understand whether they are in fact the same or whether they’re different in some technical way that has to do with a law and enforcement.

THE MODERATOR: Mr. Duffy.

MR. DUFFY: It’s Frank Duffy, Town Counsel, again.

Regulations are basically the same as bylaws; they cover the same subjects; they’re enforced by the same people. As Mr. Hargraves questioned, then it was pointed out by Mr. Patterson, the time for amending a regulation is relatively short; it can be done on a couple of
weeks notice. A bylaw has to be approved by a Town Meeting; they have to have it on the warrant, it goes to the Attorney General for approval; it’s a much more cumbersome process. The enforcement is done by the same people and it’s basically the same.

FROM THE FLOOR: Question, question.

THE MODERATOR: Yeah. Answering the question or do –

CHAIRWOMAN MORAN: Yes.

THE MODERATOR: – you want to be on the speaker’s list?

CHAIRWOMAN MORAN: On the question.

THE MODERATOR: Okay.

CHAIRWOMAN MORAN: With respect to the 87-3, the playing of baseball or softball on said public beaches is prohibited. That is the only regulation that would be changed. If the regulation is changed today to allow the Selectmen the flexibility to have a hearing to hear recommendations by the Beach Committee - the Beach Committee are the boots on the ground. They’re the front line that hear the complaints, that study the issues, that see whatever it is.
Whether it’s a tent and maybe that’s impeding upon a person’s enjoyment of the view.

The beaches, particularly in Falmouth, are huge economic driver. They are part of what we all enjoy in terms of our town, our leisure, our kids, our visitors. The beaches are an important issue for folks. This change will allow us to respond more immediately and with more public input, and we won’t have folks who perhaps disagree, saying, “Well, gee, it only says softball, so I’m not going to comply.”

This is something that will provide notice that it’s not just softball or baseball. This is something that’s it’s essentially going to be a living regulation, that the Beach Committee can work with, make recommendation to Selectmen, and there can be a hearing for both sides of the issue.

I hope that helps.

THE MODERATOR: Mr. Walker, you’re on my list if you want to have a seat.

But all Town Meeting members need to be up front, here, in front of the roped-off aisle.

So if you are a voting Town Meeting member -- I
see some red lanyards behind the Town Meeting section. I need you all to find a seat somewhere in the front.

Ms. Braga.

SELECTMAN BRAGA: Thank you. Not to belabor the point, but I just want to point out that the reason that this is before us is because we have an outdated bylaw that was written in the 1960's and was extremely limited and has been the subject of a very lengthy debate about what's allowed at our beaches.

So, this article is an attempt to be responsive to the concerns of a number of citizens and to be able to be dynamic.

Our beach - the circumstances at our beaches are ever-changing. Menauhant is going to be a different place this coming summer than it was in years past. Different beaches have varying degrees of usage depending on, each year, what the coastline looks like, what our tourist season looks like.

This allows the public input, again the input from the Beach Committee. Nothing here is diminishing what they do; it is allowing the
public and the Beach Committee to give input as
normally would be the situation. The public can
certainly go to every Beach Committee meeting and
give their input.

This is trying to remedy what is an
outdated and restricted bylaw, one small piece of
it that deals with activities on the beach, so
that we can be responsive to the concerns we
heard last night and some of the concerns we’ve
heard tonight, and be able to be fluid enough.

I understand – and, Mr. Alliegro’s point
is well taken: what this body does, what Town
Meeting does, is crucial. This is a situation
where it may be that we – the rules and
regulations may need to shift partway through a
season before Town Meeting. Again, depending on
what we’re seeing at a particular beach. That’s
what this allows. It doesn’t disenfranchise the
Beach Committee. It doesn’t take away their
power. It simply remedies what has been a
problematic bylaw for a long time.

That bylaw was extremely limited. It
said “softball and baseball”. We are well
beyond that with the activities that take place
at the beach. That is the sole goal of this.

It’s not a power grab.

Yes, we have many important things to talk about, Mr. Netto, but our beaches I think are also extremely important to this community, which is, I think, evident by the debate we’ve had over the last two nights about this issue.

So I would hope that you would support it.

THE MODERATOR: Okay, Mr. Walker.

MR. WALKER: [No mic: inaudible.]

THE MODERATOR: With a microphone, please.

MR. WALKER: Thank you, Mr. Moderator, Grant Walker, Precinct three.

Of all those bylaws or rules that were listed about fires and dogs and litter and so on, could somebody explain why is it that softball and baseball, that number 3, is the one that’s being deleted? Thank you.

THE MODERATOR: Mr. Duffy.

MR. DUFFY: Frank Duffy. As I explained earlier, the genesis of this article was basically to give the Selectmen an
alternative to Article 11 which you voted on last night. Article 11 seemed to talk about balls and thing flying around and so on and so forth, so it seemed kind of logical to address it by deleting 87-3 and leaving the others in place. But it’s mainly because the context or the content of Article 11.

FROM THE FLOOR: Question.

THE MODERATOR: Okay, Ms. Putnam, something new?

MS. PUTNAM: Rebecca Putnam, Precinct nine. I’d like to call the vote.

FROM THE FLOOR: Yes.

THE MODERATOR: Okay, we have a motion to close discussion; this requires two-thirds. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the Chair that the ayes have it and the question is called.

The question will come on Article 12, the
main motion as printed. All those in favor, signify by saying aye.

[AYE.]

THE MODERATOR: All those opposed no.

[NO.]

THE MODERATOR: Rob, you want to get the poll ready.

FROM THE FLOOR: [NO MIC: INAUDIBLE.]

THE MODERATOR: No, we already – SELECTMAN JONES: [NO MIC: INAUDIBLE.]

THE MODERATOR: No, you have to set the method of voting prior to voting, and so we did a call of the ayes and nays, and when I can’t do that, we automatically go to a majority vote.

SELECTMAN JONES: [NO MIC: INAUDIBLE.]

THE MODERATOR: As I said last night, yeah, the method of voting needs to be fixed before the completion of the debate of the article and the first vote is taken.

SELECTMAN JONES: [NO MIC:] Thank you.

THE MODERATOR: So, Rob, we got a poll ready for this one? So, all those in favor of Article 12 as printed will press 1A. All those
opposed will press 2B.

The polls are now open and will be open for one minute.

[Pause while electronic voting scrolls.]

THE MODERATOR: Do you have a point of order?

Let the poll run.

What’s the point of order?

FROM THE FLOOR: Is this a two-thirds vote?

THE MODERATOR: No, it’s a simple majority. It’s a general bylaw. Quantum of vote is a simple majority in a general bylaw.

[Pause while electronic voting scrolls.]

THE MODERATOR: Okay, the polls are closed. The results are 133 in favor and 66 opposed. The bylaw passes.

Article 13. Article 13 is dealing with Revolving Funds.

Madame Chairman of the Board of Selectmen for the main motion.

CHAIRWOMAN MORAN: Move Article 13 as printed.

THE MODERATOR: As printed. This is
Chapter 137 Revolving Funds. This was held by Mr. Noonan.

Mr. Noonan, you want to release your hold?

MR. NOONAN: [No mic:] Release the hold, yeah.

THE MODERATOR: Release the hold. Is there any further discussion on Article 13?

Hearing none, then the question will come on the main motion as printed. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 17. The Board of Selectmen for the main motion.

CHAIRWOMAN MORAN: We move Article 17 as printed.

THE MODERATOR: With the following addition?

CHAIRWOMAN MORAN: Ag is making an amendment, right? Okay. They’re going to -
THE MODERATOR: Okay, Ms. Schwalbe, you’re going to make the main motion?

Okay. I know there’s some additional language from what was originally printed in the warrant, okay.

MS. SCHWALBE: So how do I phrase this, guys? As an amendment?

THE MODERATOR: No, no this is the main motion. I need a main motion on the floor.

MS. SCHWALBE: All right, so read it as is? Okay.

Oh, I’ve got the original. Sorry.

So I move that the Town vote to accept Massachusetts General Laws Chapter 40, Section 8L to establish an Agricultural Commission or act on anything thereon.

And then – no, all right. Oh, all right, the amendment. Or is this a new?

THE MODERATOR: It’s not an – so, let’s just get –

MS. SCHWALBE: All right, that’s why I’m confused, okay. Good.

THE MODERATOR: – this right. So this is what’s happening: we’re going to add a
sentence to what’s printed in your warrant booklet.

MS. SCHWALBE: All right, so it’s not an amendment.

THE MODERATOR: But this is going to be placed on the floor as the main motion.

MS. SCHWALBE: All right, thank you.

THE MODERATOR: Okay? So the main motion is –

MS. SCHWALBE: Sorry about that.

THE MODERATOR: – what you see in your warrant booklet of up to “establish an Agricultural Commission”, and we’re going to add the following language.

MS. SCHWALBE: Consists of – that the Town establish an Agricultural Commission consisting of seven members to replace the Agricultural Commission established by Article 35 of the April, 2005 Annual Town Meeting and the current members of said commission shall continue to serve as members of this new commission until their current terms expire.

THE MODERATOR: Okay, so we’re accepting the statute for Agricultural
Commissions and we’re setting the membership at
seven and allowing the folks that are there to
continue to serve until the end of the term.
That’s the main motion.
Okay.

FROM THE FLOOR: Do you have it in
writing that we can see up on the wall?

THE MODERATOR: I’m told it’s not in
the computer to be put up on the wall.

So, again, it’s to accept Massachusetts
General Law establish an Agricultural Commission
consisting of seven members to replace the
commission that was established in the 2005 Town
Meeting, but that current members of the
commission shall continue to serve as members of
the new commission until their current term
expires.

Okay, do we have an opening presentation
on this?

MS. SCHWALBE: [Inaudible.]

THE MODERATOR: So discussion is open
on Article 17.

Ms. Connolly.

MS. CONNOLLY: Hello? Hi. Annie
Connolly, Precinct six.

So, I have two questions about this. Are the seven members going to be appointed by the Board of Selectmen or elected? And then, secondly, is there going to be any sort of staff support designee from the senior Town management?

MS. SCHWALBE: We will still be an appointed board as we are now, and at this point we have not asked for staff support or any budgetary line items. That is something that we would talk about as a commission and bring to the Selectmen.

This is a fairly new bylaw, a year old today. So how this works for the Town will be something we will be figuring out.

MS. CONNOLLY: Okay, thanks.

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

SELECTMAN JONES: Doug Jones, Precinct one.

Just to clarify: the Agricultural Commission was established by a Town bylaw many years ago and the Commission has been operating as a board-appointed group. The Massachusetts
passed a law establishing Agricultural Commissions and we are now going to be using the Massachusetts law to create this commission instead of the Town bylaw, and that’s the only effect that’s happening. It’ll be the same people doing the same job, just working underneath the Massachusetts General Law instead of under the Town bylaw.

THE MODERATOR: Okay, Mr. Noonan.

MR. NOONAN: Just wondering - John Noonan, Precinct six.

Just wondering what the difference is. Why the Massachusetts law; how does that affect the changes?

MS. SCHWALBE: The Municipal Agricultural Commission established by state law acts more like the Conservation Commission. It gives us a long list of abilities that we did not have before: to have a budget, to ask for grant money, and the ability to hold land.

So, I have the text available. It’s about two pages and I’m happy to share it if anyone would like to take a look at it. We don’t have it for the screen, unfortunately.
THE MODERATOR: There is a summary under the explanation of the powers granted under the state statute in the warrant booklet.

Yes, Ms. Peterson.

MS. PETERSON: Hi, Laura Peterson, Precinct three.

My question is: it looks like it grants powers to purchase land and I wonder where that funding would come from.

MS. SCHWALBE: So, just like we have applied this year as the Conservation Commission for a land grant, that ability is also granted to these types of Agricultural Commissions. So we would be able in the future to apply for grants from the state. We don’t have — we’re not a non-profit. We don’t have any other powers, but any commission or organization that could apply to the state from a Town, a municipality, the Agricultural Commission will be able to do that.

MS. PETERSON: So if something — if you wanted to purchase something and we needed funding from the Town, that would still come back to Town Meeting --

MS. SCHWALBE: Absolutely.
MS. PETERSON: - and be voted.

MS. SCHWALBE: Yeah.

MS. PETERSON: Thank you.


MS. ALLIEGRO: Mary Ann Alliegro, Precinct seven.

My question is, through the moderator to Mr. Jones, you mentioned it is to go along with the Massachusetts General Law now. Is this something that the Town of Falmouth has to do by law, to now - does our Commission now have to comply with Massachusetts law because there is one now?

THE MODERATOR: No, it’s only to grant them the authorities that the statute now allows them to have. So you’re accepting a statute which is a local option, and then it grants them the authorities to be able to do the things that were just listed. Without that, they don’t have the authority to do that. You have to accept the statute in order to give them that authority.

Mr. Noonan.

MR. NOONAN: John Noonan, Precinct six.

Is this a two-thirds vote because we’re
eliminating a bylaw?

THE MODERATOR: No. No, it’s general bylaw and then you’re accepting an act of the legislature.

Ms. O’Connell.

MS. O’CONNELL: Yes, Maureen O’Connell, Precinct four.

I’m wondering as this proposal comes up and repeatedly referring to the Conservation Commission, it’ll be sort of like a Conservation Commission, but is land that you might acquire, the Conservation Commission acquires it to conserve it; are you going to - would it be that you are acquiring it to farm it? Or conserve it for - for future - I mean, I’m wondering what would be the point of conserving agricultural land if what - what’s the goal?

MS. SCHWALBE: It would be for farm -

MS. O’CONNELL: Immediate farming or down the road farming?

MS. SCHWALBE: Or down the road farming, exactly. We would not -

MS. O’CONNELL: So you’d be conserving
land with the thought that at some point we might
- somebody might be using it for agricultural
purposes?

MS. SCHWALBE: Yes.

MS. O’CONNELL: But not immediately?

MS. SCHWALBE: Yeah. We can do that,
yes.

MS. O’CONNELL: So it’ll be more like
another Conservation Commission.

MS. SCHWALBE: Well, we don’t have the
regulatory powers of a Conservation Commission, but
we would be able to have care and custody under
the supervision of the Selectmen.

MS. O’CONNELL: Thank you.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Richard Latimer,

Precinct one.

I understand that this commission would
not have the regulatory powers of the Conservation
Commission, but my question is, under the statute
does this commission have any exemption from
requirements with the Conservation Commission. In
other words, can it do with its land such as what
the power company does with its easement, just do
what it wants in the wetlands areas? Do I have an answer to that question?

THE MODERATOR: Can you restate the question?

MR. LATIMER: Well, does this – when this commission acquires land, agricultural land, is it going to remain subject to regulation under the Conservation Commission’s wetlands regulations, or is it exempt? For example, Eversource will go into, through its easement, will go across a lake and will just go right down to the water’s edge and clear everything. So, without –

MS. SCHWALBE: I think I’d have to defer to Ms. McKay, from the Conservation Commission.

THE MODERATOR: Ms. McKay.

MR. LATIMER: It’s just a question.

MS. SCHWALBE: Yeah. No, it’s fine.


Mr. Latimer, it would depend. It would depend on the current use of the property and if the property were not currently a farm and would like to be turned into agricultural land in the
future, the Conservation Commission may have a regulatory role. It would really depend on the current use of the property and the future use. And we would have to review that when the time comes.

THE MODERATOR: Okay, the question will come on the main motion that was presented. This is to accept the general law for the Agricultural Commission to consist of seven members and to allow the folks that are on there to serve until the end of their current terms.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority.

MS. SCHWALBE: Thank you.

THE MODERATOR: Article 19. This is dealing with the Coonamessett River. The recommendation of the Board of Selectmen is indefinite postponement.

Mr. Duffany.
MR. DUFFANY: Mr. Moderator, ladies and gentlemen, Town Meeting, my name is Michael Duffany. I’m a Precinct member of Precinct six.

Before I say too much, I want to make it clear that I stand here tonight with – well, with many of the hats that I wear. I stand here as an individual citizen that’s making an attempt to help a group of people that have a very severe concern.

That said, I would like to move that an ad hoc committee to be known as the Coonamessett Cranberry Farming Heritage Committee be appointed by the Town Moderator. Said committee shall include one member each from the Conservation Commission, Agricultural Commission, Historic Commission, Falmouth Chamber of Commerce and a member of either The 300 Committee or the Community Preservation Committee. The committee shall be charged with exploring the feasibility of commemorating cranberry cultivation in the Coonamessett bogs, to include options for a place for cranberry growing separated from the river, vista preservation and other recognition of the agriculture and cultural heritage of the bogs.
The committee shall not explore the feasibility of farming in the Lower Bog. The Committee shall report to Town Meeting – back to Town Meeting in April of 2018.

