

Vol. Two  
183 pages

COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

APRIL TOWN MEETING

AND

SPECIAL TOWN MEETING

Memorial Auditorium  
Lawrence School  
Lakeview Avenue  
Falmouth, Massachusetts

MODERATOR: David T. Vieira

TOWN CLERK: Michael Palmer

Tuesday, April 5, 2016

7:00 p.m.

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1                                    P R O C E E D I N G S

2                                    THE MODERATOR:    Okay, don't forget to  
3                                    check in this evening, as attendance will be  
4                                    published in the Falmouth Enterprise.

5                                    [Pause.]

6                                    THE MODERATOR:    Okay, all Town Meeting  
7                                    members come forward; take your seats so that we  
8                                    can establish a quorum for the Sepcial Town  
9                                    Meeting.

10                                  [Pause.]

11                                  THE MODERATOR:    Okay, all Town Meeting  
12                                  members please come forward.

13                                  Our tellers this evening: in the first  
14                                  division will be Mr. Netto; in the second  
15                                  division will be Mr. Dufresne; and in the third  
16                                  division will be Ms. Cool.

17                                  All Town Meeting Members present please  
18                                  rise for the establishment of the quorum and the  
19                                  tellers will return a count.

20                                  [Pause.]

21                                  THE MODERATOR:    I'd like to let all  
22                                  Town Meeting members know that during the break  
23                                  tonight there'll also be an additional demo on  
24                                  the electronic voting. We know that not everyone

1 had an opportunity last night to ask questions  
2 and participate. So the demo will happen again  
3 during the break on the electronic voting  
4 devices.

5 In the first division, Mr. Netto.

6 MR. NETTO: 40.

7 THE MODERATOR: 40.

8 In the third division, Ms. Cool?

9 MS. COOL: 54.

10 THE MODERATOR: 54.

11 THE MODERATOR: In the second division.

12 MR. DUFRESNE: Have them stand up  
13 again.

14 THE MODERATOR: Okay, folks, we're  
15 still coming in and out and moving around.

16 Could the second division please rise again for  
17 the quorum. Second division, that's the center  
18 section.

19 [Pause.]

20 THE MODERATOR: In the second  
21 division, Mr. Dufresne.

22 MR. DUFRESNE: 82.

23 THE MODERATOR: 82.

24 By a counted vote of 176 we have a

1 quorum, and I call the Special Town Meeting into  
2 session.

3 All present please rise for the  
4 presentation of the colors by Cub Scout Pack 41.

5 [Pause.]

6 THE MODERATOR: Please join me in the  
7 Pledge of Alliegance.

8 [Pledge of Alliegance taken.]

9 THE MODERATOR: At this time I'll  
10 recognize Barbara Schneider for our invocation.

11 MS. SCHNEIDER: Heavenly Father, may  
12 our meeting this evening be not only an exercise  
13 of care and concern for our community and its  
14 residents, but also an example of how a community  
15 can agree and disagree and still be a community.

16 We ask you to watch over and protect our  
17 families, our community, our nation and our world.  
18 May your gift of peace become a reality for all.  
19 Amen.

20 THE MODERATOR: Remain standing for a  
21 moment of silence.

22 [Moment of silence taken.]

23 THE MODERATOR: Colors post.

24 Ladies and gentlemen, the Cub Scouts of

1 Pack 41.

2 [Applause.]

3 THE MODERATOR: As they were getting  
4 ready before the meeting, I said, "You know, if  
5 you'd like to stay like the Boy Scouts did last  
6 night, you could work on your citizenship pin,"  
7 and they said, "We already have our citizenship  
8 pin", so.

9 [Laughter.]

10 THE MODERATOR: Good job, boys.

11 At this time I would ask the chair for a  
12 motion to dispense with the reading of the  
13 warrant.

14 CHAIRMAN JONES: Mr. Moderator, I move  
15 to dispense with the reading of the warrant.

16 THE MODERATOR: Except for the  
17 officer's return.

18 All those in favor, signify by saying aye.

19 [Aye.]

20 THE MODERATOR: All those opposed no.

21 [None opposed.]

22 THE MODERATOR: The ayes have it  
23 unanimous.

24 At this time, I'll read the Officer's

1 Return. By virtue of this warrant, I have this  
2 day notified and summoned the inhabitants of the  
3 Town of Falmouth qualified to vote on Town  
4 affairs as said warrant directs, by posting an  
5 attested copy thereof in Town Hall and every  
6 precinct in the Town. Signed by Constable Kevin  
7 Casey.

8 Mr. Clerk, I ask that the warrant become  
9 an official part of the record.

10 At this time, the chair would entertain  
11 a motion for non-Town Meeting members to sit up  
12 front with their respective boards or committees.

13 So moved.

14 All those in favor, signify by saying  
15 Aye.

16 [Aye.]

17 THE MODERATOR: All those opposed no.

18 [None opposed.]

19 THE MODERATOR: The ayes have it  
20 unanimous.

21 At this time, the chair will entertain a  
22 motion for all Town employees who are not  
23 residents of the town to speak on any article  
24 before the Special Town Meeting.

1 So moved.

2 All those in favor, signify by saying  
3 aye.

4 [Aye.]

5 THE MODERATOR: All those opposed no.

6 [None opposed.]

7 THE MODERATOR: The ayes have it  
8 unanimous.

9 Planning Board, do we have any? I  
10 didn't think we had that one; no, it's just on my  
11 checklist.

12 Okay, so tonight we'll start with the  
13 Special Town Meeting warrant, and when we  
14 complete that we'll adjourn the meeting and then  
15 we will pick up where we left off on the Annual  
16 Town Meeting warrant.

17 So we'll do a quick blanket vote.  
18 Article 1 is to transfer a sum of money in Fiscal  
19 2016 budget.

20 Article 2, to appropriate a sum of money  
21 to supplement the budget. The recommendation is  
22 indefinite postponement.

23 Article 3, to appropriate \$1,186.90 to  
24 pay unpaid bills. Mr. Donahue.

1 Article 4, to see if the Town - this is  
2 a hold. We have a motion for that.

3 Article 5, appropriate \$300,000 for a  
4 Senior Center building; that's a hold.

5 Article 6, appropriate a sum of money  
6 for the design and construction of a new athletic  
7 field. The recommendation is indefinite  
8 postponement.

9 Article 7, to transfer the care,  
10 custody, management and control of a parcel of  
11 land on Brick Kiln Road. The recommendation is  
12 indefinite postponement.

13 Article 8, to vote to appropriate and  
14 transfer \$500,000 from Certified Free Cash into  
15 the Debt Stabilization Fund.

16 Article 9, to transfer the amount of  
17 \$55,000 from Certified Free Cash for the purpose  
18 of scanning an electronic storage of permanent  
19 records.

20 Article 10, to vote to transfer the  
21 amount of \$30,000 from the parking meter fund for  
22 the purpose of funding a parking meter system and  
23 related equipment.

24 Article 11, to vote to transfer the

1 amount of \$250,000 from Certified Free Cash to  
2 partially fund the repair and replacement of the  
3 Falmouth Country Club Golf Course irrigation  
4 system and related equipment.

5 Hold, Mr. Shearer.

6 Article 12, to vote to transfer the  
7 amount of \$150,000 from Article 15 of the April,  
8 2014, Town Meeting and to transfer the amount of  
9 \$500,000 from the Waterways Improvement Account  
10 for repairing the Town bulkhead at Robbins Road.  
11 Mr. Shearer.

12 Article 13, to transfer the amount of  
13 \$110,000 from Certified Free Cash to fund a two  
14 year continuation of the Little Pond Oyster  
15 Propagation Program.

16 Article 14, to vote to transfer the  
17 amount of -

18 FROM THE FLOOR: Hold.

19 THE MODERATOR: Yes.

20 Article 15, to vote to transfer the  
21 amount of \$20,000 from Certified Free Cash for  
22 the completion of Falmouth's Flood Hazard  
23 Mitigation Plan.

24 Article 16, to transfer the amount of

1           \$30,000 from Certified Free Cash for website  
2           development.

3                     Article 17, to transfer a sum of money  
4           from the Community Preservation Fund to the  
5           Housing Reserve Account. The recommendation is  
6           indefinite postponement.

7                     Article 18, vote to transfer the amount  
8           of \$223,514 from the Community Preservation  
9           Undesignated Fund balance to the Historic  
10          Preservation Reserve.

11                    Article 19, to vote to transfer the  
12          amount of \$500,000 to the Falmouth Affordable  
13          Housing Fund for the purpose of community  
14          housing, of which \$268,514 is from the Community  
15          Preservation Undesignated Fund balance and  
16          \$231,486 is from the Community Housing Reserve.

17                    Article 20 is to transfer from the  
18          Community Preservation Fund a sum of money for  
19          Open Space Reserve Account; the recommendation is  
20          indefinite postponement.

21                    Okay, I'll run through one more time by  
22          numbers.

23                    Article 1. Article 2.

24                    Article 3 is a hold. Article 4 is a

1 hold. Article 5 is a hold.

2 Article 6. Article 7. Article 8.

3 Article 9. Article 10.

4 FROM THE FLOOR: Hold.

5 THE MODERATOR: Ten.

6 Article 11 is a hold. Article 12 is a

7 hold.

8 Article 13.

9 Article 14 is a hold.

10 Article 15. Article 16. Article 17.

11 Article 18. Article 19. Article 20.

12 Madame Chairman for the main motion.

13 CHAIRMAN VOGEL: Mr. Moderator, I move  
14 that all articles that have been passed and not  
15 held be and hereby are adopted as recommended as  
16 the official action of this meeting, and that the  
17 necessary monies for the same shall be raised and  
18 appropriated or as otherwise specified.

19 THE MODERATOR: Okay, you've all heard  
20 the main motion on the blanket.

21 All those in favor, signify by saying  
22 Aye.

23 [Aye.]

24 THE MODERATOR: All those opposed no.

1 [None opposed.]

2 THE MODERATOR: The ayes have it  
3 unanimous.

4 Madame Chairman for notification.

5 CHAIRMAN VOGEL: Mr. Moderator, I  
6 hereby serve notice of reconsideration of all  
7 articles passed under the blanket vote.

8 THE MODERATOR: Okay.

9 Article 3. This is to appropriate  
10 \$1,186.90 from Certified Free Cash to pay three  
11 unpaid bills.

12 Madame Chairman for the main motion.

13 CHAIRMAN VOGEL: Mr. Moderator, I move  
14 Article 3 as recommended.

15 THE MODERATOR: As recommended. This  
16 was held by Mr. Donahue.

17 MR. DONAHUE: Robert Donahue, precinct  
18 3.

19 I have a question on Kelly Ryan and  
20 Associates. Who are they? What did they do for  
21 us and who did they do it for? I think that  
22 kind of information should be listed here.

23 The others is the Lawyer's Weekly --  
24 well, that must be our attorney. The Barnstable

1 County Registry of Deeds, I assume that's for  
2 transferring land or something like that, which  
3 would be the - one of the Town bodies.

4 But, just Kelly Ryan and Associates  
5 tells us nothing, and it's \$771.

6 THE MODERATOR: Yes.

7 MR. DONAHUE: Can anybody help on  
8 that?

9 THE MODERATOR: Sure.

10 MR. DONAHUE: And in the future, can  
11 we list -- when it's something like this, just  
12 names, could we list that kind of information?  
13 Who - what Committee it was for or why.

14 CHAIRMAN JONES: I'd just like to  
15 clarify that these are bills that have come in  
16 after the previous fiscal year. If we went  
17 through and line item-ed every single bill that  
18 we received, we would be here and the book would  
19 be way too long.

20 MR. DONAHUE: We go through line items  
21 on our budget, and if there is enough of bills  
22 that come in that just names. This - as far as  
23 I'm concerned, Kelly Ryan & Associates could be a  
24 catering firm that the Selectmen had a big party

1 and we're asked to pay for it.

2 FROM THE FLOOR: Oh, come on.

3 MR. DONAHUE: I mean, it could be.

4 I'm sure -

5 THE MODERATOR: All right -

6 MR. DONAHUE: - it isn't.

7 THE MODERATOR: - Mr. Duffy's going to  
8 tell you what the bill is for and then we're  
9 going to move on.

10 Mr. Duffy.

11 MR. DUFFY: Mr. Donahue, the Lawyer's  
12 Weekly books is for a book that was ordered. We  
13 got the bill after the close of the fiscal year.

14 Kelly Ryan Associates is a stenographer.  
15 They did a deposition for our labor counsel. We  
16 didn't get the bill until after the close of the  
17 fiscal year.

18 And the Barnstable County Registry of  
19 Deeds was a recording of documents which  
20 unfortunatly got sent to the wrong department,  
21 and by the time it got to the right department  
22 for payment, the time had passed.

23 THE MODERATOR: Okay. Any further  
24 questions on Article 3?



1 [None opposed.]

2 THE MODERATOR: The ayes have it  
3 unanimous.

4 Article 5. Okay, yes, Article 5.

5 CHAIRMAN VOGEL: Mr. Moderator, I move  
6 that the Town vote to transfer the amount of  
7 \$300,000 from Certified Free Cash for site  
8 analysis and preliminary architectural design for  
9 the new Falmouth Senior Center, to be expended  
10 under the jurisdiction of the Board of Selectmen.