And then there is –

THE MODERATOR: Mr. Duffany, can you hold on for one moment?

You have a PowerPoint for Article 19, correct?

MR. SEGRIN: [No mic: inaudible.]

THE MODERATOR: The one in favor of Article 19 should have this slide that has the language?

MR. SEGRIN: [No mic: inaudible.]

THE MODERATOR: Ann Sears, the one that’s in favor of it, and it has the main motion?

Okay, this is the language of the main motion. So the main motion as presented by Mr. Duffany is to move to appoint an ad hoc committee and it talks about who will be on it, what it will do, and when it will report back to Town Meeting. So that’s the main motion.

MR. DUFFANY: And then I just want to
offer an explanation to complete this. As you see in your warrant, there are explanations for all the articles, so they - the explanation for this is that much has changed in the landscape of the Town-owned bogs. We have it up on the screen. At the Town owned bogs since the original compromise in 2005. The farmer who was to be an integral part of the original plan for the compromise is no longer here. Organic farming was too challenging for a second farmer. The bogs looked abandoned.

That being acknowledged, supporters of this article believe that the Town can still keep the spirit of the 2005 compromise without impeding river restoration, by exploring where and how cranberries can be grown in the historic Coonamessett Bogs as a representation of Falmouth’s cranberry heritage.

And I would yield the floor to Ann Sears, whom I’ve placed this article or this motion for.

And again, and I just want to say that I strongly support, continue to support the Heritage River Restoration Project and that this
is in no way meant to compromise that or set it 
back or in any way try to undermine that effort,
which I think is a very good effort.

   And I would yield to Ann Sears.

   Thank you.

THE MODERATOR: Do you have a point of
order?

MR. CLARK: I do.

THE MODERATOR: Yeah. Mr. Clark.

MR. CLARK: I question whether this new
main motion is within the scope of the original
article?

THE MODERATOR: It is. To appoint an
ad hoc committee to deal with the intent of any
article is always a subsidiary motion of a main
motion that’s accepted.

MR. CLARK: Um -

THE MODERATOR: I can read the page if
you want me to.

MR. CLARK: I would like that.

Another related question is: I don’t
know that it’s been the precedent of the Town
Meeting to appeal the decision of the Town
Moderator on an issue of this sort. Has it
been? Is it allowed?

THE MODERATOR: It’s not allowed.

Do you want me to read the section about appointing committees, or?

MR. CLARK: Yes, please.

THE MODERATOR: Okay.

MR. CLARK: I guess the question is I know that this body and you can appoint an ad hoc committee. The question is whether that is a legitimate replacement for the original article.

THE MODERATOR: [Reading:] In all cases, the first motion, by whomever made, will take the form of 1) an affirmative motion, that the meeting take some specified action; 2) a negative motion, that it take no action; or 3) a motion to refer the matter to a committee.

That’s page 62, paragraph 2, section 23 of Town Meeting Time.

Ms. Sears.

Do you have a point of order?

MR. WAASDORP: [No mic:] Point of order.

THE MODERATOR: Mr. Waasdorp. With a microphone.
MR. WAASDORP: My question was, Mr. Moderator, were you involved in writing this motion?

THE MODERATOR: I did give advice to the petitioners when they came to me and said that they were looking to do a committee and how does that work. There’s a section in the Town Charter and so we – I give that advice to any petitioner or any board of the Town that asks me.

MR. WAASDORP: It occurs to me the appropriate procedure might be for you to step aside during this motion.

THE MODERATOR: Then I’d have to step aside on a lot of motions that are at Town Meeting because these folks call me all the time. The Selectmen call me. The Planning Board calls me. Petitioners call me. That’s my role, is to help put proper motions before Town Meeting.

And the question was asked was it within scope and then I said, “Well, yeah, and it’s even in the Town Charter,” and showed them the section of the Town Charter, so that they could look at that. It has to have a date of reporting and who’s on the committee and all of that, so yeah.
MR. WAASDORP: I think we’re creating needless controversy, here.

THE MODERATOR: Well, you can decide that at the next Town election.

Go ahead, Mr. Jones.

[Applause.]

THE MODERATOR: It’s my 19th year, and I’ve given this type of advice to any petitioner that wants to put a proper motion before Town Meeting. And I’m not going to change what I’ve done for 19 years as of this Town Meeting, because that is the access to the process that every citizen in this Town deserves.

[Applause.]

THE MODERATOR: Mr. Jones. Mr. Jones.

SELECTMAN JONES: Doug Jones, Precinct one.

THE MODERATOR: Mr. Jones.

SELECTMAN JONES: As I understand it --

THE MODERATOR: Do you have a point of order?

MR. WAASDORP: Point of order.

THE MODERATOR: Yeah. This is a procedural question, point of order, yeah.
MR. WAASDORP: [No mic: inaudible.]

FROM THE FLOOR: Can’t hear you.

THE MODERATOR: I can’t hear you without the microphone.

MR. WAASDORP: I also think the Town Moderator shouldn’t get angry; it’s that simple.

THE MODERATOR: Okay. Then stop pushing my buttons.

Go ahead, Mr. Jones. Mr. Jones.

SELECTMAN JONES: As I interpreted what you’re saying, an alternative would be to go with an original main motion and the committee -- the Town Meeting could then have as one of its votes to send this to committee? This what you’re suggesting or as has been suggested is much cleaner, much neater, and makes a lot more sense to just start with this as the main motion.

So I support it.

THE MODERATOR: Yeah, this is the main motion. If Town Meeting wants to vote no on this and go back and move as printed, you can do that. You know, we’d have two separate debates.

I mean, that’s up to you. But the main motion is this motion that the petitioner’s asked to put
as their main motion.

Okay, Ms. Sears.

MS. SEARS: Yes, Ann Sears speaking for the petitioners of this article.

Twelve years ago, Town Meeting voted for a compromise on the restoration of the Coonamessett River. It said the river restoration should go forward but that three or so acres of cranberry farming should continue in Middle Bog and the open vistas should be maintained by keeping most of the bogs as low growing wet meadow.

River restoration is beginning now but without the cranberry farming component and without the vista maintenance component.

This amendment creates a five member ad hoc committee to look at the Town Meeting-approved compromise of 2005 and determine how its provisions for preserving the Town’s cranberry heritage can be implemented today.

New information that we’ve acquired over the past 12 years is available that will help the committee decide whether the west side of Middle Bog is still the best location for farming,
whether three acres is the best size, and how
costs and funding sources have changed since
2005.

In addition, we also know more about the
historic value of the bogs. A consultant on the
river restoration project this year found the
Coonamessett bogs eligible for listing on the
National Register of Historic Places as a
significant agricultural landscape.

In 2013, a Boston University study –
Ohh, I’m supposed to be clicking this
thing. I’m sorry.

[Laughter.]

MS. SEARS: A Boston University study
listed the Coonamessett bogs as one of 19
priority heritage landscapes in Falmouth that are
in need of protection.

Supporters of the cranberry bogs such as
myself do not oppose river restoration. We
thought there were less destructive ways to
improve fish habitat, but we accepted Town
Meeting’s 2005 compromise. We had expected those
supporting river restoration to do the same.

In our view, there is no reason why a
local committee such as would be appointed, exploring the modest recommendations of the 2005 compromise, should jeopardize the river restoration project.

Federal funding agencies know they must avoid, minimize or mitigate the adverse effects whenever projects they fund damage or destroy National Register-eligible historic properties. It’s part of federal law and has been for years.

Shouldn’t we townspeople be prepared to say what is done to compensate for the loss of a publicly owned National Register Historic Property?

NOAA, the major federal grant-making agency on this project, will begin its review of how to mitigate for the destruction of Middle and Reservoir bogs in the next six months.

Appointment of this committee is an opportunity for Town Meeting to see that this town/federal project respects the interests of the neighborhood and community in preserving the Town’s cranberry farming heritage and landscape.

The idea of – darn. I need someone to do this for me.
The idea of saving elements of historic structures that are to be demolished is not new in Falmouth. The 300 Committee saved the dairy silo at River Bend Farm when it demolished the other farm buildings. The School Department saved the cupola at the Hall School when that building was demolished. Both the River Bend Farm and Falmouth center are richer today for the presence of these two structures which were just elements of the historic properties that were demolished.

So the naturalized Coonamessett River site will be richer, too, if we are able to demonstrate how these 33 acres were used by the people of Falmouth over the past 120 years.

Almost 50 years ago, Town Meeting voted unanimously to purchase the Coonamessett bogs, to protect the distinctive Cape Cod cranberry landscape, low-lying growing surface of the bogs, surrounded by tree covered uplands. These – the left-hand side you see the Coonamessett bogs from Lower Bog. That’s the same view on the right hand side.

The landscape tends to disappear into
development or swampy woodland when cranberry
bogs are abandoned. The photo on the left shows
that the landscape and its vista can be
preserved, even if farming is abandoned, by
removing the trees and shrubs that begin popping
up once the farming ends.

This photo on the left was taken in
2011, six years after farming had ended on Lower
Bog. Volunteers from the River Restoration
group, 300 Committee, had been cutting down the
tree growth that was popping up. The photo on
the right shows Lower Bog this year after five or
six years of no maintenance at all.

The loss of this distinctive Cape Cod
landscape can be seen in the drop in acreage
since 1900 when there were 271 acres of cranberry
bog in Falmouth. In the ‘70’s there were 225
acres, and today Falmouth has only 120 acres in
cultivation.

What makes the bogs historical – let’s
see what I missed – are the people who worked
them, who maintained them and who enjoyed them
over the years. These historical photographs
were taken in 1911 of the children of families
who were working on the Coonamessett bogs. They’re in the Library of Congress, now, as part of a collection done by Lewis Hine, a researcher at that time.

On the right is Kerry Medeiros who was 12 years old. Children leaving the bogs with a six quart pail and a lunch box. I guess they aren’t as clear as I thought they would be. And the little girl on the right is Mary Christmas, amid barrels used to store cranberries at that time.

The Coonamessett bogs were established in the 1890's by the Swift Brothers who introduced large scale farming to Falmouth by applying some of the practices of the Industrial Revolution and taking advantage of rising immigration. Many of the early harvest workers were immigrants from the Azores and Cape Verde, coming to Falmouth via New Bedford and Fall River. Many established small farms in East Falmouth and Teaticket and became the leading strawberry growers in Massachusetts, maybe in the 1920's, 30's.

The path around the bogs draws walkers
from the neighborhoods on both sides of the bogs, river. In the winter, the bogs are flooded to protect the cranberry vines from wind damage, and when the flood waters freeze, the neighborhood - the neighbors can go skating on the bogs.

In 2003, four retired teachers, school teachers, worked with grower Brian Handy to organize the first Cranberry Harvest Festival. They wanted to give townspeople a chance to learn about Cape Cod’s agricultural specialty: cranberry cultivation. People will travel a long way to see a wet harvest of cranberries. There were five subsequent festivals, ending only when the subsequent farmer decided he didn’t want to wet harvest -

THE MODERATOR: Okay -

MS. SEARS: - the berries.

THE MODERATOR: - Ms. Sears, we’re at the ten minute mark.

MS. SEARS: Am I finished?

THE MODERATOR: We’re at the ten minute mark, yeah.

MS. SEARS: Okay. Let’s see.

THE MODERATOR: Do you want to request
additional time?

MS. SEARS: Could I have -

THE MODERATOR: It requires a two-thirds vote. If you tell them how much you want.

MS. SEARS: Could I have additional time, please.

THE MODERATOR: How much time? You have to be specific.

MS. SEARS: Two minutes.

THE MODERATOR: A request for an additional two minutes. This requires two-thirds.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair is that the ayes have it by the two-thirds. An additional two minutes is granted.

MS. SEARS: Thank you.

Town Meeting may take an important step tonight – oh, I missed my last picture – in acquiring the Tony Andrews farm. We petitioners
hope that you will also save some cranberry farming on the Coonamessett bogs where Mr. Andrews worked during the Depression years to supplement the income from his farm. That was not unusual.

The cranberry harvest was part of the cycle of farmland - farm life in Falmouth. In the first half of the 20th Century, schools opened three or weeks later in the farm districts. As the late Margaret DaSilva said, "The harvest was an opportunity for farm families to get together and socialize. After the cranberry harvest, we went into the woods to gather pine needles to cover the strawberries, and then the turnips were ready to be dug."

With most of the strawberry farms gone now, and the number of cranberry acres declining, it is fitting for Town Meeting to act to preserve both the Tony Andrews Farm and to maintain the presence of cultivated cranberries on the Coonamessett bogs.

I hope you will support this motion.

Thank you.

THE MODERATOR: Okay. Now we have a
presentation from Ms. Schumacher.

MS. SCHUMACHER: Good evening. I’m Mary Schumacher and I’m Chair of the Conservation Commission.

Con Com is asking Town Meeting to vote no on Article 19 for three main reasons. First, the article overlooks the Working Group’s recommendation from 2004 that called for two demonstration projects to be conducted over five years that were intended to do three things: develop concrete plans that could be submitted for permitting and funding, dispel community concerns about vistas and show whether berms, tailwater recovery ponds and restored riverine habitats would actually work. Thirteen years and two growers later, it seems reasonable to conclude that the compromise hasn’t actually worked.

As of today, roughly three million in competitive grants and additional in-kind match has been secured for a river restoration project that broke ground last month. But there still has been no permitting or funding, let alone construction of berms or tailwater recovery
ponds. Despite good intentions on both sides, the farming side of the equation has been undermined by unfavorable market conditions since 2013 and a lack of cooperation from growers in separating cranberry farming from the river.

Another reason to vote no on Article 19 is that it conflicts with the current river restoration effort, which will provide important public benefits for the town, including enhanced coastal resiliency.

Finally, an alternative compromise is available that would provide for farming on Town owned bogs, including one with a vista, and does not conflict with river restoration.

Several factors have worked against continued farming along the river as the Working Group recommended. These include the economic realities of cranberry farming in Massachusetts, the practical challenges and costs of the required engineering changes, regulatory hurdles and costs, and the failure to secure funding for the recommended changes.

Economic realities have probably been the most important of these factors. At the
local level, two successive growers resisted creating the required berms and vegetative buffers because they would reduce the area available for farming to uneconomic levels. And the most recent grower stated in 2013 when he abandoned his ten year lease at the end of five years that falling prices as a result of supply outstripping demand made cranberry farming economically unsustainable. Some of you may recall seeing this headline at the time.

This graph is from a Regional USDA publication with the start and finish of our most recent lease superimposed in red. We can see the prices were at their highest point of the last ten plus years in 2008, and at their lowest when the lease was terminated in 2013. And they continue to remain low. Considering these conditions, it’s not surprising that no commercial grower has expressed an interest in farming here since the termination of the last lease. Turning, now, to the engineering challenges. A 2006 engineering study found that
the high groundwater table in Middle Bog would make a tailwater recovery pond costly to engineer and operate and that unfavorable soil conditions would make it difficult to achieve adequate separation from the river. The same study estimated the costs of berming Middle Bog at $157,000.

There also are regulatory hurdles. Berms would cut off cold water seeps from the river and tailwater recovery ponds would return warm water to the river. Each would also add fill to a wetland and be difficult to permit. And of course the permitting would be substantial additional cost.

All these challenges have meant that the recommended changes to separate farming from the river were never permitted.

There was just one proposal that we know of to fund such projects. It was prepared in early 2006 and requested funds for berm construction, not including permitting, from the USDA’s Environmental Quality Incentives Program, but the proposal was never submitted because the grower refused to sign it along with the Town, as
was required.

We can expect even greater challenges and cost if Town Meeting were to decide to revive farming along the river. The requirements for berms and tailwater recovery ponds remain and the costs of construction and permitting have risen substantially. Moreover, there would be additional requirements to restore bogs that have been taken out of agricultural use. These include laser leveling to within six inches and a requirement to replicate an acre of wetland for every acre of bog that is returned to farming.

Meanwhile, market conditions remain unfavorable and adequate funds are not likely to be readily available as most agencies are giving priority to restoration projects.

Now, turning to the other side of the compromise, the Town’s River Restoration Project has received quite a lot of attention over the last two years in the local press and on local radio. All grant applications have gone through public review and have been approved by the Board of Selectmen and the Finance Committee. And there also have been numerous other presentations.
to the Board of Selectmen, the Conservation
Commission, the Historical Commission and the
Planning Board.

All of the bogs slated for restoration
have gone through the public hearing and approval
process under Chapter 207 of the Town Bylaw, with
the Selectmen voting in each case to approve a
change of use from agriculture to restoration.