11 THE MODERATOR: Okay, so the main  
12 motion is what you have printed in the warrant  
13 booklet, but the purpose is site analysis and  
14 preliminary architectural design. That was some  
15 language that we were told we needed in there.

16 Yes, Mr. Chairman.

17 CHAIRMAN JONES: Thank you.

18 On behalf of the Board of Selectmen, I  
19 want to express to Town Meeting and to the town  
20 the absolute support that the Board of Selectmen  
21 has for moving forward with constructing a new  
22 Senior Center.

23 We do have some issues about making sure  
24 we are making the right decisions on the site,

1 but the article we have in front of you right now  
2 is to make sure that we get some questions  
3 answered, know where we're moving and be able to  
4 come back to you as best as possible with some  
5 schematic designs in November.

6 Mr. Vieira is going to explain a little  
7 bit more about what we're asking for in this  
8 article.

9 MR. VIEIRA: Thank you, Chairman Jones.  
10 Can I have the slide? Thank you.

11 Many of us hoped that we'd be further  
12 along in this process, but here we are, and  
13 Article 5 is what we need to move this project  
14 forward.

15 Let's focus on the slide for just a  
16 couple minutes. The second column is the  
17 Owner's Project Manager. In 2004, the  
18 Commonwealth inserted a new provision in Mass.  
19 General Laws Chapter 193 which governs public  
20 building procurement. It requires the services  
21 of an Owner's Project Manager on all building  
22 projects costing 1.5 million or more.

23 The law requires this OPM to be hired  
24 before the architect or designer. The OPM acts

1 as a consultant throughout the process, from  
2 design through completion.

3 The duties include but are not limited  
4 to participation in the architect selection  
5 process, fee negotiation, design specifics,  
6 selection of the contractor, participation in the  
7 bid process, construction oversight, monitoring  
8 of costs and changes and involvement right  
9 through the procurement of furnishings and the  
10 testing of the mechanical systems. This will be  
11 our go-to person from now until completion.

12 These OPM's are typically Registered  
13 Architects or Professional Engineers and the  
14 state provides specific guidance for the  
15 qualifications and the experience of these  
16 individuals.

17 As you can see why it is so important to  
18 make this hiring at the beginning of this  
19 project. An RFP for this position has been  
20 drafted and is presently under review.

21 The next column is for the appointment  
22 of a building committee specifically for this  
23 project. The previous citizen's committee was  
24 appointed solely to review sites and make

1 recommendations. When the final recommendation  
2 was given to the Board of Selectmen the work of  
3 that group was completed. This new building  
4 committee will be with the project from their  
5 appointment right through to completion.

6 The selection of the architect follows  
7 the OPM and building committee. We expect that  
8 there will be substantial interest and that  
9 several firms will participate in the bid  
10 process.

11 The first phase of the design process is  
12 to provide Town Meeting the answers to the  
13 questions we've all been asking: how big will the  
14 building be, what might it look like, what are  
15 the interior spaces and how will they be  
16 utilized, will it be built in phases or completed  
17 in its entirety, how much will it cost to build,  
18 how much will it cost to operate?

19 It is our intention to offer more than  
20 one choice for your consideration at the November  
21 Town Meeting. We have an aggressive program and  
22 we hope that we can complete it in time in  
23 November to come back and offer you the  
24 information that you need to fund the next phases

1 of design.

2 We should have design schematics for you  
3 to see, to see what actually what the building  
4 might look like.

5 Next slide.

6 It is my understanding that the total  
7 costs for design and construction documents and  
8 OPM expenses for this project will be somewhere  
9 in the vicinity of \$900,000. To allow us to  
10 move forward, we are asking you to approve one-  
11 third of that tonight. You can see that a big  
12 piece of that is listed as contingency. Why is  
13 that? This has been and will continue to be a  
14 complex process. It is difficult to predict  
15 what type of specialized information might be  
16 required between now and the next Town Meeting.  
17 We need some flexibility to be able to obtain  
18 that information and to be as prepared as  
19 possible.

20 Additionally, some portion of this  
21 funding will be available to the Board of  
22 Selectmen should they need additional  
23 professional information in selecting the site.

24 Please remember that the unused funds at

1 the end of Phase One will stay with the project  
2 and be applied to subsequent design expenditures.

3 So that's what the passage of Article 5  
4 will allow us to do.

5 What happens if this article fails  
6 tonight? It's likely that we will be back in  
7 November with a similar article. Unfortunately,  
8 the delay won't just be six months; it'll be an  
9 additional full year. And why is that? By  
10 passing this now, we can be on track for  
11 construction funding for Spring of 2017, one year  
12 from now, with the required ballot vote to follow  
13 in the next May.

14 If this fails tonight and we can't start  
15 this process until November, then we likely won't  
16 be able to provide the voters with the  
17 information they need to make an informed  
18 decision next spring. That would put the ballot  
19 question off until May, 2018, two full years from  
20 now.

21 Please consider this in making your  
22 decision tonight, and remember that there is  
23 going to be no design that is going to start  
24 until the Selectmen choose the site. So, while

1 we go ahead and begin to put out RFP for an OPM  
2 and begin to interview architects, no monies will  
3 be expended on the design process until the  
4 site's selected.

5 So thank you for your time and continued  
6 support for this project.

7 THE MODERATOR: Okay, discussion on the  
8 main motion.

9 Yes, to my left. With a microphone,  
10 please.

11 MR. WALSH: Steve Walsh, precinct 8.

12 Just a question, here. Is - without  
13 putting the cart ahead of the horse, is the  
14 hangup right now we haven't decided what is a  
15 suitable site because A, we don't know what the  
16 size of the building's going to be or B, because  
17 there is not a consensus of what would be the  
18 most suitable site that the Town senior people  
19 would have the greatest advantage to?

20 I'm a little confused on why the site  
21 seems to be an issue right now.

22 THE MODERATOR: Mr. Chairman.

23 CHAIRMAN JONES: It's a fairly lengthy  
24 answer. I'll try to give you the short run-

1 down, and if we want to have more discussion  
2 about it, we can do that.

3 The basic idea is that each of the sites  
4 we're considering have additional costs  
5 associated with them, and we need to get more  
6 information so we know exactly what those costs  
7 are going to be, so we can know what we're  
8 comparing. So we know if it's a \$4 million  
9 difference in cost between one location and  
10 another, that is going to change where we're  
11 necessarily going pushing.

12 Certainly we've heard from the Counsel  
13 on Aging and from all the public forums that the  
14 ideal location or the preferred location is the  
15 geographic center of the town near the high  
16 school area. And that's certainly where we're  
17 focusing most of our consideration, but we do  
18 need to consider the possibility of a different  
19 location of such administration building. If it  
20 is considerably less expensive, the Board of  
21 Selectmen feel that we do need to consider that  
22 also, and that's where we need a little bit more  
23 information from our consultants.

24 THE MODERATOR: Okay, further

1 discussion?

2 Mr. Antonucci.

3 MR. ANTONUCCI: Bob Antonucci, precinct  
4 six.

5 I stand in support of this article and I  
6 want to commend the committee and the Selectmen  
7 for doing it right. We saw one slide last night  
8 that said, "Don't screw it up". Let's not screw  
9 this up and not vote for it. We are doing it  
10 right.

11 The process that's in place will give us  
12 the opportunity in November to decide one, do we  
13 want the Senior Center, or two, where do we want  
14 it. I think the publicity has always been about  
15 the field and how much the field is going to cost  
16 to move it. Let's put that aside. Let's deal  
17 with the project right now. This is a good way  
18 to do it. We're only spending one-third of the  
19 money, not the \$900,000.

20 So, for once, I think we're right on the  
21 right track. I commend the Committee for doing  
22 it. I would hope that you would vote for it.  
23 Our seniors deserve it, the Town deserves it, and  
24 let's make sure we do it economically feasible.

1 Thanks.

2 THE MODERATOR: Okay, Ms. Hayward and  
3 Ms. Johnson.

4 MS. HAYWARD: Nancy Hayward, precinct  
5 5.

6 I have what may or may not be a trivial  
7 question. You keep - there have been quite a  
8 few comments, there, about the Selectmen. This  
9 article says under the jurisdiction of the Town  
10 Manager. Is this under the jurisdiction of the  
11 Town Manager or is this under the jurisdiction of  
12 the Selectmen?

13 Thank you very much.

14 THE MODERATOR: Yes, so it's, under  
15 the recommendation, it's Town Manager. So the  
16 main motion is under the jurisdiction of the Town  
17 Manager.

18 What's that?

19 FROM THE FLOOR: [No mic:] It should  
20 have said under the jurisdiction of the Board of  
21 Selectmen [inaudible].

22 THE MODERATOR: All right, let me -  
23 let's read it again.

24 [Pause.]

1 THE MODERATOR: Okay, so they did  
2 change it, sorry. So the recommendation was  
3 Town Manager. The new motion is not only the  
4 changes of site analysis and preliminary  
5 architectural design, but also changes  
6 jurisdiction back to the Board of Selectmen.

7 Okay. Mr. Donahue, then Mr. Dufresne.  
8 Ms. Johnson, I've got you next.

9 MR. DONAHUE: I - my thought is that  
10 we have what is it about 30 days before we have  
11 another election for Board of Selectmen. Should  
12 this be postponed -

13 FROM THE FLOOR: No, no.

14 MR. DONAHUE: - and let the new Board  
15 of Selectmen --

16 FROM THE FLOOR: No, no.

17 MR. DONAHUE: - pick it up and carry  
18 it?

19 Just a question.

20 FROM THE FLOOR: No, no.

21 THE MODERATOR: I'm going to answer  
22 the question: no, because you have an election  
23 every year and the Town can't stop every six  
24 months.

1 Ms. Johnson.

2 MS. JOHNSON: Pat Johnson, I'm precinct  
3 five.

4 I would make a suggestion. I've been  
5 reading a lot in national journals and otherwise  
6 about communities who've built senior centers,  
7 and many of them have changed their names away  
8 from "Senior Centers" to like "Community Center".  
9 I think there are a lot of demographics that make  
10 it - who think it's much more attractive to go to  
11 a Community Center than to go to a Senior Center.  
12 And I'd like the Town to consider changing the  
13 name, and at least look at that as something that  
14 would be a good idea.

15 THE MODERATOR: Okay.

16 Mr. Dufresne.

17 MR. DUFRESNE: Adrien Dufresne,  
18 precinct two, and I am a senior.

19 [Laughter.]

20 MR. DUFRESNE: I would hope that this  
21 governing body would support the Board of  
22 Selectmen in delaying this appropriation of  
23 \$300,000 which is one-third of a \$900,000 cost  
24 for the design of a building for which we have

1 not to this date picked a proper location.

2 The Senior Center goes back when  
3 Selectman John Demello applied for a grant. It  
4 started over at St. Patrick's Church when he  
5 applied the grant. We had a building that was  
6 built for nothing.

7 The current building being proposed  
8 under the guise of this \$300,000 cost for design,  
9 which is one-third of the cost, is an estimated  
10 eight to nine or ten million dollar building,  
11 from the reports that I have heard. The Town of  
12 Falmouth is facing some very critical  
13 infrastructure requirements over the next three  
14 to five years. I would hope this governing body  
15 would set the priorities. We currently have a  
16 Senior Center building. We have an  
17 accommodation with the Community Building for the  
18 extra needs on special occasions where the  
19 Seniors need another building.

20 In my conversation with the chairman who  
21 just spoke on behalf of that project, he's  
22 projecting 40 or 50 years from now. Well, I'm  
23 not going to be there, but you're asking me to  
24 pay for it, all right? So before I want to put

1 out the kind of money that's going to be required  
2 on this particular project, I want to make sure  
3 that we pick the proper site, the proper design  
4 of building, and the proper accommodation for the  
5 seniors that they're worried about 50 years from  
6 now and not worrying about us.

7 Thank you very much.

8 THE MODERATOR: Okay, Mr. Latimer and  
9 Mr. Shearer, I've got you next.

10 Mr. Latimer. And Mr. Shearer. And  
11 you just need a mic, though.

12 MR. LATIMER: I move the question.

13 THE MODERATOR: Oh boy, okay.

14 [Laughter and applause.]

15 THE MODERATOR: So, Mr. Latimer moves  
16 the previous question.

17 All those in favor, signify by saying  
18 Aye.

19 [Aye.]

20 THE MODERATOR: All those opposed no.

21 [No.]

22 THE MODERATOR: The ayes have it by a  
23 two-thirds and the question is moved.

24 The question will come on the main

1 motion as printed, with the purpose change of  
2 site analysis and preliminary architectural  
3 design.

4 All those in favor of the main motion,  
5 signify by saying aye.

6 [Aye.]

7 THE MODERATOR: All those opposed no.

8 [No.]

9 THE MODERATOR: The ayes have it by a  
10 majority.

11 Article 10. Article 10 is to vote to  
12 transfer the amount of \$30,000 from the parking  
13 meter fund for the purpose of funding a parking  
14 meter system and related equipment.