The project has a large number of
sponsors, including federal and state agencies
and regional and local organizations. To date,
approximately three million has been committed to
the project, including one and a half million in
grants from NOAA and the National Fish and
Wildlife Foundation, and the rest from state,
regional and local sources, including in-kind
match to be provided by the Town of Falmouth and
citizen volunteers.

This shows the sequence of our grant
funding through the years. Of ten applications
submitted to state and federal agency
competitions, five have been awarded.

The key activities that comprise the
project are removing two dams and replacing them
with pedestrian walkways, replacing the rusty
pipe culverts under John Parker Road with a fish-
friendly concrete culvert, restoring 58 acres of
cranberry bog to natural wetland, and restoring
4600 linear feet of in-stream fish habitat.
There also is a companion project to create a
greenway heritage trail with informational
kiosks.

Here we can see the areas where work
will be occurring in each of two project phases.
Phase one includes the removal of Lower Dam and
restoration of Lower Bog, and this costs 820,000
of grant funds plus in-kind match. Phase two is
now at the point where the design is 75 percent
complete and the plans are going through
permitting. This has cost 275,000 of grant
funds.

Construction is expected to begin in
2018. In addition to the river itself, phase two
will include the restoration of Middle and Upper
Bogs, removal of Upper Dam and replacement of the
John Parker Road culvert.

This is Eel River in Plymouth, the first
river and cranberry bog restoration in the area.
The picture is from 2009, before restoration began. Like the Eel River project, the Coonamessett restoration will begin with the removal of two to three feet of sand from the bogs. This will promote the emergence of wet meadow species, including cranberries, in place of the pine trees.

These are more pictures of Eel River that were taken at one, three and eight years post-restoration. We expect the conditions along the lower Coonamessett will have a similar progression with the vista substantially preserved.

The river itself will be made more sinuous, creating deeper pools than currently exist. Buffer plantings along the river will provide the fish with areas of shade and cover from predator birds, and the river will be connected to cold water springs, providing more trout habitat.

The important benefits we expect to gain from the restoration include fish access to 2.2 miles of free-flowing river, enhanced coastal resiliency in the form of enhanced flood storage.
and nutrient reduction and more rapid recovery after disturbances. Improved access for recreation and new opportunities to learn about the river’s environmental, industrial and cultural history as provided by the Greenway Heritage Trail.

This slide depicts the amount of storm surge we can expect with hurricanes of different strengths. The storm surge associated with a Category 2 hurricane shown in the darker green will extend all the way up to Middle Dam. Removing the dams will allow a greater volume of water to flow more freely and be absorbed further inland, further away from the coastline and Route 28.

Finally, there’s an alternative to Article 19 that would not be in conflict with the river restoration. Two off river, town-owned bogs, West Thompson and Flax 3, are available for leasing to a grower or for some other type of farming arrangement. Together, they would offer just under three acres for farming. Here are their locations. For anyone who is interested and knowledgable about cranberry farming, you are
more than welcome to come to the Conservation
Department for information and assistance with the
permitting process.

And here is last year’s second grade
class at Teaticket Elementary, enjoying an
educational outing to the river. They also
created the lovely artwork shown here.

Again, we ask you to vote no on Article
19. Thank you.

THE MODERATOR: Okay, discussion is open.

Ms. Lichtenstein.

I’ll get you next.

MS. LICHTENSTEIN: Leslie Lichtenstein,

Precinct eight.

That was a wonderful presentation and I
fully support everything they’re doing. But
this article is about a great deal more than
river restoration and bogs. It’s about what Joe
said: process, and the value of a Town Meeting
vote.

We’ve had a lot of contentious
occurances in Falmouth: the bogs, the turbines,
recently the Senior Center. We have working
groups, we present papers; it doesn’t get
followed.

The bogs had a very good working group. They reached a compromise. Virginia presented it. We voted for it. Something happened. What happened was the grower backed out. The Selectmen quite correctly instructed the Con Com to advertise for another grower. You need a grower to apply for grants to do anything, Folks. That was not done. Okay?

Now, we didn’t follow Town Meeting vote. We didn’t follow the democratic process. This is much more than an environmental issue. I think we’re all environmentalists. We want clean water. We like our beaches. We want our river, we want our fish. I know I do. I designed the first environmental course at my college, I taught it for more years than I would like to remember. I fully support river restoration. But I also support the democratic process. I do not believe, however much we want to, that the ends can justify the means. That’s a very slippery slope, and we don’t want to go down it.

This article doesn’t stop the
restoration. It doesn’t stop all of the wonderful things that you just saw. It doesn’t ask for any money. It asks for a little bit of equity. The bog supporters are complicit in this, because they were naive enough to think that a compromise negotiated in good faith would be honored.

The people of Falmouth elected Town Meeting to represent everyone and they expect that Town Meeting votes will be honored. This Article doesn’t stop funding. Chicken Little, the sky is not going to fall if you vote for it. If you vote for it, what you are saying is we believe in the democratic process.

Democracy’s messy sometimes, Folks. Sometimes we don’t get exactly what we want when we want it. But we can’t push aside the process. We can’t, simply because we didn’t like a vote, go a back door to go around it. Go back to Town Meeting and change it.

I’m asking you to think about Town Meeting as the best form of democracy that we have going for us now. Heaven knows, I don’t know what we have in Washington. But here, if
we make a vote, we should stand by it, we shouldn’t stand in front of it.

What we’ve got tonight is a chance to do this right, to do it the democratic way. Not to shove it under a rug. I really am asking you to think about that. The river restoration will go on, Folks. The sky is not falling. But please, let this committee come together and see if we can save, somewhere in Falmouth, a little bit of our cranberry heritage.

Thank you.

[Applause.]

THE MODERATOR: Okay, let’s go, I’ve got a big speaker’s list developing.

FROM THE FLOOR: Motion back up on the screen.

THE MODERATOR: What’s that?

FROM THE FLOOR: Motion on the screen.

THE MODERATOR: Okay, could we put the motion slide from the first presentation back on the screen, thank you.

Go ahead.

MS. RUNFOLA: Anne-Marie Runfola, Precinct one. I’m also the vice president of

Tinkham Reporting
The 300 Committee Land Trust of Falmouth, and I have the privilege of representing the board tonight in a statement that we prepared.

The 300 Committee fully supports the Town of Falmouth’s efforts to restore the Coonamessett River and therefore we ask Town Meeting members to vote no on Article 19.

The benefits of the Coonamessett River Restoration Project are far-reaching, including fish habitat improvements, nitrogen removal in the watershed, improving water quality in Great Pond, and enhanced opportunities for public access and recreation.

The Restoration Project will re-connect wetlands to the Great Pond estuary and will help bolster the Town’s efforts in coastal resiliency planning through increased flood storage capacity. As the Town continues its efforts to restore additional sections of the river, we can be assured that these benefits will further multiply.

The 300 Committee and the Town of Falmouth are placing a special emphasis on land preservation along the Coonamessett River both
for the protection of riparian habitat and for
completion of linkage needed for the Coonamessett
Greenway Heritage Trail. We urge you to
consider the environmental function and health of
the river and support the restoration efforts
that are in progress.

The 300 Committee was just made aware of
the proposed Article change to Article 19, and
our board has not vetted it. We have not agreed
to serve on an ad hoc committee and we urge you
to vote no on Article 19 as printed in your
booklet. Thank you.

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct
one. I’ll try to be brief.

I will be voting no on Article 19. I
would urge everyone else to.

We’ve heard about the historicity of the
100 and so years of cranberry growing along what
was a beautifully flowing, natural river, full of
sea run Brook Trout, as well as an important
herring fishery.

The cranberry industry, God bless them,
they did what they had to do. They were making

Tinkham Reporting
a living. The whole family would get out and work; those days are gone. I experienced that myself with relatives up in Cape Breton. When the hay had to come in, all the kids went out and worked, sure. That world is gone, and it’s not going to come back no matter what we do with this river.

What will come back, however, is the Brook Trout fishery, the sea run Brook Trout. And if we want to talk about a tourist attraction, I myself, I’m a fly fisherman; I will go and I will spend a lot of money in places like Carlisle, Pennsylvania, just to fish the Letour River, Big Spring Creek. And I know there are a lot of guys like me who, if we had a really strong, wild Brook Trout fishery in the Coonamessett River, they’d be coming from all over the country and spending big bucks here.

So, I mean, a little cranberry museum or you know, a vista would be nice for tourists, but let’s be realistic about it. And, by the way, the herring fishery is very important to the fishery in general, the fishing industry. And we need as much protection for those herring to
get up that creek and come back, because that’s what supports the striped bass fishery.

So, when we look at the big picture, we want to protect this river. And it’s not just the Lower Bog, because the river system goes several miles from the ocean all the way up to Coonamessett Pond. The health of that river, the viability of that river depends upon protecting that whole water course, every inch of it.

And I’ve seen the Brook Trout, as small as they are right now, looking over at the last dam off of Route 28, I’ve seen them there. They want to get up that river. They want to get up to that pond and reproduce and they want to do it safely. Right now, they can’t.

So, I want to just say no to this. We don’t even want to talk about doing anything anywhere on the Coonamessett River.

The Con Com has identified other places where projects could be done that won’t damage the river. God bless ‘em, let’s come back with a proposal to do that.

Thank you.
THE MODERATOR: Okay, Mrs. Buessler.

MS. BUESSELER: Hi, I’m Wendy Buessler, I’m in Precinct two and I’m also president of the Coonamessett River Trust.

I just have to ask what is the point of this committee? The Board of Selectmen appointed the Coonamessett River Working Group to study cranberry growing and river restoration several years ago. They met twice a month for six years. That’s 144 meetings. Countless hours have already been spent studying this issue. Why do we need another committee to study this?

We know that – remember, we had a cranberry grower who walked away from the lease because the market had crashed. It still has not recovered. Whether you study this for six months or for six years, the conclusions will be the same: it is not economically or environmentally feasible to grow cranberries in a river corridor. Especially one with a herring run and with Brook Trout. It will be difficult, expensive, and detrimental to the environment.

The wording in this article talks about
cranberry growing separated from the river. This means filling and altering the flood plain of the river to build berms. If—and that is a big if—cranberry growing is allowed back along the river, given that the expense of the berms and the whole project would be very high, or if all the needed permits are granted, you have to understand that the berms will completely alter any view or historic landscape or vista of the cranberry bogs. It will not look like the open, wide vistas that we had on the river before or like you can see in the Backus River the next valley over or on Bourne’s Brook.

Because we are growing cranberries in wetlands, no matter how small the acreage, you will have to have berms, a very large tailwater recovery pond to hold the pesticides, and inlet and outlet water control structures. It’s going to look very, very different from what you imagine used—or what the bog used to look like.

So, I’m asking you to please support moving forward with the restoration plans. And the plans will be impacted if we try to bring cranberries back along—anywhere along the
A restored Coonamessett River will be a jewel in Falmouth’s open space. This restoration will bring the river full circle to when the herring are again plentiful and the river runs free. So please vote no on Article 19.

THE MODERATOR: Okay, Mr. Netto’s next.

I’ve got 19 people on the list; you’re on it. You are on it, I said, but there’s 19 people on this list. So let’s go.

Mr. Netto.

MR. NETTO: Joe Netto, Precinct nine.

Contrary to what was said, starting off, I was a member, the original member of the Selectmen’s Coonamessett River Working Group. I attended all 144 of those meetings over six years twice a month. I’m amazed at what I’ve heard but more amazed at what you haven’t been told, and I couldn’t even begin to tell you that because we’d be here until tomorrow.

That’s correct. We designed the berms, the Town. The grower that we had would not accept the berm as a condition of farming.
Let’s get that understood. We went out and put out three RFP’s. The first two had to deal with the berming; no one.

One of the questions a grower had: you’re liable for these; I’m not going to be liable as the farmer.

This question is all about economics. And I have two – I’d like to ask two questions. The first to the Conservation Agent Jen McKay, please, if I may through you, Mr. Moderator?

THE MODERATOR: Go ahead, ask the question, yes.

MR. NETTO: Because these bogs have been out of production for over three years, they’re no longer considered agriculture. As you saw on the slide, and here’s where the money comes in, there has to be mitigation.

I’d like Ms. McKay – and I have another – I’d like Ms. McKay to explain the mitigation which you’re going to pay for as a taxpayer of Falmouth.

THE MODERATOR: Okay, the woman in the aisle, I’ve got you on my list, if you want to take a seat. It’s going to be a while.
MS. MCKAY: Yes, Mr. Netto.

THE MODERATOR: Ms. McKay.

MS. MCKAY: The current regulations in the Town of Falmouth do require that when a wetland is in-filled -- and right now the bogs are considered fresh water wetlands -- that those wetlands be restored one to one in the same watershed. Connected to the same water body.

MR. NETTO: So therefore the Town of Falmouth would have to go out and buy acreage in this watershed known as the Coonamessett River, on a one to one basis. That’s going to cost you money.

The second question I have. Betsy Gladfelter has been the forefront, and this has done a wonderful job in securing over $3 million in grants. I would like her to explain to you the potential of what we would owe because cranberry farming on Middle Bog I think is going to jeopardize these grants.

But I’d like to hear from the person who has obtained the grants and I think their credibility is there. Betsy, please, if you could?
THE MODERATOR: Ms. Gladfelter. To answer his question and you’re still on the list.
To --

MS. GLADFELTER: [No mic: inaudible.]

THE MODERATOR: As long as it answers his question.

MS. GLADFELTER: That answers his question.

THE MODERATOR: Okay, go ahead.

MS. GLADFELTER: So, this’ll be my four minutes?

THE MODERATOR: Yeah, okay, I’ll take you off the list.

MS. GLADFELTER: Okay. Good evening.

My name is Betsy Gladfelter. I live in Precinct six and I’m a member of the Conservation Commission. I also helped coordinate the Coonamessett River Restoration Project for the Town.

I know many of you are supportive of river restoration and I’m appreciative of that support. But I think it’s important for you to also understand the realities of how federal and state grant funding work.
The NOAA Habitat Conservation

Restoration Center is our largest funder for this project. The Town was awarded a $1.15 million grant in a competition for coastal resiliency projects, one of ten grants awarded from 57 proposals submitted nationwide.

As several of our government representatives said at the groundbreaking last week, the importance of this project is its holistic nature: a restored river habitat fully connected to its flood plain. This is necessary not only for the health of the river, fed by lateral cold water springs, but also for flood storage capacity during coastal storm events. And I might add, all work that’s done on the river is required to have all the local, state and federal permits.

Here’s how this funding works. Each six months, the Town’s required to submit a progress report to NOAA. This report explains the activities that have been conducted in the prior six months and the milestones met. Our NOAA grant, as well as the support from Division of Ecological Restoration, was awarded to the Town
based on the expected restoration milestones,
including 58 acres of bog converted to natural
wet meadows.

These meadows will contain cranberries,
as they are an important native wetland plant.
This NOAA grant, and the other support, will not
fund any berming to allow for even a small
cranberry bog to be created within Middle or
Upper Bog.

Berming is not consistent with the goals
of river restoration. Each spring the Town’s
required to request the next year funding from
NOAA and Division of Ecological Restoration. The
Town has already spent $275,000 of federal funds
on engineering and design plans for Middle and
Upper Bogs, removal of Middle Dam and replacement
of John Parker pipe culverts with a fish friendly
bridge. Permitting is underway.

Future funding, requested next spring,
will include the third year of the NOAA grant.
$675,000 that this project needs for completion
will be jeopardized if there’s any deviation from
the timeline. It would also potentially
compromise the Town in trying to secure funding
for future restoration projects. As Charlie McCaffrey of the Coastal Resiliency Action Committee explained, “Wetland restoration projects are a key to help the Town mitigate the effects of climate change, including sea level rise.”

I really appreciate the support many of you have given to this project and I understand others may be confused. What’s important to know, though, is that if the goal of this Article is to provide for a community bog to preserve town farming on Town owned land, we have two bogs that could be restored for cranberry farming in the Coonamessett Valley that would not impact the flood plain of the river. Conservation’s willing to talk to anyone interested to outline how we can make this happen by working together.

We urge you to support a holistic restoration project that returns the entire Lower Coonamessett River, encompassing Lower, Middle and Upper bogs, to a healthy condition that includes full communication with its bordering seeps and springs and a natural buffering wetland community.
Please vote no on Article 19. Thank you.

MR. NETTO: Thank you, Mr. Moderator, and --

THE MODERATOR: Mr. Netto.

MR. NETTO: fellow Town Meeting members, and I think the question’s been answered that this has potential for a lot of taxpayer dollars, whereas the grants, just looking at the culvert on John Parker Road, that’s under a million dollars if we had to fix it, slightly under a million dollars if the Town, which has to fix that culvert. And, as Betsy just told you, there’s a grant to do that.