15 Madame Chairman for the main motion.

16 CHAIRMAN VOGEL: Mr. Moderator, I move  
17 Article 10 as recommended.

18 THE MODERATOR: As recommended.

19 Who held this one? I don't have a name  
20 for who held it, but we had a hold.

21 Mr. Dufresne? Andy? You held this  
22 Article?

23 MR. DUFRESNE: [No mic: inaudible.]

24 THE MODERATOR: Mr. Shearer?

1 MR. SHEARER: [No mic: inaudible.]

2 THE MODERATOR: No, no, the people  
3 sitting to my left are telling me that he held  
4 it. [Laughs.] So, I don't have a name.

5 MR. SHEARER: Okay. My name's Dan  
6 Shearer, precinct six.

7 Good evening. Happy no snow day.

8 I was on a committee two years ago that

9 -

10 FROM THE FLOOR: Can't hear you.

11 MR. SHEARER: I was on a committee two  
12 years ago that sent a report to the Selectmen on  
13 how we could get parking meters for next to  
14 nothing, and I'd like to know if the Selectmen  
15 reviewed those requests - and I know Jennifer was  
16 on the committee - and if we worked in any way  
17 instead of spending any of our money for this.

18 THE MODERATOR: Mr. Suso.

19 MR. SHEARER: You appointed me to a  
20 committee.

21 THE MODERATOR: He's coming down to  
22 the microphone.

23 MR. SUSO: Thank you, Mr. Moderator.  
24 Julian Suso, Falmouth Town Manager.

1 I had the pleasure of attending all the  
2 meetings to which Mr. Shearer is referring. I  
3 do recall the report and it certainly was  
4 presented to the Board of Selectmen.

5 I don't specifically recall parking  
6 meters that can be acquired without cost. I do  
7 want to remind Town Meeting members these funds  
8 come fully from the parking meter fund. They're  
9 earmarked for that purpose. They're not  
10 available for other use; it's not coming from the  
11 General Fund, itself. And what's being  
12 requested you've already set aside \$150,000 for  
13 replacement and upgrade, state-of-the-art parking  
14 meters from what we have now. And, working with  
15 Chief Dunn, who's not able to be with us here  
16 tonight, we determined, going through a  
17 procurement analysis, that we were short by about  
18 30 percent - excuse me, by about 20 percent.  
19 We're asking for another \$30,000, again, from the  
20 Parking Meter Fund, so we can properly complete  
21 that comprehensive acquisition and upgrade our  
22 meter system and related equipment in support of  
23 the police officers in Falmouth.

24 THE MODERATOR: Okay, Mr. Jones.

1                   CHAIRMAN JONES:     Having served on the  
2                   committee with Mr. Shearer, I believe what he's  
3                   referring to is that we were looking into some  
4                   ways of completely changing the parking fee  
5                   system within the Town of Falmouth.     That we  
6                   could hire or lease out at no cost to the Town  
7                   someone else contracting out to do parking  
8                   regulations, not just at the meters but on the  
9                   main streets.     But the meters themselves, we're  
10                  going to - if we went with just meters, there was  
11                  no way we were going to get them for free.     That  
12                  I recall.

13                  THE MODERATOR:     Okay.     Mr. Shearer,  
14                  all set?

15                  Ms. Putnam.

16                  And then I'll add you to the list.

17                  Ms. Putnam.

18                  MS. PUTNAM:     Rebecca Putnam, precinct  
19                  9.

20                  It says the meters that are going to be  
21                  replaced are current meters.     Will this include  
22                  the meters that Town Hall never voted to remove  
23                  from Main Street?     Because, throughout this  
24                  winter - and I know that most of us who probably

1 visited the nice little French bakery all winter  
2 long saw the beat-up, broken-down car parked in a  
3 parking space where the transit bus stops. For  
4 two whole months it sat in the same spot.

5 So, I'm wondering, through you, Mr.  
6 Moderator, I'm not sure maybe to the Town  
7 Manager, will we be putting back the meters that  
8 were never voted to be removed?

9 THE MODERATOR: Mr. Suso.

10 MR. SUSO: This only includes existing  
11 parking meters that are presently in place with  
12 the exception of nine or ten parking meters on  
13 Clinton Avenue which the Board of Selectmen  
14 recently authorized.

15 THE MODERATOR: Okay, Mr. Dufresne.

16 MR. DUFRESNE: Adrien Dufresne,  
17 precinct 2.

18 On the parking meter situation, since it  
19 does not describe, exactly, it merely talks about  
20 an appropriation for a study. Years ago, this  
21 town body, as a member of the Finance Committee I  
22 stood before you, and the Finance Committee at  
23 that particular time challenged the fact that the  
24 parking meters on Main Street were removed by a

1 committee. And the Town Meeting upheld the  
2 Finance Committee's concern, but since they had  
3 already been removed, they said that a study  
4 would be conducted and then that report would  
5 come back to Town Meeting since only Town Meeting  
6 can remove the parking meters on Main Street.

7 That report was never presented back to  
8 this Town Meeting.

9 So, if we're going to talk about parking  
10 meters, whether it's Woods Hole, Scranton Avenue  
11 -- right now there's a proposal to put some up on  
12 the ballfield up in Falmouth Heights. So I have  
13 a problem with, number one, not correcting the  
14 original decision of this Town Meeting, of the  
15 people that I'm looking at, with the removal of  
16 Main Street.

17 Now, the chief of police has come up  
18 with a plan saying that one hour parking on Main  
19 Street is all you can have. There are cars  
20 there now that park all day long. They park  
21 there and the merchants, the people that are  
22 traveling, the people that are going to Woods  
23 Hole.

24 So he wants to have a system, now, where

1           you would have three hour parking.    The new  
2           sophisticate meters that are being available  
3           today to the Town of Falmouth or any other  
4           organization calls for quarters or change or  
5           whatever, but also credit cards.

6                        So, if we're going to design a system,  
7           and I think this one addresses probably Woods  
8           Hole and a couple other areas, I think it  
9           behooves Town Meeting to somehow demand that the  
10          report come back - take 'em off Main Street if  
11          you want, but let's vote it with this body, who  
12          is the only authorized agents that can remove the  
13          meters on Main Street which were removed by a  
14          committee, the Main Street Improvement Committee.

15                       So, I'm just looking for some guidelines  
16          as a Town Meeting member: what are we going to  
17          ask for and accept?  If the report never came in  
18          and they were never removed legally, then this  
19          appropriation, really, since we're addressing  
20          parking meters for other areas, let's put them  
21          back on Main Street with the new sophisticated  
22          designs and - and parking meters all over.  They  
23          should be in Town Hall Square.  They could be in  
24          back of Eastman's.  They could be anywhere that

1 this Town Meeting wants to vote them in.

2 But they were never removed properly  
3 from Main Street. And I wish that could be  
4 corrected by the current Board of Selectmen  
5 because at that particular time the Finance  
6 Committee proved their point: there was a loss of  
7 revenue by a committee and they were the ones at  
8 that time that were in charge of parking meters.

9 Thank you.

10 THE MODERATOR: Okay, Mr. Murphy.

11 MR. MURPHY: Yes, Mr. Moderator and  
12 Town Meeting members. Most of you know that I  
13 own a business in Woods Hole. I also am the  
14 president of the Woods Hole Business Association  
15 that represents over 35 businesses in Woods Hole.  
16 We support this article for a couple of reasons,  
17 but we also want to add there's a caveat in  
18 there.

19 Many years ago the businesses came to  
20 the Board of Selectmen, asked for an increase in  
21 the meter fare in Woods Hole. That was to make  
22 sure that the meters actually provided turnover  
23 in some form or fashion and was not a mechanism  
24 for folks to go to the Vineyard.

1                   We understand that these meters - and,  
2                   with my conversations with Chief Dunn, these  
3                   meters will be able to accept a credit card. One  
4                   of the things we object to is the idea or the  
5                   ideal that these meters would be able to accept  
6                   Apple Pay, something from your phone. So  
7                   someone could merely get on a boat and travel to  
8                   the Vineyard and pay to continue to park in Woods  
9                   Hole.

10                   We also want to take exception and want  
11                   to go on the record to say that we've been told  
12                   at precinct meetings that these meters will only  
13                   allow for up to 2 hours and that's the maximum  
14                   amount to park. Many of you who visit Woods Hole  
15                   with your family, friends, grandchildren or  
16                   visitors from out of town know that when you go  
17                   to Woods Hole, very often you don't just go to a  
18                   restaurant which many of us in business would  
19                   like, but you take the folks, your children and  
20                   grandchildren, to the aquarium to see a science  
21                   exhibit, and two hours does not provide the  
22                   amount of time for to be able to do that and then  
23                   be able to frequent the businesses in Woods Hole.

24                   So we want to go on record to the Board

1 of Selectmen we'll be discussing with you the  
2 amount of time, but we wholeheartedly support the  
3 purchase of these meters. These meters were  
4 bought on the backs of the customers that fed  
5 those meters in the Village of Woods Hole. It's  
6 an important part. In Woods Hole, we find that  
7 it provides turnover, it provides as well the  
8 idea and the ideal that our help, the  
9 institution's help -- and we're working in a  
10 positive manner to get our help off the streets  
11 with the Board of Selectmen.

12 So, please support this article as  
13 written, but we will ask that we be able to be  
14 heard with the Board of Selectmen as we move  
15 forward about the specific regulations and the  
16 process how you would use these. It's important  
17 that someone be able to go to feed a meter with  
18 their credit card. Everybody nowadays uses a  
19 debit card or a credit card. As a matter of  
20 fact, much to our demise and some evenings I take  
21 in more in credit card sales than I actually have  
22 in sales, because I have to charge the tips.

23 Folks happen to get a ticket because  
24 they're going to get change, now, and by the time

1 they get back to the meter with their change,  
2 they have a ticket.

3 So this is an important part of the  
4 process. And again, these meters are designed  
5 not for revenue, but to provide turnover. Thank  
6 you very much.

7 THE MODERATOR: Okay, any further  
8 discussion?

9 Mr. Suso.

10 MR. SUSO: Thank you, Mr. Moderator.  
11 I'd just like an additional comment by Police  
12 Captain Brian Reed.

13 MR. REED: Thank you, Mr. Suso. I am  
14 Captain Brian Reed of the Police Department.  
15 I'd like to just answer a couple of Mr. Murphy's  
16 concerns.

17 I know the parking issues in Woods Hole  
18 for the businesses and the community down there  
19 is a challenge. It's a challenge for us  
20 everyday, as well, and we respect that.

21 To answer your specific concern about  
22 the Apple Pay, that's not an option that we were  
23 looking to opt into at this time. It's certainly  
24 something you could consider in the future if we

1 wanted to go into that; the technology allows for  
2 it. But that's not what we're looking at right  
3 now.

4 As far as the two hour parking  
5 enforcement, that's in the bylaw right now. We  
6 do currently enforce the two hour parking and  
7 that's in consideration of all the requests that  
8 were made to ensure turnover down there; that's  
9 the purpose of the metered parking to begin with.

10 Installing these modern, technologically  
11 advanced meters will allow us to enforce that two  
12 hour limit more uniformly. It'll be fair and  
13 impartial. The only fair way to enforce parking  
14 is to treat everyone the same. That's the  
15 purpose behind the technology, and the meters  
16 that we're looking at will allow for that.

17 THE MODERATOR: Yes, in the center.  
18 Behind Mr. Donahue, yes.

19 MR. COLLINS: John Collins, precinct 7.

20 Am I to understand that the technology  
21 will enable us at some point to be able to use  
22 some advanced technologies like your cell phone  
23 to when you pull into a meter - I've seen it in  
24 other towns and cities that I've been to that you

1 punch in a number of the meter and you can pay  
2 just with your credit - not Apple Pay or anything  
3 - but will the system allow that in the future if  
4 we want to go that way?

5 THE MODERATOR: Mr. Reed.

6 MR. REED: I could not hear you very  
7 clearly, but I believe your question was about  
8 whether or not there would be the ability to  
9 integrate with phone apps to check on  
10 availability of parking spaces, was that the  
11 question?

12 THE MODERATOR: And to pay.

13 MR. REED: Yeah, we're not looking into  
14 doing the pay by phone option right now. That's  
15 what Mr. Murphy was concerned about and we  
16 understand those concerns. That technology is  
17 there if we want to entertain it in the future.

18 Also, we could integrate with apps to  
19 check on parking availability, and I think that  
20 would be a great service to people in the  
21 community and to the consumers that are going  
22 down there in the future. But that's not what  
23 we're looking at right at this time.

24 THE MODERATOR: Okay, Mr. Donahue.

1 MR. DONAHUE: Bob Donahue, precinct 3.

2 Can these meters be adjusted to - to a  
3 time like from one to five hours, or in half hour  
4 increments? I know in some places, for example  
5 in Brookline, you can only park for a half hour  
6 in a parking space in Coolidge Corner, which is  
7 very similar to Woods Hole. But that's a  
8 commercial area. They have public parking behind  
9 the stores.

10 But what kind of a range does these  
11 meters give? For example, if you had them in  
12 bike areas, could you have a five hour parking or  
13 something like that? Thank you.

14 THE MODERATOR: Mr. Reed.

15 MR. REED: The short answer is: yes.  
16 The technology on these meters allow for a myriad  
17 of customization options. You can set them for  
18 two hours, for whatever you want. You can adjust  
19 rates remotely. You can, you know, you can have  
20 the option, if you like, to set the meter to  
21 allow a grace period. Someone pulls into a  
22 meter, they can have an extra five or ten minutes  
23 to go get some change if they don't have change  
24 in the car or they don't have their credit card.