As a member of the Falmouth Rod and Gun Club, we’re doing the same thing on the Child’s River. We’re one of your co-sponsors. We’ve given thousands of dollars to the fish tagging program. We have over an estimated a million dollars to do our project and we’re - we’re hoping you vote no against this. Because we’re worried that, if this funding is stopped for this project, that the funding could be stopped for ours.
We are paralleling the Town on the
Child’s River. We’re getting a culvert fixed
for the Town of Falmouth that’s estimated at
$330,000 through a grant.
Please support river restoration.
Thank you.

THE MODERATOR: Okay, Mr. Brown.

SELECTMAN BROWN: Douglas Brown,
Precinct nine.

So I grew up on the Coonamessett River
and I live right up near behind the bogs. I walk
them all the time with my dogs. I really like it
there.

So I was a big proponent of keeping the
bogs and I was happy that we came to an agreement
to keep, you know, cranberry growing going, and
if the economy hadn’t changed, maybe the grower
would have put those berms in, maybe we’d still
have a bog today. But that didn’t happen. It
didn’t work out and now we’re faced with, as Mr.
Netto’s just pointed out, a big financial setback
if we’re going to change our plans.

When I toured the bog with the project
manager and I asked him how much is going to be
ripped out on that bog, he pointed out that, you
know, now that they’ve done the ground
penetrating radar and checked on what’s there,
they don’t really have to rip out as much as they
had originally thought. And he said a lot of the
cranberry vines are going to remain. So maybe
we can just encourage them to try to be more
careful and keep as much cranberry vines as
possible. We’ll have a naturally growing
cranberry resource that people can go down there
and pick some cranberries and make a cranberry
bread.

I think if – if we want to get this
Article 19 any hope, I think that it should be a
committee to find out how to get those other two
bogs back into play. Maybe with the credit for
doing the Reservoir bog. I don’t think the
plans are done for that, I don’t really know, but
maybe we can get credit for that to bring those
other two bogs back. And maybe there can be
some growing on those two.

But, to go back here now I don’t think
is possible and it’s going to be a beautiful
restoration and I think putting berms on it now,
I think it’s just too late.

So I hope we can just move on and if we vote 19 it should be not for Lower, Middle, or Reservoir or Upper bog. Just the two that are off the river.

Thank you.

THE MODERATOR: Okay, Mr. Jones.

I’ll add you to the list.

SELECTMAN JONES: Mostly as a test case, I would like to propose that this be a roll call vote when we get to it.

THE MODERATOR: Okay. So Mr. Jones is requesting that when we take a vote on this article that it be by a roll call, which means the yeas and nays would be recorded and kept as part of the record of the meeting. It requires 20 members.

All those in favor of having a roll call vote, recorded roll call, stand.

[Pause, while members standing.]

THE MODERATOR: A sufficient number having arisen, when the roll is called, Rob, we’ll be using a roll call vote.

Okay. Mr. Buesseler was next on the
What’s - do you have a point of order?

FROM THE FLOOR: [No mic:] No. I don’t know if I’m on the list.

THE MODERATOR: Yes.

FROM THE FLOOR: Thank you.

MR. BUESSELER: Thank you, Mr. Moderator. Ken Buesseler, Precinct two.

I want to get back to what we’ve heard a little bit about, which is the activity that’s being proposed in this motion, which is returning cranberry growing along the river.

We’ve heard from Con Com. We’ve heard from Con Com that this would require this replication of wetlands and that falls under the Mass. Wetlands Protection Act. And so, I could talk to you more about that, but I thought I’d read from the Cape Cod Cranberry Growers and what they say about working under these conditions.

It’s a 2017 document. It’s an advisory to the members of that Cape Cod Cranberry Growers. And there’s a big stop sign, there’s a traffic light that’s red, here, under this part of the regulations, about this part of
permitting, and it says: “Growers are advised to stay out of the permit process. Once a grower enters into the permitting process, it’s extremely difficult to exit.” This is advice to the cranberry growers.

“The applicant must commit significant funds and time that may be impossible to recover.” This gets at Joe Netto’s comment about the cost.

“Although the permit filing fee is fairly low, there’s no ceiling on the cost associated with environmental assessment or engineering requirements that may be imposed. We don’t know what those costs will be, there is no ceiling. Preparing the surveys, reviewing the paperwork, seeking several layers of bureaucratic approval, often takes years to complete.”

So this is what the Cape Cod Cranberry Growers advice is to the idea of this type of activity.

So, Article 19 is asking us to include cranberry cultivation. This would require those activities, the new permits, this expense that has no ceiling, that may take years, may not even
be allowed, and we heard about the one for one acreage needed.

Cape Cod Cranberry Growers are saying, “Stay in the safe zone.” That’s their headline. “Stay out of the permit process.” This isn’t a Con Com Committee. This isn’t a group of supporters of restoration. These are the cranberry growers.

So we’ve had a lot of discussion. I’d just urge you to vote no on 19. We’ve heard about a restoration plan that’s already funded, protects the water quality, it improves storm resilience, provides habitat, I’d only repeat that. And it certainly allows for community farming on those two others bogs: Flax and West Thompson.

Thank you very much.

FROM THE FLOOR: Question.

THE MODERATOR: Okay, I’ve got a really long list and I’ve only had two folks speak in favor of the motion. Is there anyone else that wants to speak in favor of this motion?

Mr. Smolowitz is on the list. And then Ms. Fenwick.
MR. SMOLOWITZ: Hi, Ron Smolowitz,
Precinct eight.

I think it’s a good idea to have this committee primarily to look around on where in fact on Town land we might be able to do a cranberry demonstration project. I don’t see what the problem is, what the fear is.

If in fact everything that has been said is true, it’s not going to occur along the Coonamessett River. So I just think that this is a good, fair and honest thing to do.

In the long run, the Agricultural Commission that we just voted is probably going to be the body that is going to look for a place to grow cranberries, and that might be the outcome from this committee.

I do want to point out, though, there’s quite a few problems, here, with this river restoration, okay? Here’s – and, when you go home, just go online and look up, just google “failed river restoration projects”. Here’s a paper from 2010 called River Restoration Habitat Heterogeneity and Biodiversity, a Failure of Theory or Practice by the Center of Environmental
Studies at University of Maryland. They looked at 78 river and stream restoration projects. Only two were significantly successful.

It is a very difficult task. We hear people talking about cold water fish. We have to drain Pond 14 to get cold water fish back into that river system. Yet, when you look at the nice pictures of the Tony Andrews Farm, they show the pond. How are we going to resolve that issue?

We talked about, great, we had two million dollars here. That came from Coastal Resiliency Funds. The Town of Falmouth could have used that money to raze the Shore Road and build dunes. There are other alternatives for how money could be spent.

This is not a natural river. This is a man made river. The connection to Coonamessett Pond right now is man made. The original connection was probably Broad Pond. Removing the water control structures is probably going to drain the river in years of drought. If you looked at the engineering studies, they did not go far enough back in their water flow.
calculations to look at the drought periods we
had in the 1990s.

There are a lot of issues here. We
can’t address them today, but just be aware. I
mean, just like I said at the 2009 Special Town
Meeting about we didn’t want a big wind turbine,
I’m telling you right now, this restoration
project is going to be a very expensive, long-
term project.

THE MODERATOR: Okay, Ms. Fenwick.

You’re on the list.

MS. FENWICK: Judy Fenwick, Precinct
one.

I’m looking at the language in this
motion and I want to follow on what Ms.
Lichtenstein said about process. So I - when I
read - what I hear when I read this motion is
diplomacy. And so far I haven’t seen much
diplomacy in action among the speakers.

So, I’m looking at the middle sentence:
“The committee shall be charged with” - and these
are the important words: “exploring the
feasibility of commemorating”. And so I’ve
heard nothing but arguments about why this can’t
be done. Why having bogs restored on the Coonamessett River can’t be done.

I can understand that all the work that’s been done on the restoration – which I applaud. And I don’t think that Ms. Sears and company are asking us to turn back the hands of time and forego all the research and the productive progress that’s been made. But I’ve just learned in the last few days about the possibility of the two Town owned bogs being put in production.

I don’t think anybody’s looking to make a profit on this. I think that the motion is looking to the historical process as well as the ability of this community to preserve part of its history but not ignore its future.

So I would say try a little diplomacy. Vote yes on this motion, having this committee work. It’s not going to put a stop to what’s going on. We’re not going to give money back to any of the agencies, state or federal. I think the restoration goes forward, but I also think the diplomacy within the community goes forward so that we can have both.
This is a case of having your cake and eating it and enjoying it.

THE MODERATOR: Okay, Ms. Asendorf.

MS. ASENDORF: Thank you. Martha Asendorf, Precinct six.

I was part of a 100 4\textsuperscript{th} grade student field trip to the Coonamessett River last spring. It was wonderfully successful. The kids all had a herring that was assigned to them with a number; they could follow it online. It was wonderful.

This to me says cranberry growing separated from the river. If it’s separated from the river, my understanding is with berms, with containment pools; that to me does not look like a cranberry bog.

I grew up in Carlyle, Massachusetts. It has cranberry bogs. If the other two bogs separate from the river are with cranberries, it would be a wonderful field trip to see what looks like a real cranberry bog doing cranberry things. This is separated from the river. It talks about not farming Lower Bog. To me that says still Middle and Upper Bogs separated, the containment
pools.

I love the idea of continuing the river restoration, getting this project on its course, keeping the course, doing cranberry bogs on two other bogs.

Thank you.

THE MODERATOR: Okay, Mr. Rhodes.

MR. RHODES: Scoba Rhodes, Precinct eight.

The shortest and sweetest I can probably say to anybody here tonight is if you’re my age, go work in the bogs. Because you’ll understand that. They’ll say, “Well, the strawberry patch needs picking, so go pick ‘em.” Or, “We really do need the cranberry bogs, so you need to go out there and take care of it. Now, get that berm off the bier.”

We can argue this for the next two hours, and I don’t think we can get to a finish because everybody hasn’t had their say, yet.

We’re going to try to see if they can do something.

I call the question.

FROM THE FLOOR: Yay.
Applause.]

THE MODERATOR: Okay, but, but, whoa, don’t get too excited. Don’t get too excited. You know my rule: if you give a speech, then the motion to close discussion is not in order. You have to rise with the sole purpose of making the motion.

So, Ms. Schwalbe.

MS. SCHWALBE: Karen Schwalbe, Precinct eight.

I call the question.

Applause.]

THE MODERATOR: Okay, The question will come on closing discussion. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

The question will come on the main motion as presented up on the overhead slide.

The method of voting has been determined to be by
roll call vote.

So, all Town Meeting members present will vote A1 for yes, B2 for no. And the results will be an official part of the record how each individual member has voted.

So, let’s open the poll on Article 19. The poll is open and will remain open for one minute.

[Pause while electronic vote scrolls.]

THE MODERATOR: Ten seconds in the poll.

Okay, the poll is closed. If we can return the results. 58 in favor, 138 opposed, the article does not pass.

Rob, can you scroll through the – scroll through the record of the roll call.

[Pause while roll call scrolls.]

THE MODERATOR: So this, with the roll call vote, this spreadsheet will be attached to the minutes of Town Meeting and become an official part of the record.

Okay, Article 20 was held by Mr. Shearer. This is a Board of Selectmen article.

Madame Chairman for the main motion on
Article 20.

CHAIRWOMAN MORAN: That the Town vote Article 20 as printed.

THE MODERATOR: So Rob, we’ve got to save that. Good, okay.

Okay, Article 20 as printed. This is amend Chapter 1, General Provisions, Article 1, Section 1-2C of the Code of Falmouth regarding non criminal disposition.

Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct six.

And I’m sorry I didn’t get a chance to speak on Article 12, or I - but I - but this is somewhat the same idea.

What I would like to do is take out section b). That is the mooring regulations. And by doing that go back to the same way that it has been for the last five or six years.

For the last four years I have tried very hard to convince the Selectmen, who in April, 1997 in Article 14 was given the right to make all modifications or rules without Town Meeting’s approval - which I think we just did on
12 - for moorings. And I’ve been trying to get
- we have 2,692 moorings at the last records I
could get hold of. We have 935 people on the
waiting list. Through our Harbormaster, he’s at
my harbor and what the harbormaster said almost
all the other harbors in town we have 30, 40,
someplace in that count, moorings not used during
the season.

For instance, if you wanted – had a
mooring and you were taking your family to Europe
and not using it, nobody could use your mooring.
It just goes to waste. We have tried to present
to the Selectmen rules that we could have so that
mooring could be given to somebody for the season
on the waiting list. And what the Selectmen
after four years have decided, we’ll just fine
the person more if he lets somebody use his
mooring.

I want to see these moorings used. I
want everybody that wants to boat, boat that has
a chance to do it. And if we take this out,
maybe it’ll tell the Selectmen that we should
change the rules, make a new rule and we could
have those empty moorings being used by some kids
or adults that would really like to do some boating.

Thank you very much and I hope you vote my way.

THE MODERATOR: Okay, so the amendment is to strike paragraph b). Further discussion on the amendment.

Mr. Frazier.

MR. FRAZIER: Good evening, Greg Frazier, Harbor Master. I would urge you not to support that amendment.

This is part of a four part process that a working group came up with to try to move some of these moorings that are not being used.

We are moving forward, as Dan knows, with a pilot program which specifically addresses that. Allows people that have moorings that aren’t going to use them to take somebody off the wait list to do that.

This part basically addresses the violations only. It’s not a mooring regulation.

You know, I have told this story to the Board of Selectmen, and I can tell it to you. I have people that come in my office and say, “Geez, you
know, great job, you caught me three times. It
cost me $150 for the whole season. If I were to
rent a commercial mooring, it could be thousands
of dollars.” This is a deterrent. We’re trying
to get people to understand if you’re going to
violate the rules, then the consequence of that
would be more than a slap on the wrist, which is
a $50 fine.

But we are moving forward with the
mooring pilot program. We have fee structure
coming up with the Board of Selectmen hearing
that will address other parts of our effort to
get some of these unused moorings back into
circulation.

THE MODERATOR: Okay, further
discussion on the amendment?

Hearing none, the question will come on
striking paragraph b) from the motion. All
those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It is the opinion of
the chair that the nos have it by a majority.
Any further discussion on Article 20 as
printed?

Yes, Mr. Donahue.

Microphone, please, for the center.

MR. DONAHUE: Robert Donahue, Precinct
three.

I also would like to make an amendment
to item 3 – item b), excuse me. On the moorings,
I would like the fourth offense loss of the
mooring. I believe that people have tens of
thousands of dollars, in some cases. In some
cases over hundred thousands of dollars in their
mooring. If you’re going to do things that need
– that the Town needs to fine you over, I think
that you should be smart enough to know: one,
two, three, you’re out.

And I think the Harbor Master, if this
one would have no problems. People would do
whatever has to be done with the mooring to keep
it in proper order, not to allow it to be used by
indiscriminate people or renting it out or
anything like that.

So, on the fourth offense, they lose the
mooring. I hope you all support that. I think
it's reasonable thinking about who owns these
moorings, or who gets these moorings. It's not
children, it's not people that aren't intelligent
people.

Thank you very much.

THE MODERATOR: Okay, the amendment to
add the fourth offense, loss of the mooring, I
don't have a problem with that being beyond the
scope, but we do have a legal opinion relative to
non-criminal dispositions.

So, Mr. Duffy's going to give you his
legal opinion, but I believe it's within the
scope. Just don't know if it's legal.

MR. DUFFY: Just a comment. This is
Frank Duffy, Town Counsel.

This is amends Article 1, Section 1 of
the Code of Falmouth which is Noncriminal
dispositions which simply sets forth fees - or,
excuse me, the penalties for violating bylaws or
regulations. If there's going to be non-
monetary penalty, such as loss of the mooring, I
think that should be provided for in the
regulations and be a decision of the Board of
Selectmen or the Waterways or the Harbormaster or
somebody. It’s not something that goes to court as a fine, possibly go to court as a fine.

THE MODERATOR: Okay, so do you still want to vote on the amendment?

MR. DONAHUE: Robert Donahue, Precinct three.

May I change it, then, to a thousand dollars on the fourth offense?

THE MODERATOR: Sure, that’s within the scope.

MR. DONAHUE: Thank you.

THE MODERATOR: Okay, so the amendment on the fourth offense, one thousand dollars.

Discussion on the amendment.

MR. DUFFY: Yes, the maximum penalty for violation of a bylaw is $300.

[Laughter.]

THE MODERATOR: Okay, you want to $300? All right. So the new amendment is, on the fourth offense, you’ll be fined $300.

Yes, Mr. Donahue. With a microphone.