1                   They will have the credit card option  
2                   that you can pay right there and that alleviates  
3                   one of the concerns that Mr. Murphy brought up,  
4                   as well, that we recognize.

5                   THE MODERATOR:     Ms. Putnam.

6                   MS. PUTNAM:     Rebecca Putnam, precinct  
7                   9, again.

8                   Have you - and I'm not sure if it's less  
9                   expensive, because you're talking about replacing  
10                  it looks like each and every individual meter  
11                  with one of these.     Have you looked at what they  
12                  do in Boston?     They have a single terminal, you  
13                  put your credit card or your cash in.     There's no  
14                  marked spaces on the road and you get a little  
15                  slip that you put right on your dashboard and it  
16                  says what time it expires.     So someone  
17                  monitoring it can see what time the actual ticket  
18                  in there expires.

19                  And it's a single individual, you put it  
20                  right in the middle of wherever you're going to  
21                  have all the spaces.     You walk up, put your card  
22                  in, put the ticket in your window.     Is that not  
23                  maybe a less expensive way to replace these?

24                  MR. REED:     The answer is we did look

1 at that technology and also observed multiple  
2 presentations on it. It does have applications.  
3 After considering it, for instance, for the Woods  
4 Hole application, we felt that sticking with the  
5 existing technology that everyone understands  
6 would be preferable, just upgrading to a state of  
7 the art.

8 I'll give you an example. The Town of  
9 Brookline went to these gang or single meters  
10 that are mid-block and they removed them all and  
11 went back to conventional parking meters because  
12 they found that they tended to confuse a number  
13 of visitors who came into the area and that is  
14 not the purpose of that. Again, it's just to  
15 encourage turnover, as has been suggested.

16 So, we're advocating sticking with the  
17 basic option that we have here. And this same  
18 meter that you happen to have depicted on the  
19 screen is the most common single meter, now, in  
20 the City of Boston, as it turns out.

21 THE MODERATOR: Okay, the question  
22 will now come on the main motion as recommended.

23 All those in favor, signify by saying  
24 Aye.

1 [Aye.]

2 THE MODERATOR: All those opposed no.

3 [None opposed.]

4 THE MODERATOR: The ayes have it  
5 unanimous.

6 Article 11. Madame Chairman for the  
7 main motion.

8 CHAIRMAN VOGEL: Mr. Moderator, I move  
9 Article 11 as recommended.

10 THE MODERATOR: As recommended. This  
11 is to vote to transfer the amount of \$250,000  
12 from Certified Free Cash to partially fund the  
13 repair and replacement of the Falmouth Country  
14 Club Golf Course irrigation system and related  
15 equipment.

16 Mr. Shearer.

17 MR. SHEARER: Dan Shearer, again.

18 We bought the golf club and we bought it  
19 for two reasons. One, that the golf club  
20 supposedly was going to make some money, and  
21 number two that we wanted it for a reserve for  
22 water quality and The 300 Committee had put a  
23 ruling in that it can only be - there'll be no  
24 houses or anything like that built on it.

1 I have a hard time voting for this  
2 because I have no idea, and haven't for years  
3 even when I was on the Finance Committee, if this  
4 brings in any money, loses money, what happens to  
5 it. It's never mentioned. It just seems to be  
6 something we pour money into. And I have a hard  
7 time voting for this, now. Because I don't want  
8 to just have a bucket that we keep filling up  
9 that has a hole in it.

10 So, I would like to see a printout, a  
11 profit and loss statement, what's going on.  
12 Thank you.

13 THE MODERATOR: Ms. Harper.

14 MS. HARPER: Good evening, I'm going to  
15 present an updated version of a presentation I've  
16 given to this Town Meeting every Town Meeting for  
17 the last three Town Meetings. And, at the  
18 beginning of that, what I have neglected to do at  
19 every one of those Town Meetings is to recognize  
20 Bucky Hall, who's the long-time superintendent of  
21 Falmouth Country Club who has been here at each  
22 and every one of those meetings, and Matt  
23 Burgess, who's the Director of Golf for Falmouth  
24 Country Club, who are obviously very engaged and

1 interested in the outcome of this conversation.

2 And I will do this as quickly as  
3 possible.

4 This property is a 238 acre golf and  
5 open space parcel. There are multiple sources  
6 of revenue. There is a golf bond for \$6.5  
7 million. There is Land Bank revenue. There is  
8 water quality revenue. That -- AFCEE funds; many  
9 of you may not understand many years ago, but  
10 that's nutrient management funds. As well as a  
11 contribution towards a permanent conservation  
12 restriction over the entirety of the 238 acres.  
13 The entire parcel is restricted as permanent open  
14 space.

15 In 2004, at the time the Town acquired  
16 the property, it was being proposed for a  
17 conceivable residential development of over 300  
18 units.

19 I hope this is a project you all will  
20 continue to be proud of and are proud to have  
21 this wonderful open space in the East Falmouth  
22 community.

23 Next slide please. This is - maybe the  
24 next one's a little bit clearer.

1                   This is just a demonstration of the  
2 parcels.   The green is the open space and golf  
3 parcel.   The red is Land Bank, I believe.   And  
4 the orange is the AFCEE funds.   And they are  
5 segregated specifically by funding source.

6                   Next slide, please.

7                   The property is, it really is an Audubon  
8 cooperative sanctuary.   There's habitat  
9 maintenance that occurs.   Bucky really spends a  
10 lot of attention on maintaining the bird  
11 sanctuary as well as some of the other natural  
12 resources in the area.

13                   Next slide, please.

14                   This project is to replace the original  
15 irrigation system, which ranges from nine to 50  
16 years old.   It replaces the irrigation system on  
17 18 of the holes.   Part of it is the Talon  
18 Course, which is the short nine hole course, and  
19 the first nine holes of what is known as the  
20 Championship Course.

21                   Next slide.

22                   I'm not going to go through everything.

23                   At the last Town Meeting we gave you a  
24 feasibility estimate.   We hired a firm that

1 specializes in installing irrigation systems for  
2 golf courses. At the time, the estimate was up  
3 to \$1.4 million. We advanced the project to  
4 full construction design and the estimate now  
5 still remains 1.15 to 1.45 million dollars.

6 We had planned to come back to you at  
7 the November Town Meeting for the final request  
8 for this project, but the consultant that we're  
9 working with, as well as the industry folks, have  
10 encouraged us strongly to go out to bid this  
11 spring for a fall construction because there's so  
12 much competition in the marketplace and labor is  
13 in short supply and they believe we'll get our  
14 best pricing if we do this now rather than wait  
15 until next fall for the following season.

16 So this does two things: that it gets  
17 the project done next fall for the 2017 season  
18 and allows us to take advantage of pricing this  
19 year.