MR. DONAHUE: [No mic:] And each subsequent offense.

THE MODERATOR: Thereafter. So the
fourth and subsequent. Okay. Fourth and subsequent.

Okay, Mr. Latimer. On the amendment.

Yeah, microphone down here.

MR. LATIMER: Thank you. Richard Latimer, Precinct one.

It is a general question, but it applies to the amendment because I don’t know whether I could in good conscience vote for a stiff penalty without getting some explanation because I am ignorant of this.

What is a mooring violation? What kind of things are we talking about?

THE MODERATOR: Mr. Frazier.

MR. FRAZIER: The mooring regulations are Chapter 269. They run the gamut, basically, from tackle requirements, use requirements, non rental transfer. Any of those are punishable by a $50 – currently a $50 fine. The most common is unauthorized use of a mooring.

MR. LATIMER: Okay, so for example if I had a sailboat in West Falmouth Harbor and I decided that I wanted to take a week and go over to Martha’s Vineyard, and my friend who trailers
a Boston Whaler, you know, and I wanted to let
him use it for the week, that would be a $50 fine
for the first offense?

MR. FRAZIER: It could be a $50 fine if
the mooring holder did not request permission.

MR. LATIMER: So I could request
permission for that?

MR. FRAZIER: You can get permission to
lend out a mooring, but you need to ask
permission before you do it.

MR. LATIMER: Oh, okay, thank you.

MR. FRAZIER: Yeah.

THE MODERATOR: Okay, Ms. O’Connell.

MS. O’CONNELL: Yes, Maureen O’Connell,

Precinct four.

I’m wondering, is this consecutive over
a long period of time or is this within one
season?

MR. FRAZIER: I did ask Frank Duffy for
his opinion on that, and basically, technically
speaking an offense could be multiple times on
the same day. Practically speaking, that’s not
how we do it. It would be a calendar day
offense.
MS. O’CONNELL: So this is over three years, over four years, or it’s not within one year?

MR. FRAZIER: No, there’s no limit. If this is adopted as written, there is no limit. It would be over – in perpetuity.

MS. O’CONNELL: Thank you.


MS. MCGUIRE: Debra McGuire, Precinct one.

Who pays the fine?

MR. FRAZIER: Oh, well, again, that depends on if the mooring is being used without the permission of the owner, then we would typically fine the boat owner. If it’s the mooring person violating the rules, then the fine would go there.

THE MODERATOR: Okay, further discussion on the amendment?

Okay, The question will come on the amendment. This is to add the $300 for the fourth and subsequent offense to section b. All those in favor of the amendment, signify by
saying aye.

[AYE.]

THE MODERATOR:  All those opposed no.

[None opposed.]

THE MODERATOR:  The ayes have it by a majority.

Any further discussion on the main motion as amended?

Yes, Mr. Walker.

Microphone, please.

MR. WALKER:  Thank you, Mr. Moderator.

Grant Walker, Precinct three.

What is a sewer violation?

THE MODERATOR:  Mr. Rafferty.

There’s going to be some if we don’t take the break soon, here.

[Laughter.]

THE MODERATOR:  Go ahead, Mr. Rafferty.

MR. RAFFERTY:  Good evening, Steven Rafferty. I’m a member of the Board of Health.

And during the course of the last year we began a process for folks that have been told to have a denitrifying system on their property. They’re obligated to maintain the system and provide
periodic quarterly data that the system’s working.

And we encountered a case where people who have decided to not maintain or comply with their system. We didn’t have much power, other than the fact that we’ve told them they have to do it, to get them to be responsive.

And so this is a case, after consulting with Town Counsel, to clarify that, should we issue an order to somebody, that they must comply with one of our regulations. It could be a regulation having to do with food at a restaurant, or other regulations that we have for operations of wells, but in this specific case that got us to go to it, it was the nitrogen systems.

We now have an ability through the bylaw process to do that.

Alternatively, we were going to have to go down a rather tedious process involving the courts to make any effort.

Did I answer the question?

THE MODERATOR: Mr. Walker. Mr. Walker. Yes.
MR. WALKER: Is there any violation for a household connected to the new Little Pond Sewer System? If you’re connected to that sewer pipe system, is there a violation?

THE MODERATOR: Not if you do it under the regulations.

MR. RAFFERTY: Yeah, if you’re connected to the sewer system, your wastewater disposal does not fall under the Board of Health. So this regulation would not apply to you if you’re connected to the sewer.

THE MODERATOR: Ms. Putnam.

MS. PUTNAM: Rebecca Putnam, Precinct nine. Through you, Mr. Moderator, to Mr. Rafferty. So why do we have it listed as a sewers and septic systems?

THE MODERATOR: That’s the subject of Chapter 180. So that’s the title of Chapter 180.

MS. PUTNAM: But he just explained if we’re tied into --

THE MODERATOR: So you’re only doing two little fines within Chapter 180, which the
title of Chapter 180 is Sewers and Septic Systems.

MS. PUTNAM: So is there a better way to clarify that? Since, really if you’re – you just said, if you’re tied into the Town sewer system you aren’t going to be fined, and it says --

THE MODERATOR: And so if you read the thing in its entirety, at the top, there’s a title, and it says Sewers and Septic and then you start going into the sections and there’s different things? And then when you get to this other one, Sewer Use.

MS. PUTNAM: I guess to me it just – I can understand that there’s a title to it, but what is the exact Chapter 180 offenses? Other than – I know denitrification systems, people turn them off. They turn the breakers off to it, stop using it, stop monitoring it. That happens. I’m in the real estate business.

But I think it gets confusing when you sit there and – unless you really know what Chapter 180 is, what the fines are really going to be for.
MR. RAFFERTY: I’m going to take a stab at this, only because I also work at the DPW. I’m the Water Superintendent; I work there. The Wastewater Superintendent Amy Lowell is not here tonight, otherwise she’d do a better job of this than I would. But for the first thing here, the sewers and septic systems, the sewer use here I do believe is you have one year in order to connect to the sewer system in the Little Pond Sewer Service Area. It’s the same rules that applied when they put in the New Silver Beach. Right now, if you get to the end of the year and you’ve made no progress towards connecting up to the sewer, I don’t believe there’s a methodology by which you can enforce the regulation. This gives a little bit of teeth to that regulation. So if everybody else has done their part to hook up to the sewer and somebody’s just not complying, this allows the Town to ask people to follow along with their obligation to tie in within one year.

THE MODERATOR: Okay, Ms. Murphy.

MS. MURPHY: Thank you, Mr. Moderator,
Carol Murphy, Precinct nine.

I just wanted to know if there’s a written warning issued before any of these fines are imposed.

MR. RAFFERTY: So again I’ll put on my sit next door to Amy Lowell hat.

A lot of documentation has gone out to everybody who is on the Little Pond Sewer Service Area notification of the process, hearings and everything. I don’t think there’s anybody living in that area to which it’s a surprise of the obligation to connect to the sewer and the timetable for doing that.

With regards to the second part of this, or the third part, really, we skip over the moorings. For the Board of Health, we have to go through a process at the Board of Health meeting to notify – note that somebody’s not in compliance, send them a documentation, offer them an opportunity to request a hearing, and come in to state their case as to why they feel that their noncompliance is really compliance.

You know, we had one individual who said that the person who was taking care of their
system had stopped taking care of it. They had been away. They hadn’t yet signed somebody else up. They would sign somebody else up and they came in with a contract with the new person to take care of their system, and so we did not pursue anything.

So.

MS. MURPHY: So they are notified and given a chance to remedy before a fine’s imposed?

MR. RAFFERTY: For at least these two cases, yes.

MS. MURPHY: Thank you.

THE MODERATOR: Okay, anything else on the main motion as amended? Hearing none, the question will then come on the main motion as amended.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous. And we’ll stand in a 15 minute recess.
[Whereupon, a recess was held.]

Okay, all Town Meeting members please come forward, get ready for us to re-establish a quorum.

[Pause.]

THE MODERATOR: Town Meeting members please come forward, take your seats so that we can re-establish a quorum. Come back in on Article 25.

[Pause.]

THE MODERATOR: Okay, let’s set up a little bit longer poll. They’re flashing the lights downstairs, so let’s do three minutes.

Okay, all Town Meeting members present please press 1A establish a quorum. The voting for the quorum will be set at three minutes. 1-A for the establishment of a quorum.

Town Meeting members please come forward and take your seats.

[Pause while electronic quorum scrolls.]  

THE MODERATOR: Okay, 30 seconds left in the quorum poll. Town Meeting members please press 1A on your response card to establish the quorum.
Twenty seconds left in the quorum poll.
The quorum poll is closed.
Rob, please present the results.
By a counted vote of 167, we have a quorum and I call the Annual Town Meeting back into session.

Okay, we are on Article 25. This is the petitioner article relative to the property on Main Street and Lantern Lane owned by the Fay family. The petitioner - the recommendation of the Board of Selectmen is indefinite postponement and the petitioner has a positive motion.

Mr. Finneran.

MR. FINNERAN: Yes, I’d like to put a positive motion on the floor.

THE MODERATOR: Go ahead.

MR. FINNERAN: As amended and re-written and amended again. You see it there.

THE MODERATOR: Yes, let’s actually read through this. So this is the main motion for Article 25.

You want to read through it.

MR. FINNERAN: Yeah. To see if the Town will vote to authorize the Board of
Selectmen to purchase or take by eminent domain
the parcels of land and buildings thereon at Zero
and Three Lantern Lane and Zero and 556 Main
Street, now or formerly owned by the Fay Realty
Trust, John Fay, Trustee, recorded in the
Falmouth Assessor’s book parcel I.D. 4780301702,
47803017A04, 47802005001, and there is another
corresponding number with the Zero Main Street
missing, but it’s included.

And develop a mixed use complex,

adapting the design and characteristics of 704
Main Street with 40 to 50 residential units to be
affordable for families earning between 50 and 70
percent of the median household income and
meeting all eligibility criteria for affordable
housing, as specified in MGL c. 40B, and
regulations promulgated thereunder, for the sole
purpose of helping the Town of Falmouth meet its
statutory quota for affordable housing
economically while siting such units on an
optimal downtown location for families earning
less than the median household income, being on a
bus route within all walking distance to a
pharmacy, grocery store, convenience stores and
other amenities.

And further to transfer the sum of
$2,500,000 or borrowing said sum or any part
thereof pursuant to Chapter 44, Section 7,
subsection 3 of the Massachusetts General Laws
and other enabling authorities. And to issue
bonds or notes – I’m having a hard time reading
this, sorry – of the Town therefore. For the
acquisition of the foregoing land and costs
incidental and related thereto. To authorize the
Board of Selectmen or its designees to accept any
gifts of property, real, personal or otherwise,
in relation to this forgoing acquisition. To
enter into any agreements and to execute all
documents it deems advantageous on behalf of the
Town for partial or full reimbursement of the
costs of application. Acquisition – sorry.

THE MODERATOR: Okay, Mr. Finneran, at
the beginning of the second paragraph: to
transfer the sum of $2,500,000. Transfer it
from Certified Free Cash?

MR. FINNERAN: Yes. Isn’t that on
there?

THE MODERATOR: No. Okay.
So, at the end of the $2,500,000 from Certified Free Cash or by borrowing.

MR. FINNERAN: I thought I took as read it. You can see I cut it and pasted it.

THE MODERATOR: No, it’s up there.

MR. FINNERAN: And the zero where?

THE MODERATOR: In which number?

MR. FINNERAN: In the dollars.

THE MODERATOR: Yeah, that’s fine, because it’s written out: two million five hundred thousand. Yes. Okay. But we’ve got to say where the transfer’s from. So, Certified Free Cash? Okay.

So this will be the main motion for Article 25.

Mr. Finneran.

MR. FINNERAN: Yes.

THE MODERATOR: Is there a question or do you want to talk?

MR. LOWELL: [No mic:] I have a point of order.

THE MODERATOR: Yeah.

MR. LOWELL: [No mic:] Can you explain, it says here “or borrow”?
THE MODERATOR: Yeah, so it’s to transfer. It says at the beginning to transfer the sum or by borrowing said sum, or any part thereof.

MR. LOWELL: But I don’t believe we can transfer or borrow; it has to be one or the other.

THE MODERATOR: Well, you can authorize the Board of Selectmen, as it does up here, to go and look at taking this thing, and then you can allow a transfer or borrowing or a mixture thereof.

MR. LOWELL: If it was a borrowing it would require a two-thirds vote, would it not?

THE MODERATOR: This is will require a two-thirds. Also because it takes eminent domain, so regardless. There’s two requirements for two-thirds in this motion.

MR. LOWELL: I just don’t know how we could say that we’re going to transfer two and a half million from Free Cash, or borrow it. It seems like that would be Town Meeting’s responsibility to pick one or the other.

THE MODERATOR: Then that’s what Town
Meeting can discuss when we open discussion.

Yeah. It’s not my motion; it’s the petitioner’s motion. So if you want to strike that and go one or the other, that’s up to you guys.

Okay, Mr. Finneran.

MR. FINNERAN: Can I have the first slide, please? The next one. Pardon me? Oh, sorry. Right button?

Okay, everybody knows this anyway, but this is not a very good shot but that’s the Fay property as it exists now. This is what they propose. On the right-hand side of that, my understanding it’s about three feet from the Dugan’s property. My understanding, on the left side it’s somewhere in the neighborhood of seven feet, I believe, from the other property.

And you can see better from this slide – that being Main Street -- exactly how much of that lot this - call it a monstrosity - is going to cover? Their present plan does not even allow for one visitor parking space. The motivation behind this whole article is it’s just too large for our downtown.

My presentation is going to be very
short. Peter has some information that he
gathered through the library that he’s going to
present. But basically, I think that we can do
better. We can build more affordable units than
this gentleman proposes and on a much smaller
scale.

My proposal is basically we have the
designs and the plans for 704; it’s a very
successful property. Everybody’s happy with it.
I don’t see why we can’t do it again. Use as
much of the design characteristics and the
blueprints are all sitting in the back room,
there. I mean, we don’t have to reinvent the
wheel. That’s why schools and bus stations in
the past always looked the same, because
economics. And, I mean, we don’t have a ton of
money.

Basically that’s what you probably
already know and then Peter has some history that
he’s researched on the property he’s going to
present and then I’ll be back for a closing.
We’ll get this on the floor as quick as possible.

THE MODERATOR: Mr. Cook.

MR. COOK: Good evening, Town Meeting
members. I’m Peter Cook from Precinct six. I’m here to vote in favor of Article 5 and provide background history about this parcel in Falmouth.

I researched the Falmouth Library’s digital archives online, and I learned a great deal about the land and the people who created what is there today. When I finished, I saw a striking contrast of two different developers.

In 1944, John Jay Fay, of Medford, Massachusetts, purchased 11 acres from John F. Donaldson on East Main Street and Nye’s Pond. Like many who came to Falmouth, Mr. Fay summered in their Old Silver Beach home for several years. He brought his heating and plumbing business to Falmouth because, quoting from the article, “All my family is deeply interested in this town.”

In 1945, a new store was built. It opened to sell new appliances and services to a post-World War II Falmouth. The design was strikingly modern, as you can see from the following slides.

And here’s an ad from the Enterprise.

After several years a new road was constructed initially called Fay Lane Road, and
later Lantern Lane, so as not to be confused with Fay Road in Woods Hole. This road would become the main road through a neighborhood called Tradition Village, which is still there today.

John Fay, Jr. - that's him looking over the field toward Stop N' Shop of the 1950's - number 2 in the photo. And the Rec Center, number 3 in the photo. John created the Tradition Village neighborhood behind his commercial business. In contrast to the current proposal for Liberty Green, this article describes phased development, titled, "Tradition Village is taking shape in careful plans." A lot has - to quote the article, "A lot has been said recently about preserving traditional architecture in Falmouth and John Jay Fays junior and senior are giving more than lip service to the traditional school. Houses built in Tradition Village will have to have more than a resemblance to the Cape Cod style."

To continue quoting: "To show how far the Fays are going in their insistence on style, windows in Tradition Village will be in the time-honored 12 over 12 panes, and roofs with a nine
inch pitch."

Another thing that will set this
development apart is this: only 50 house lots are
planned for the track. That means the lots will
average 20,000 square feet, just double the
minimum size required by the Town of Falmouth at
that time. The houses will be kept 35 feet
within property bounds. Tradition Village is
going to be spacious, with plenty of elbow room.
And there will be ample frontage on Nye’s Pond.

This is 5 Lantern Lane today, presently
owned by Matthew and Debbie Gould. It was the
home originally owned by John Fay, Jr., the
person who created Tradition Village, and was
also a Town Meeting member. Both he and his
father decided to create a business in Falmouth,
design and build their homes in Tradition
Village, and raise their family there. They
literally put down strong roots in Falmouth.

If I could have page 86, 86 in your
warrant if you could take a look in the back,
it’ll give you an overview. I just want to
point out where number five is. Let’s see,
right up there, that’s number five. That’s the
property line for Liberty Green. In addition, they’re going to be building across the street, there.

Unfortunately, number five Lantern Lane, if the Liberty Green housing complex is built, will have a large building built right up against the property line, as I said, and with five townhouses in a large building and a parking lot across the street. Tradition Village and Lantern Lane will become a service road for a multi-storied housing complex.

Now I go back to my last slide. Thank you.

This is what number five looks like, a beautiful spot right behind the house, if you’ve never seen Nye’s Pond before.

In conclusion, there’s some that say that there’s nothing to learn from history and we should only care about the future. I wasn’t brought up that way. I believe we should learn from the past as we go to the future. The Fays’ story and their impact on Falmouth is a good example to learn from for Falmouth’s future.

I ask my fellow Town Meeting members to
ask themselves: do we care about the land, our neighborhoods, our neighbors, our architecture, and a Falmouth we want our children to be proud of, or do we just want to allow a builder to make a quick dollar, leave town, and forever change Falmouth with possibly more Liberty Greens in the future?

Thank you.

MR. FINNERAN: So, basically, I’m going to throw this out to you, now, and I just want to keep these two slides up, if possible. I mean, that’s how dense that thing’s going to be. As I said: not one visitor parking space. 104 units, 26 which will be affordable.

We propose to build 40 or 50 affordable units using roughly half that space.

And there it is again. If you want it, you can vote for it. If you want to try to stop it, we have a chance. And that’s short and sweet; everybody wants to get out of here.

THE MODERATOR: Okay, Mr. Herbst.

MR. HERBST: Ralph Herbst, Precinct eight.

I have to congratulate the petitioner
for bringing this before Town Meeting because there's not a person in this room or probably within the town limits of Falmouth that believes that this is good for the town.

I notice that the Board of Selectmen have voted indefinite postponement, or recommended indefinite postponement, and the reason is -- and you need to make sure that you look at this in your book, the explanation of why they have recommended indefinite postponement.

It's because there was a Supreme Judicial Court ruling in the past that you can't use eminent domain to prevent affordable housing. Which, that's sort of a slam dunk, you can see why the court would rule that way because they would be using it as an end run to try and avoid affordable housing in their town.

So, I'm glad that that's in front of you, because that's the reason I'm in front of you. The - I'm proposing an amendment to the article that's in front of you now and it has nothing to do with what's been presented to you so far. It only offers an option for the Town to purchase this land by not using eminent domain
because eminent domain is simply not going to work.

So, if you look at the article, it says it authorizes the Board of Selectmen to purchase or take by eminent domain. So my amendment is going to allow the Town to approach the developer and the landowner and to buy the land. This is I think it just absolutely has to happen. By using eminent domain, you usually end up in court. Don’t have to, but you usually end up in court. And what’s going to happen here if we purchase the land, we’re going to pay more than if we had been the first entity to approach the landowner and say we wanted to do it. Unfortunately a developer got in there, proposed a hotel, it was turned down by the Cape Cod Commission and then he got tired of any road blocks that the Planning Board or any other agency here in Town put in front of them, and decided, “That’s it, I’m going to go 40B and bypass all of your zoning.”

So I believe it’s in court right now. So my proposal is to get out of court. Stop this litigation and get out of court and deal with these people one on one and buy em out.
And yes, it’ll cost more than probably we would want to, but so you add three or four thousand dollars per unit to your affordable units and you’re home free and you do it the way you want to.

So, my – I’m sorry I don’t have something to put in front of you --

THE MODERATOR: So your amendment is just to strike the words “or take by eminent domain” from the main motion?

MR. HERBST: I’m sorry?

THE MODERATOR: So your amendment is to just strike the words “or take by eminent domain” from the main motion?

MR. HERBST: No, my motion, I put it in front – on your desk last night, and it’s – and I can read it for you. I gave you a copy. You weren’t there, but I put it on your --

THE MODERATOR: Like five of them. There were like five of them for this article last night.

MR. HERBST: It’s very short. It’s very short, and if I can just read it, I’d be happy to do it.
THE MODERATOR: Yeah, so you’re striking this motion in its entirety?

MR. HERBST: No, I’m just adding something.

THE MODERATOR: Okay.

MR. HERBST: That’s all I’m doing is adding something. I’m not changing anything that’s in front of us so far.

It was a white piece of paper and I put my name on it —

[Laughter.]

THE MODERATOR: “R. Herbst. And further that the —

MR. HERBST: That looks like it.

THE MODERATOR: Okay, there it is. We found it.

MR. HERBST: All right, sir. If you don’t mind, I’ll proceed.

THE MODERATOR: Yeah.

MR. HERBST: All right, my amendment is at the very end of the article, the proposed article that’s in front of you. I propose to add this following verbiage: “And further, the Board of Selectmen shall appoint a negotiating
committee of five or other entity such as the EDIC to purchase at a reasonable and equitable price those said parcels, including portions of Lantern Lane, for the exclusive purpose of developing affordable housing.”

So that’s the long and the short of it. I’m convinced that eminent domain will drag this thing out forever and there’s no guarantee that we would get it that way. That we’re going to have to negotiate with these people one on one. We’re going to probably have to pay more than we want to, but it’s the only way we’re going to stop this development. And it’s going to be worth the money.

The last thing, of course, is instead of 25 percent of the units being affordable, 100 percent of the units will be affordable.

Thank you very much.

THE MODERATOR: Okay, so Mr. Herbst, I’ve got your written addition at the end. Did you also as that motion want to strike the words, “Or take by eminent domain”? Because I heard you talk about the whole --

MR. HERBST: I don’t think — I’m not
saying to strike “by eminent domain”. That’s
something that this body has to decide to see
whether or not I convinced them that eminent
domain is not going to work.

THE MODERATOR: Okay, so in the main
motion is that language, though. So your
amendment --

MR. HERBST: My amendment --

THE MODERATOR: You talked for like two
minutes about eminent domain.

MR. HERBST: – is to the motion that
was just proposed by --

THE MODERATOR: All right, I’m not
going to argue with it. We’ll let the lawyers
figure it out after.

So you got the amendment. The amendment
is to further - and further, that the Board of
Selectmen shall appoint a negotiating committee
of five or another entity such as the EDIC to
purchase for a reasonable and equitable price
those said parcels, including portions of Lantern
Lane, for the exclusive purpose of developing
affordable housing.

The discussion’s open on the amendment.
Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct one.

I see no need for the amendment. I think that what Town Meeting needs to understand is that General Laws Chapter 40B Section 21 was enacted back in 1969 as an anti-snob zoning act. It was not enacted as the condo developer protection act. It certainly was not a relief act. The interest here is, under 40B, is affordable housing.

Now, the case that Mr. Herbst referred to and others have referred to, _Pheasant Ridge versus Town of Burlington_, was one of the very minuscule amount of cases where a Town Meeting taking has been overturned by the courts. And it is not correct to say, as Mr. Herbst said, that we can’t take a piece of property that is being permitted for under 40B. In fact, in the Pheasant Ridge case, they cite the case of _Chelmsford versus DiBiase_, 370 Mass. 90, where the Town acted in good faith and for a public purpose, taking land which was subject to a pending application for a comprehensive permit.
under General Laws Chapter 40B, section 21.
That was valid.

The problem with the Town of Burlington, by contrast, was they took the property for the sole purpose of blocking affordable housing, which was against the statutory purpose and that was not good faith. It’s a very different case than what we’re proposing here and I think what this Town Meeting ought to be doing is focusing on our need for affordable housing and to do it right.

And to do it right would be to look at that project and say, “That is way too much of a project, with too little affordable housing.”

104 units and you get 26 affordable housing units? That doesn’t help our need for affordable housing at all. What we need to do is be more proactive, and say, well, we can do better. We can say we’re going to do a mixed use development with 40 or 50 affordable residences, as defined. The mixed use is necessary because you have to make this economical.

The 40 to 50 residential units at
affordable rates aren’t going to pay, you know, necessarily meet our nut for developing it. But the business use, the mixed use, the businesses, that’s why we were looking at 704 Main Street. Where, if you look at that project, it’s a very good, affordable project that is mixed use because it has those storefronts on Main Street which helped pay for the project.

Now, in the Burlington case, the Supreme Judicial Court said it was bad faith because what the Town did there was they were solely interested in blocking the 40B project, not as they said because of these – this infrastructure issues, but they just didn’t want affordable housing there, at that location. That was NIMBY. That was snob zoning, which 40B was designed to eliminate. And what they did was they proposed a park in that area. And the Supreme Judicial Court said well, this isn’t good faith because the Town had never before indicated any interest in a park in this area.

By contrast, we’re looking at an area of Main Street which is optimal for affordable housing. It is within walking distance of the
grocery store, a drug store, several convenience stores. People living there won’t have to drive everywhere. They, you know, maybe have a small family, only has one car. Well, guess what, they don’t need two cars.

THE MODERATOR: Okay, Mr. Latimer --

MR. LATIMER: It’s optimal for

affordable housing --

THE MODERATOR: - we’re at four minutes.

MR. LATIMER: - for people who are --

THE MODERATOR: Mr. Latimer, we’re at four minutes.

MR. LATIMER: - below median income --

Okay. Let me just - just --

THE MODERATOR: No, you’re at four minutes.

MR. LATIMER: What?

THE MODERATOR: You’re at four minutes.

You hit the time limit.

Mr. Donahue.

MR. LATIMER: Let me just make one final --

FROM THE FLOOR: No, no.
THE MODERATOR: No, that’s for the opening presentations. Speakers get four minutes the first time, two minutes the second time.

Mr. Donahue.

MR. DONAHUE: [No mic: inaudible.]

THE MODERATOR: No, you’re not interested in that? Okay.

Any further discussion on the amendment?

Ms. Buesseler.

MS. BUESSELER: Thank you, Wendi Buesseler, Precinct two.

I just have a couple questions. Is the owner willing to sell to the Town? Has he ever been approached yet for his interest, to gauge his interest in selling the property?

MR. FINNERAN: I am aware that the owner is interested in selling. He actually has an agreement on a lease. My understanding is that he’s amenable to lease it to the Town, or to sell it to the Town. He just wants to sell.

He initially signed on for a hotel. And, that didn’t happen. He – I’m sure he wouldn’t have signed onto that, but it’s just the
way the chips fell. And the eminent domain
taking is a legal process and it has been defined
since the *Kelo* decision, *Kelo versus New London*.
And it really – I guess I’m getting off topic.

MS. BUESSELER: Right, well this is --

MR. FINNERAN: But it doesn’t parallel.

THE MODERATOR: Ms. Buesseler.

MS. BUESSELER: Well, I was addressing
this because of the amendment, because if we were
trying to purchase it outright and if we don’t
have a willing seller, then maybe we do need to
go to the eminent domain.

THE MODERATOR: Yeah, well, the eminent
domain language is still in this motion.

MS. BUESSELER: Oh, it – okay.

THE MODERATOR: Yeah. I asked him if
he wanted to take it out, he said no, so.

MS. BUESSELER: Well, I have another
question through you, Mr. Moderator. What is the
fair market value of this property? Is that --

MR. FINNERAN: The assessed value is
about 1.6 million. Hence the 2.5 million offer
there.

MS. BUESSELER: Well, I’m very much in
favor of this. I just --

    MR. FINNERAN: I think it’s our only
choice.

    MS. BUESSELER: Yeah, I hope – I just
hope we go about it the right method to achieve
it.

    THE MODERATOR: Okay, Mr. Duffy, you
had something to share.

    MR. DUFFY: Frank Duffy, Town Counsel,
to address Ms. Buesseler’s question. We were at
the Housing Appeals Committee about two weeks ago
and the developer and his attorneys were there
and they informed the Committee that they
intended to go forward with this project and that
they wanted to go forwarded with the appeal to
the Housing Appeals Committee to eliminate the
conditions that the Zoning Board of Appeals put
on the project.

    So, you know, if we’re talking about do
we have a willing seller, I don’t think we really
have any reliable information.

    THE MODERATOR: Okay, Mr. Netto. On
the amendment. This is the Herbst amendment.
No?
Any further discussion on the Herbst amendment? Ms. Putnam.

MS. PUTNAM: Rebecca Putnam, Precinct nine.

As a real estate broker, I think one of the issues here is with purchasing it. And I’m not against – I’m not against trying to obtain this property for the purposes of 100 percent affordable housing. The problem comes in: we don’t know what stipulations are within and if they must still have an under a purchase and sales agreement. Which the seller can’t break. Unless the buyer can’t perform. And I don’t know that anybody knows — because, in real estate, we don’t necessarily have to disclose what’s in that agreement. That agreement is between a seller and a buyer.

So, do we know or has there been any information released on what the conditions are of this purchase and sales agreement between these two parties and what are the dates and what are the deadlines? Does anybody know any of that --

THE MODERATOR: Okay, Mr. Duffy.
MS. PUTNAM: - because that’s going to be --

THE MODERATOR: Yes, Mr. Duffy.

MR. DUFFY: I don’t think we know that information.

MR. FINNERAN: The --

THE MODERATOR: Mr. Finneran.

MR. FINNERAN: - documents that they filed with the ZBA, the prices and numbers have been redacted. But again, this developer went there to build a hotel; that failed. He then, by his own choice, turned this into an affordable housing project decision case. There is no way that he can build as many units as we can and remain profitable.

And again, I repeat: this is within our right to pursue eminent domain.

MS. PUTNAM: So the issue really becomes, though, not the pricing - and all that - if that was redacted and such, what is the time deadline that the buyer has to perform? Because the buyer could have done a separate addendum. Even though he proposed originally going for a hotel, he may have another addendum that we’re
not aware of between him and the seller, saying that, “Now I’m going to try to go before the Housing and get a 40B approved.”

And whether or not he’s profitable has nothing to do whether or not the housing – the state housing commission will approve this or not. That’s not what makes it a problem. The problem becomes we don’t know the terms of this purchase agreement. And if we can do it by eminent domain I think – through you, Mr. Moderator, to Mr. Duffy, that they may – the seller could break his contract of purchase and sales agreement.

MR. FINNERAN: Actually it would happen because it would become an eminent domain case.

THE MODERATOR: Yes, Mr. Finneran.

Mr. Duffy. If the Town exercised an eminent domain, does it release the seller?

MR. DUFFY: What was the question again, now, that? There’s several layers, here. For one thing, the developer doesn’t own it yet; he only has an agreement with somebody else, the Fays, to buy it. I don’t know what that agreement says.
THE MODERATOR: Is the seller released from the obligation of a P&S with an eminent domain taking?

MR. DUFFY: Is the seller? No.

THE MODERATOR: Released from the obligation if there’s an eminent domain taking, I think was the question.

MR. DUFFY: The seller would be the owner.

MS. PUTNAM: So - no, I know that.

MR. DUFFY: And if - there’s no obligation to sell. If the Town exercises it’s right of eminent domain, it takes the property. We don’t care what the seller wants to do, we take it.

MS. PUTNAM: No, no, no, the question is: if there is right now a legal binding purchase and sales agreement between the buyer and the seller, and the Town says, “We want to take this by eminent domain,” can the seller break his purchase agreement?

MR. DUFFY: Yeah, I don’t think it matters. We take it; that’s the end of the story.
THE MODERATOR: Okay, Mr. Turkington.

MR. TURKINGTON: Eric Turkington, Precinct one.

I’ve done a little research on this at the Board of Appeals and can clarify at least some of the factual information that people are asking for.

FROM THE FLOOR: Can’t hear you.

MR. TURKINGTON: What the agreement that this developer has with the Fay family is a 99 year lease. It’s not a purchase and sale agreement. It’s a lease. When he gets his permit to do whatever he wants to do, he will pay $100,000 a year for the first five years and then 105 for the next five years, and then 110 for the next five years, and it keeps escalating through the 99 years. That’s an agreement that the seller cannot break. He has a lease agreement with this fellow.

Eminent domain – and I give Mr. Finneran and the others a lot of credit for bringing it up, because up to now the Board of Appeals has been fighting this all by themselves. The Town has not been particularly supportive of trying to
come up with an alternative. Eminent domain is an alternative that could be in the toolbox.

It’s a very dangerous alternative because once you go into the eminent domain process, you have no idea what the price tag is when you come out. You do know – you make an offer. If the owner accepts the offer, terrific. If the owner does not accept the offer, you end up in court. Twelve percent a year is the interest rate that you’ll be charged on whatever the final number is.

Most towns avoid eminent domain like the plague because it’s so unpredictable.

Now, this Town has had a couple of friendly takings, friendly eminent domain takings, that have worked out. But this Town has not had an unfriendly taking since the 1960's, when they took the bike path from Falmouth center to Woods Hole for a price that they thought was reasonable: $60,000, and they ended up paying $400,000. That’s what happens when you get into eminent domain.

Where we are right now with this: it’s at the Housing Appeals Committee. The next time
that board is going to meet on this subject is
next April. So we have time to look around and
see what our options are. I think between now
and April the Town leadership should be stepping
up to the plate and developing a more aggressive
approach to dealing with this issue. It might
include eminent domain. But it certainly
shouldn’t be done tonight, based on the total
lack of information that we seem to have.

THE MODERATOR: Okay, Mr. Heath.

MR. HEATH: Austin Heath, Precinct
eight.

There are a lot of things in here that
we don’t know, but if indeed the developer would
like to dispose of his interests, one of the
options might be to see whether or not the lease
that he has can be assigned or sold, in which
case he would never have to put out the money
that – a dime for it. So he might assign it for
a very reasonable fee if he thinks he might lose
the permitting.

There are also option agreements, but
this is difficult for us to decide tonight, what
to do on this, because we just don’t know enough.
I don’t know if he’s been asked if he really
wants to get out and go away and do something
else. This is costing him money, it’s costing
the Town money. So somewhere there should be a
deal in there.

Has anyone spoken to him directly, or to
the – directly on this?

MR. FINNERAN: Not I.

THE MODERATOR: No.

MR. HEATH: That might be the first
step.

[Laughter.]

THE MODERATOR: Okay. So, let’s take
the first --

MR. HEATH: And one way to do it --

THE MODERATOR: Let’s take the first
step on the amendment, here, which is to appoint
this negotiating committee to go see if they want
to sell it.

MR. HEATH: Yeah.

THE MODERATOR: So let’s vote on the
Herbst amendment, here.

All those in favor of the amendment,
signify by saying aye.
[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the Chair that the nos have it on the amendment and we’re back --

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: What’s that?

FROM THE FLOOR: Read it again. Yes.

THE MODERATOR: Okay. I gave you a summary, but I’ll read it again. So I said for the negotiating committee, right?

So, further, that the Board of Selectmen shall appoint a negotiating committee of five, or another entity such as the EDIC, to purchase for a reasonable and equitable price those said parcels, including portions of Lantern Lane, for the exclusive purpose of developing affordable housing.

Okay, so I’ll take the vote again because some folks didn’t know what they were voting on.

All those in favor of the amendment, signify by saying aye.

Tinkham Reporting
Aye.

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair is that the nos still have it and the amendment doesn’t pass.

The question is back on the main motion.

I’m going to go back to my original speaker’s list. Mr. Dufresne.

Yeah, Mr. Donahue.

MR. DONAHUE: I challenge that.

THE MODERATOR: Challenge what?

MR. DONAHUE: Challenge that vote.

THE MODERATOR: Do seven people think that that was not a negative vote? One, two, three, four, five, six, seven. Okay.

So we’re going to take a counted vote.

It couldn’t have been any clearer in my ears, but all those in favor of the amendment will vote 1A.

All those opposed to the amendment will vote 2B.

Can we – Rob, can we get a poll ready?

Oh, we’re ready? Okay, we’re going to use the same slide, okay.

So this is for the amendment. Okay,
this is just the slide we have to use for the
system. You are voting on the amendment that
you just voted on by a voice vote.

All those in favor of the amendment
signify by voting 1A. All those opposed to the
amendment, signify by voting 1B.

Open the poll, Rob.

FROM THE FLOOR: Two-B.

THE MODERATOR: Two-B. You know what
to do, I shouldn’t have to explain it every time.

So, one is yes. Two is no.

[Pause while electronic voting scrolls.]  

THE MODERATOR: Okay. The polls are
closed. The return is 87 in favor and 97 opposed
and the article does not pass.

The question goes back to the main
motion and Mr. Dufresne was next on the list.

Mr. Dufresne.

MR. DUFRESNE: I’ll be briefer tonight
than I was last night.

My concern - and I want to thank former
Selectman Turkington, Lawyer Turkington, for his
presentation, because the consequences of eminent
domain, regardless of how you do it when you end
up in court, you don’t pay what you think you’re paying for.

FROM THE FLOOR: Speak up.

MR. DUFRESNE: Oh.

THE MODERATOR: Yeah, if you could just lean in a little closer to the mic.

MR. DUFRESNE: All right.

THE MODERATOR: And if you could put the main motion slide back up, please.

MR. DUFRESNE: But anyway, eminent domain, I was involved in an eminent domain taking when I was a peace commissioner and I can tell you right now we paid three times in court what the other two abutters agreed to.

So, when you take something by eminent domain, right now, in my eyes - and maybe I’m wrong - I’m looking at a project that’s been approved. It is now in court on an appeal. So, is the value of that property what has already been approved by the Town of Falmouth, which is the Board of Appeals? They have it in court. I’m just so concerned with eminent domain. I think we should vote this article down.

I think we should have a committee of
people up here on the stage to try to negotiate
with the developer and buy out that project at a
price, but let’s knock this article down.
Eminent domain scares the hell out of me, I’ll
tell you right now.

Thank you.

THE MODERATOR: Okay, Ms. Connolly.

You’re on the list, Richard.

MS. CONNOLLY: Hi, there. I’m Annie

Connolly, Precinct six. Former executive
director for the Falmouth Housing Trust. I was
asked to speak on this article by some pals out
there because I have built affordable housing in
this town.

Even as a local nonprofit building 100
percent affordable units -- so, no market rate,
no 75 percent market rate, 25 percent affordable
-- all my units were deed restricted. I did so
with a nonprofit board. We had total
transparency. I was before this body a number of
times. Took me seven years to build three units
at St. Mark’s Road. It is a hard process.

It is important that the process be a
public one, that it be done with the highest
integrity.

What we have before us tonight is a knee-jerk reaction to fight against what we would call a hostile or unfriendly 40B. Under the Housing Trust, when I worked for the Housing Trust, I permitted friendly 40B’s. St. Marks took seven years. Odd Fellows Hall, which is an adaptive re-use of a derelict, awful building, took five.

The process needs to be easier. And I don’t want to dilute the message, here, but this body, we’re all responsible for what we’ve got before us, okay? The permitting process in town is onerous.

We don’t have a master land use plan. We don’t have a master plan, so we can’t say no to hostile 40B’s. We don’t have a housing production plan. The one we had expired three years ago. Shame on us. That’s how you make these hostile 40B’s not come to Falmouth.

So, I have a lot of notes I’ve been scribbling for 45 minutes. I probably can’t read my writing, so bear with me.

I’m going to make an amendment. I can’t
believe I’m doing this and I can’t believe I’m
agreeing with Mark. No offense, Mark, but, you
know, we don’t usually see eye to eye --

[Laughter.]

MS. CONNOLLY: - on stuff.

Although he has some great points,
sometimes the deliveries – but, whatever, he’s
done a good job. I give him credit for this.

THE MODERATOR: Okay, let’s make your
amendment because your time’s running out.

MS. CONNOLLY: Okay, here’s my
amendment. I think we strike the article in its
entirety. I think instead we send a strong and
powerful message to the developer and to our
community. We authorize the Board of Selectmen
and the Town Manager to negotiate a purchase,
eminent domain, whatever it ends up shaking out
as.

Let’s authorize a small amount of money
to enter into negotiations. The Housing
Appeals Court process can continue in Boston.
It’s going to be a long time coming. We’ve got
some time. Time is on our side. And let’s get
it together as a group and a community.
If we won’t want this here, let’s come up with what we do want, and let’s work together and support each other. And that means come to public meetings, participate, share what you think is right. Create visible, sustainable, quality housing for our community. Not affordable housing, community housing.

Thank you.

THE MODERATOR: All right, I’m going to need that in writing, because that’s not clear enough.

MS. CONNOLLY: Okay, sorry. Are you kidding?

THE MODERATOR: The Clerk is – no, I’m not. The Clerk is going to need – you want to have eminent domain, a purchase, or --

MS. CONNOLLY: I want the article to be an authorization of --

THE MODERATOR: The Moderator will require the amendment in writing, if you’d like to take the time to write it.

MS. CONNOLLY: Okay.

THE MODERATOR: Yes, because you’re talking about legally going out and negotiating,
taking by eminent domain. I can’t be fly by the seat with a couple of words. I need to have an amendment that the Clerk can put as the official amendment.

MS. CONNOLLY: Okay, I will strike Article in its entirety. I hope you can read my writing, Dave.

THE MODERATOR: The Clerk’s got to read it.

MS. CONNOLLY: And authorize $25,000 for Certified Free Cash for the Town Manager and the Board of Selectmen or their designees – what?

FROM THE FLOOR: 100,000.

MS. CONNOLLY: A hundred thousand? Okay, a hundred thousand.

[Laughter.]

THE MODERATOR: Okay, Folks, Folks, what – just --

MS. CONNOLLY: Okay.

THE MODERATOR: We’re not going to be writing amendments as a body of 243. So, you write it, you submit it to us up here, and then we’ll – I’ll read it back and we’ll have discussion on the amendment.
MS. CONNOLLY: Okay.

FROM THE FLOOR: [No mic:] While she’s writing, we [inaudible.]

MS. CONNOLLY: Here you go.

THE MODERATOR: No, because we don’t have the motion before the clerk yet.

MS. CONNOLLY: Can you read it?

[Pause.]

THE MODERATOR: Okay, that’s it?

Okay. So, to strike the article in its entirety, and to --

MS. CONNOLLY: Authorize $100,000.

THE MODERATOR: From where?

MS. CONNOLLY: Certified Free Cash.

THE MODERATOR: From Certified Free Cash.

MS. CONNOLLY: And to direct or instruct the Board of Selectmen --


MS. CONNOLLY: Board of Selectmen or Town Manager or their designee.

THE MODERATOR: Okay. And to authorize the Town Manager and Board of Selectmen
to enter into negotiations.

MS. CONNOLLY: To obtain the property.

THE MODERATOR: No, I’m writing it now.

To obtain the property.

[Laughter.]

MS. CONNOLLY: I’m tired, I’m sorry.

THE MODERATOR: To obtain the property, period?

MS. CONNOLLY: Yeah, I mean, if it’s – yeah, yeah. I don’t think we should restrict ourselves to eminent domain or anything else.

THE MODERATOR: Okay, to strike the article in its entirety and to transfer $100,000 from Certified Free Cash to be expended under the jurisdiction of the Board of Selectmen and to authorize the Town Manager and the Board of Selectmen to enter into negotiations to obtain the property.

The one problem with this motion is it doesn’t say what property, so.

[Laughter.]

THE MODERATOR: It’s the motion, sorry. You struck it in its entirety. This is why we don’t do it on the floor of Town Meeting, these
type of detailed motions.

MS. CONNOLLY: Property located at 0 and 3 Lantern Lane and 556 Main Street.

THE MODERATOR: We’re adding at the bottom the property classification.

MS. CONNOLLY: Okay.

THE MODERATOR: Zero and three Lantern Lane and zero and 566 --

MS. CONNOLLY: Parcel it, yeah.

THE MODERATOR: – Main Street, now or formally owned, and to the end of the 001.

Okay, discussion on the amendment. We’re opening up a new list. We’re on this amendment.

Mr. Netto.

MR. NETTO: A question to Finance Director Ms. Petit before I talk to you, Mr. Moderator?

THE MODERATOR: Yeah, go ahead.

Quickly. Quickly, let’s go.

MR. NETTO: Quickly, do - obviously we have $100,000 in Free Cash, correct?

MS. PETIT: Yes.

MR. NETTO: Thank you very much. And
it would be improper for me to ask if we had two and a half million in Free Cash for the main motion? Or can I ask that now and save some time?

THE MODERATOR: Yes.

MS. PETIT: Can I?

THE MODERATOR: Yes, go ahead.

MS. PETIT: We— we do have two and a half million in Free Cash but I’d just like to elaborate on that a little bit, if that’s okay.

MR. NETTO: Well, okay. The hundred thousand we have?

MR. PETIT: Yes.

MR. NETTO: And it’s getting late and I don’t believe we’re discussing how to buy two and a half million dollars worth of property on Town Meeting floor, but the amendment that was just made, I will support. The amendment that was just made does not take by eminent domain.

Mr. Turkington left off Katherine Lee Bates Road, which cost us millions, didn’t it, Eric?

And you know who beat us in court? A gentleman that wasn’t a lawyer represented
himself, Nate Denman. That’s the biggest eminent domain case that I will – you will not get my support to take land by eminent domain.

I think this amendment is a good compromise. And like Mr. Turkington, I too, have to look at the stage at the Board of Selectmen and wonder why haven’t you taken an initiative to investigate purchasing this property? I think we want to buy it, but I think what – after what Mr. Turkington just said, and he pretty well knows this business, past selectman, legal – he’s a lawyer, and I have to side with him and I hope we pass this amendment and let the Board of Selectmen negotiate and look at what options we have and bring it back in April.

Stop and think about it; it’s getting late. I think this is the safest, safest way for us to look at this.

Thank you.

THE MODERATOR: Okay, on this amendment. Mr. Walker. With the microphone, please. I don’t think it’s on, for some reason. No, can you – did the batteries die, here?
MR. WALKER: It says on.

THE MODERATOR: There it is, yes. Yes.

MR. WALKER: Thank you. Grant Walker, Precinct three.

In the amendment the wording “obtain the property”, can that be understood to include buying out the lease as was mentioned by a previous speaker?

THE MODERATOR: Yes, is what I’m getting from up here.

MR. Latimer.

MR. LATIMER: Richard Latimer, Precinct one.

I disagree that we should be so afraid of a taking, but I think the idea, if we do indeed have time while appeals are pending, to put this off until next April to give the Selectmen and the Town Manager time to talk with the owner to see what amount of money would satisfy him, even if we have to do it through a taking, it would be a good idea.

Certainly if we did a taking and the owner was satisfied, there would be no lawsuit.

So I think it would be a good idea to just put
this off, and so I would support this amendment.

Thank you.

THE MODERATOR: Okay, any further discussion on the amendment?

Ms. Harris.


THE MODERATOR: Ms. Harris, on the amendment.

MS. HARRIS: Mary Harris, Precinct five.

I’m unclear on the timing. The case at the moment is in the state Housing Court and are we sure there’s no decision there before April, is one question. And the second part is, if a decision comes down from the state Housing Court, do we have additional recourse? Is there appeal from that?

MR. DUFFY: To answer your question, the first hearing date is April 2nd, 2018, which is exactly one week before the April Town Meeting. It’s unlikely that we will have a decision at that time, so and I believe you do have a clear path to April.
If the Town of Falmouth or the Zoning Board of Appeals is unhappy with the decision at the Housing Appeals Committee, it does have an appeal, but it’s up to them to decide whether or not to exercise it.

THE MODERATOR: Okay, the question will come on the Connolly amendment. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair that the ayes have it by a majority.

So, discussion on the main motion as amended, which was striking everything up there and it’s the negotiating with the – what is it, $100,000 in Free Cash.

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: What’s that?

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: No, you have to – so, you had a main motion; you had an amendment. An amendment failed, you had another amendment. The amendment passed. So now we’re on the main
motion as amended. So, the language is the exact language of the amendment because you struck everything in the amendment.

So, is there any further discussion on the amendment – the main motion as amended?

Okay, the question will come to voting on exactly what you just voted on, but it’s a Parliamentary Procedure requirement. All those in favor of the main motion as amended, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by the majority.

[Applause.]

THE MODERATOR: Article 28. This is the Andrews Farm Article.

Madame Chairman of the Finance Committee for the main motion.

CHAIRMAN VOGEL: Mr. Moderator, I move Article 28 with the following change. In the recommendation, it starts by saying that the Town vote to authorize the Board of Selectmen to
purchase or take by eminent domain. We are striking the words “or take by eminent domain”. And the motion is that I move Article 28 with the deletion of “or take by eminent domain”.

THE MODERATOR: Okay, so the main motion is what’s printed in your recommendation, striking “or take by eminent domain” from the first paragraph.

Mr. Johnson-Staub will make a presentation. Oh, okay. Mr. Stone.

MR. STONE: Thank you very much. My name is Thomas Stone, member of Precinct six. I’m the President of the Board of The 300 Committee.

Can I have the first slide, please. Oh, clicker.

I’m sure most of you are familiar with The 300 Committee. We’ve been acquiring land for conservation purposes since 1985, and over this time period we’ve accumulated about 2400 acres, which some is owned by the Town, some is owned by The 300 Committee and we’re doing this in partnerships with the state, federal and non-profit organizations.
In addition to buying land -- this is just background for people who aren’t familiar with The 300 Committee - we also can acquire conservation restrictions in which we don’t own the land but it is permanently protected.

So this is the mission of The 300 Committee is to take high quality conservation lands and protect them forever.

In terms of the Andrews Land project, our role has been to facilitate negotiations between the Town and the Andrews family. This property came on the market in January. At that time, many people in the community came to us and said you had to do something about it.

We’ve also been involved in community engagement and project planning through the close working relationship with the Andrews Farm Working Group, which includes the Preservation Alliance as well as the Agricultural Commission members.

We’ve also been involved in raising money for this project, as well, too. We’ve submitted grants with the Town for $400,000 to the state land grant agency, and we’re also going
to be committing $450,000 in funds from The 300 Committee towards the purchase of the farm, itself. In addition, we’ll also be coming up with $950,000 for the purchase of these pond front parcels, which in the map next I will show to you.

If you can see these clearly, I’m not sure how well it shows up, the blue parcels are the one that are — which Peter is showing us, here. The blue parcels are the farm parcels; these total 36.7 acres. In addition to the farm parcels within the farm area, there are two house lots, A2 and A3. And finally the land along Pond 14 is the what we call the pond front parcels; sometimes they’re called the Ronnie Road parcels. So this is the — those parcels, The 300 Committee would own outright. The farm parcels, the Town would own.

We would have the conservation restriction on the farm parcels; the Town would have the conservation restriction on the pond front parcels. These total 46 and a half acres and these two purchases are linked so that one cannot happen without the other one.
So, a little bit of an update before I turn it over to Peter. We have helped the Town execute a purchase and sale agreement. That was done by the Town. And there’s due diligence is ongoing, as well, too, including environmental assessments, land surveys and title work.

The Working Group, who will speak later, represented by Karen Schwalbe, as from the Conservation Commission, has facilitated community engagement and outreach, doing surveys and public meetings. And also looking at other municipalities around the state who have purchased farms. There are dozens and dozens of municipalities across the state who have purchased farms.

And, as I mentioned before, we have a $400,000 before the state. We hope to learn by the December whether that’s yes or no.

And finally, we know that the Town is in negotiation with the Andrews family about a license agreement with the current farmer, Jeff Andrews, for short term farm management.

And I’d like to close my end of this presentation before I turn it over to Peter,
noting that special places don’t stay special by accident. We have to take action on these.

This is an aerial view looking east out over the Tony Andrews Farm properties.

And I would add one other comment, as well, too. Again and again we’ve seen farmland go into developed land. That happens so frequently, it’s very, very common across the country. I grew up on a street called Farm Hill Road, and of course it’s not a farm. It’s a residential community. The opposite never happens. Developed land never returns to farm land.

So I will turn this over to Peter now.

MR. JOHNSON-STAUB: Through you, Mr. Moderator, if I may continue.

THE MODERATOR: Yes.

MR. JOHNSON-STAUB: Peter Johnson-Staub, Assistant Town Manager. As usual, I get stuck with the boring part of the presentation. So I thought I’d just start on a personal note. I was speaking to Joe Andrews yesterday and he mentioned that today would be his father’s birthday. Tony Andrews birthday, today.
FROM THE FLOOR: Aw.

MR. JOHNSON-STAU: Funny coincidence.

So I’m going to review the financial aspect of the article. And to begin with, I just want to make sure everyone’s clear on the basics of the acquisition price. The Town is purchasing 36.7 acres of farmland. The purchase price for that farmland is $2 million. The funding sources are as shown here: Free Cash with the potential reimbursement of the Land Grant of $400,000, offsetting that $750,000 Free Cash allocation. $800,000 from the Community Preservation Fund and a donation from The 300 Committee of $350,000. That makes up the purchase price.

In addition, there is $50,000 for due diligence and incidental costs from Free Cash. Someone is probably looking at their book and adding up the numbers and saying that they don’t add to two million and fifty, and as a reminder we did have a prior Town Meeting Article that approved 225,000. So when we take the April Town Meeting Article of 225 and we add it to the amounts included for Article 28, we again
arrive at that 2,050,000.

We want to be as candid and transparent as possible about potential future costs. We have just recently learned that the Town has an obligation to pay relocation costs for a tenant now living on the property. The provision is not something Falmouth has encountered before, and identifying the precise amount owed is proving to be a rather complex matter which may be impacted by the terms negotiated in the purchase and sale agreement.

Additionally, we know that the two residential structures on the property will require substantial improvements if they are going to be rented out by the Town, including roof replacement, window replacement, heating upgrades, et cetera.

We’ve been advised by the Building Commissioner that two of the three outbuildings probably will need to be demolished. That will be a subject of additional conversation, as I know they would have some value if they can be salvaged to the ongoing farm operation.

The Town has commissioned an
environmental review and I’m pleased to report that the review found no evidence of hazards other than a history of pesticide and herbicide use, and that use has – is more than a decade ago. They have not been using pesticides and herbicides recently.

We have been advised that no remediation is required under applicable laws and regulations at this time.

We do have insurance costs for the Town’s ownership of the property, and those are approximately $10,000, including the residences.

From the outset, the intent of this purchase has been twofold. First, to prevent the property from being developed, and second to preserve farming as long as possible.

It is the Town’s intent to continue farming and minimize the cost to taxpayers. We will negotiate a one year license with the farmer to continue farming operations, and during that time we will be working to develop a request for proposals process, a competitive process to select the farm manager that is best able to achieve the community goals for the farm.
While it is clearly the goal of the Selectmen, the Agricultural Commission, the Conservation Commission to continue farming, we recognize that the Town will own this land not just for ten or 20 years, but in perpetuity. And certainly no one can say it will be feasible to continue farming 50 or 100 years from now, so there has to be a fallback plan if at some point in the future the Town decides it is too expensive to continue farming. And that fallback plan is to have the land revert to open space and passive recreation.

I want to speak very briefly about the two existing houses. As you’ve seen, they have been – there is an A&R plan. They have been carved out on separate lots to preserve the town’s flexibility for future uses of that parcel.

This is another aerial that shows those lots. With this acquisition a conservation restriction will be applied to the two larger parcels, so – whoops. Lot A1 is this large lot, excluding A2 and A3. And then all of Parcel B, the conservation restriction will apply to the
vast majority of this 36.7 acre, with the sole exception of these two residential lots, A3 and A2.

So, again, we will be having more community input and discussion as to the future uses of those house lots. Those uses could include renting them along with the farm to help make the farm more viable by having workforce housing on location. It is –

THE MODERATOR: Okay, Mr. Johnson-Staub, we’re at ten.

MR. JOHNSON-STAUß: Okay, at this time I would request five and a half minutes for – I will be done in 30 seconds. And then five minutes for Karen Schwalbe.

THE MODERATOR: Okay, an additional five and a half minutes for the opening presentation.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed no. [None opposed.]

THE MODERATOR: The ayes have it
unanimously.

Go ahead.

MR. JOHNSON-STAUB: Thank you. So, again, we – there will be more community dialogue to determine the future uses of the house lots. The way that we have structured this with the conservation restriction affords that flexibility.

I wish we could be more precise about the future costs associated with this acquisition. The reality is that some of these costs are subject to ongoing negotiation and some costs may or may not be borne by the Town depending on what is decided as to the future use of the two houses being acquired.

What we can say at this point is we are likely to require an additional appropriation at the April Town Meeting, and our best estimate is that that cost may be in the range of 50 to 200,000 dollars.

I’d now like to turn it over to Karen Schwalbe to address more specifically the prospects for farming at this parcel. Karen is the Executive Director of the Southeastern
Massachusetts Agricultural Partnership and has served on the Falmouth Agricultural Commission for ten years.

MS. SCHWALBE: Thank you. Karen Schwalbe, Precinct eight.

Could all of the members of the Working Group who are still here at least please stand. I want you all to see the breadth of interest in this community. This is about a third of us.

The people you see standing here have been working tirelessly to preserve a piece of the agricultural heritage of Falmouth. Passionate advocates from Ag Com, Falmouth Preservation Alliance and the greater Falmouth community have been meeting nearly every week since January to pull together the pieces to save the Andrews Farm.

The Working Group has been proactive about soliciting input from the community, what the people love about the farm and their hopes for what could happen there. Over 400 people took our survey last spring and more than 50 attended our design charrette in June.

We have learned a lot about what the...
community would like to see at the farm. Moving forward, we know there are many farmers who are interested in farming in Falmouth, but access to land is the biggest hurdle in their way. Most importantly, we have learned lessons from mistakes made in the past and look to successful models like the purchase and restoration of the Town-owned Highfield Hall.

Towns purchases of land for active farming are not a new concept. The Working Group has done its homework and has talked to people involved in many of these successful Town-owned farms across the state. These conversations have shown that there are many paths to success and the models we have explored can be tailored to become a good fit for Falmouth.

Farming is profitable. In my daily work promoting farms in Southeastern Massachusetts, I have seen hundreds of viable farms selling directly to the public, with even more selling wholesale. Mixed vegetable farms, livestock and dairies are all thriving in our region. With nurseries and cranberries, agriculture is more than a $180 million business in Southeastern
Massachusetts, the Cape and the Islands.

This most recent study of agricultural production of five vegetable crops shows just one of many possible paths a farmer could take.

85 percent of the soils on Tony Andrews Farm are USDA prime agricultural soils. These soils, which have been nurtured and cultivated over generations, are a rarity on the Cape. To develop them would be a travesty. Farms are lost to development all the time, but they never come back to farming.

I think almost everyone in this room can remember farms and fields where they spent time as a child, with friends and family or as a parent with little ones. Special memories of tactile pleasures: a freshly picked strawberry, still warm from the sun; pumpkin almost too big to carry; getting lost in rows and rows of corn; fields of cheery sunflowers.

Whoop, no. We should have the movie cued up there. Yes, that’s it. Wait a minute. There we go.

If you’re very lucky, you can still go back and visit that place. But for the most
part, these places are no longer, lost forever to development.

The Andrews Farm has a rich history going back 90 years. One of the largest producers in the heyday of Cape Cod strawberry cultivation, the last large corn growers; generations of families have enjoyed pick your own crops.

Right now, we have an opportunity to save a parcel of land that will enable our children and grandchildren to keep these special memories and build new ones with their families.

Whoops, a little fast there, okay. One more slide and that’s it. Or, two. Thank you.

This is a quote from Marina Andrews. It’s from the time capsule buried in the Village Green. “To my great, great, great grandchild, I do hope I have many. I bequeath to you this beautiful town, with its lush fields, beautiful trees, lovely streams and waterways. I hope 2076 will find it so.”

We ask that you vote yes on Article 28. We feel strongly that this purchase will be of value to the citizens of Falmouth.
THE MODERATOR: Okay, discussion is open on the main motion on Article 28.

Ms. Murphy. Ms. Murphy, you had a -

MS. MURPHY: [No mic:] It was on 29, but I’ll read it now.

THE MODERATOR: Oh, 29, okay.

MS. MURPHY: I think that’s fine. I’ll read it now in the interests of -

THE MODERATOR: I saw you walk down, so I thought you wanted -

MS. MURPHY: Good evening, ladies and gentlemen. Since, December, 2016, when it was announced that Tony Andrews Farm would be sold, I have heard from many citizens of Falmouth of their apprehensions at the Town buying and maintaining this historic place. Those apprehensions include allowing the land to fall into a weedy wilderness due to not keeping some type of functioning farm on it. Or hiring the wrong person or group to farm it.

These folks say they do not want it to become another failed attempt at farming like the cranberry bogs, or a debacle like the Peterson farm. This farm is 90 years old and, if not the
oldest, then one of the oldest working farms on Cape Cod.

Jeff Andrews is my neighbor and my good friend. I live five doors or so down from Tony Andrews Farm. It is a peaceful and serene place to walk to at any time of year. If one walks the property, they will see the wonderful fields where members of the Andrews family grew strawberries and other produce that fed us for decades. This farm has been kept in pristine condition for agriculture for 90 years and we do not want the Town of Falmouth to lose its current condition because of errors in administering proper maintenance.

So I carry the message tonight from citizens of Falmouth and myself to ask the Board of Selectmen, the Town Manager and the Assistant Town Manager to carefully consider how and to whom the transition of Tony Andrews Farm will play out.

I would like to walk to Tony Andrews Farm in 2027 and see much of what I see today in 2017: a jewel of agricultural landscape. A healthy, vibrant and working farm providing us
food as it has for 100 years.

Thank you.

THE MODERATOR: Okay, any further discussion on Article 28?

Mr. Donahue.

MR. DONAHUE: Robert Donahue, Precinct three.

I want to ask: is this going to be—this land taken off of our tax records or is the farmer going to be responsible for paying the tax bill or some kind of a fee in lieu of taxes?

Just a question.

THE MODERATOR: Mr. Johnson-Staub.

MR. JOHNSON-STAUB: Yes, the property will be owned by the Town and as such there will not be any taxes. Whether or not there is a lease payment is something that could be determined through a request for proposal, but you know, I want to say that all of the discussions to this point have been that the emphasis and the hope is that we will have a viable farm for the long-term and there’s no expectation that there will be revenue to the Town coming out of the property.
So, any rent that might be charged to a farmer would be in a dedicated fund to support the long-term viability of the farm.

MR. DONAHUE: One last question. Any equipment, tractors - farms take expensive equipment, usually, to run them. Is that going to be Town equipment? You know, this is kind of a quasi-Town and private -

MR. JOHNSON-STAOUB: That’s to be determined.

MR. DONAHUE: Okay, thank you.

THE MODERATOR: Okay, Mr. Johnson.

With a microphone, please, Mr. Johnson.

MR. JOHNSON: Leonard Johnson, Precinct five and a member of The 300 Committee board.
The answer to Mr. Donahue’s question is the Andrews paid $13,000 in taxes to the Town last year. So we’re not giving up much in terms of tax revenue.

THE MODERATOR: Okay, the question will come on the main motion. This requires a two-thirds vote.

All those in favor of Article 28,

signify by saying Aye.
[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by the two-thirds majority and I so declare.

[Applause and cheers.]

THE MODERATOR: Many of you may remember that one of my predecessors began Town Meeting and missed the pledge of allegiance. And Marina Andrews got up – this is some 40 some-odd years ago and said, “Mr. Moderator, you didn’t do the Pledge of Allegiance.” And Mrs. Andrews began – I’m going to get emotional, but – she began the – sorry – the Town Meeting Pledge of Allegiance until the year she got sick, and she asked me, “Would you lead Town Meeting in the Pledge of Allegiance?” And that’s why when we appoint people at every Town Meeting, I still lead the Pledge of Allegiance, because Mrs. Andrews asked me to do that.

[Applause.]

THE MODERATOR: Happy birthday, Tony!

Article 29. Madame Chairman of the Board of Selectmen for the main motion.
CHAIRWOMAN MORAN: That the Town vote Article 29 as printed.

THE MODERATOR: As printed. This was held by Ms. Murphy.

Was this so that you could make the statement that you just made?

MS. MURPHY: [No mic:] Yes.

THE MODERATOR: Okay.

This is to authorize the Board of Selectmen to lease or let the property for no more than 20 years. Any discussion on Article 29?

Hearing none, the question will come on the main motion.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

At this point, I want to notify Town Meeting members that at this Town Meeting you spent $9,279,014.
And, before you go, on the stage we have an individual that oversaw the process for that nine million plus dollars, the Chairwoman of the Finance Committee; this will be her last Town Meeting. Wendy Vogel, we want to thank you for your service to the Town.

[Applause.]

THE MODERATOR: And your service as the Chair of the Finance Committee. Thank you. And she tells me she’s not leaving the Finance Committee, just stepping down as Chair.

At this time, I’ll recognize the Board of Selectmen for notification of the next Annual Town Meeting.

CHAIRWOMAN MORAN: Town Meeting will be Monday, April 9th.

THE MODERATOR: Monday, April 9th will be the next Annual Town Meeting.

At this time, the Chair would entertain a motion to dissolve this Town Meeting.

So moved.

All those in favor, signify by saying Aye.

[Pouring applause]
THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it and

c this meeting is dissolved.

[11:00 p.m., whereupon Town Meeting ended.]
COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth Annual Town Meeting, taken by me on Tuesday, November 7, 2017. To the best of my ability the within transcript is a complete, true and accurate record of said Town Meeting.

In witness whereof, I have hereunto set my hand and Notary Seal this 13th Day of December, 2017.

Carol P. Tinkham, Notary Public
My Commission Expires:
April 5, 2024

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