20 Next slide, please.

21 The irrigation system when the Town  
22 acquired the course was in a depreciated - was a  
23 depreciated asset. The Town knew when it  
24 acquired the property that it would have to

1 invest in an irrigation system. We've hedged  
2 that bet for a little over eleven years. We've  
3 invested over a million dollars towards that  
4 system and this is the final installment of  
5 fundings to allow that to move forward.

6 The next slide, please.

7 Just a little bit about the operational  
8 scenario, and I won't go into too much detail.  
9 But this comes from an operational analysis done  
10 by a specialty appraiser who took a look at the  
11 property prior to the Town entering into its most  
12 recent lease management agreement. That  
13 consultant identified that the property performed  
14 excellently in a very challenging economic  
15 climate.

16 Next slide, please.

17 This is all up on the Golf Advisory  
18 Committee's website, by the way, the presentation  
19 I gave at the last Town Meeting. We can put  
20 this one up there, as well.

21 In the time period prior to this last  
22 renewal there was decline in the golf industry  
23 but this course remained in very healthy  
24 condition.

1 Next slide, please.

2 Just a little bit about where we are  
3 now. We are currently in the - moving into the  
4 second year of a five year lease with a five year  
5 renewal. The Board of Selectmen agreed to terms  
6 that require them to invest in the irrigation  
7 system within the first five years. And we are  
8 quite certain that this current operator will not  
9 renew if the irrigation system is not repaired  
10 during this current term. So this request this  
11 evening is honoring that commitment.

12 We currently earn a base rent of  
13 \$395,000 a year. That's positive cash flow to  
14 the Town every year to help support the debt  
15 service. And this last year we had very positive  
16 news. There's a revenue sharing above a  
17 specific threshold of rent, and last year we  
18 actually exceeded that base rent - that base  
19 revenue number and earned an additional \$45,000  
20 last year. Very positive news. No guarantee  
21 that it will happen every year with weather  
22 conditions in play, but a very positive sign that  
23 the industry is starting to come back.

24 Next slide, please.

1                   We did agree to capital improvements by  
2                   the Town investing in our own property. That  
3                   includes some equipment that you authorized at  
4                   the last Town Meeting, which was acquired. And  
5                   that will - you'll see that again in the next two  
6                   or three Town Meetings, as well, small portions  
7                   of that total, \$283,000.

8                   The irrigation system, we agreed to fund  
9                   that no later than November, 2017, so hopefully  
10                  this evening we'll be ahead of schedule.

11                  And then following, in the second term  
12                  of the agreement, the Town has agreed to consider  
13                  taking a look at rebuilding the club house. And  
14                  that is where there is potential for some future  
15                  revenue growth, with the addition of improved  
16                  food service. We know that the rent that we're  
17                  receiving is likely to remain essentially stable  
18                  or flat. The growth in rounds is not expected.  
19                  We do very well in terms of the amount of play  
20                  that we get out there, but trying to grow the  
21                  revenue, we need to expand the type of amenities  
22                  that we offer. So we will take a look at that  
23                  and hopefully you will all support that, as well.

24                  And then the final slide. No. We can

1 skip to the next slide.

2 This is the really what the Town's  
3 profit and loss statement is. We do not expend  
4 funds on the golf course with the exception of  
5 these discreet capital improvements that are  
6 requested to Town Meeting. All of the  
7 operational expenses are borne by the operator.  
8 The Town receives an annual rent payment.

9 We know what our debt service schedule  
10 is, and this is prepared by the Finance  
11 Department and updated just today, which includes  
12 that additional revenue from last year and  
13 demonstrates that we expect to remain  
14 unsubsidized through at least 2022. Hopefully  
15 with the rebound in the market, some investment  
16 in the property and improvements in the amenities  
17 that are offered, we'll be able to extend that  
18 time period well beyond through the life of the  
19 property.

20 The debt service does remain on the golf  
21 bond through 2035.

22 So, that is the - it's just a brief  
23 update and I hope you can support the final  
24 payment of \$250,000. We will have to work very

1 hard to bring the project in under that budget,  
2 but I'm confident that working with Bucky and the  
3 folks at Casper Golf that we'll be able to do  
4 that and have that project underway this fall.

5 Thank you.

6 THE MODERATOR: Okay, Mr. Young.

7 MR. YOUNG: Bob Young, precinct 5.

8 I'd like to rise in support of this  
9 article. I'm a nine year member on the Golf  
10 Committee and Chairman for about two and a half,  
11 three years.

12 And before I make my brief statement,  
13 I'd like to say to Dan I'm surprised that he  
14 didn't have profit and loss statements because  
15 there's a representative of the Finance Committee  
16 on the Golf Committee and they go to all the  
17 meetings and they get all the financial reports.  
18 So he should know, through that representative,  
19 what the status is.

20 When we bought the golf course, we knew  
21 that the irrigation system was old and would need  
22 to be replaced at some point in the future. It  
23 is over 40 years old, probably 50 years old.  
24 This has been reported to the Town each year at

1 our annual meeting to the Board of Selectmen.

2 Maintenance staff, Bucky Hall, I'd like  
3 to thank him very much; he's held that thing  
4 together.

5 As you know, Louis Rabesa built that  
6 golf course and put that system in. And he  
7 makes repairs annually. However, the time is  
8 now approaching us that that system needs to be  
9 replaced.

10 The golf course has operated for more  
11 than ten years with no deficit assessment to this  
12 Town. We receive annual rent payments, as  
13 Heather pointed out, from the course manager  
14 Billy Casper Golf. These funds, along with The  
15 300 Committee contribution, has made us able to  
16 meet the bond payment.

17 Our 27 hole golf course has been a  
18 successful operation. It provides affordable  
19 golf to all residents. It supports both girls'  
20 and boys' high school teams and we are fortunate  
21 to have a nice junior program that they also  
22 support.

23 We also have an adjacent 61 acres of  
24 open space, which is a big plus. You could

1 almost consider the whole thing open space,  
2 because it can never be built on.

3 Please support this article.

4 Thank you.

5 THE MODERATOR: Mr. Herbst.

6 MR. HERBST: Ralph Herbst, precinct 8.

7 When I was on the Community Preservation  
8 Committee, the Town came to the Community  
9 Preservation Committee and asked for funds to  
10 help defray the costs of installing - I mean  
11 repairing and replacing this irrigation system.  
12 I think it's important that we remember how many  
13 times the Town came to the Community Preservation  
14 Committee and the dollar figures. Hopefully Ms.  
15 Harper has that - that information for you now.

16 I'm not saying that I'm opposed to this,  
17 but you need to remember how much money the Town  
18 has already invested in this. We're not just  
19 starting from scratch, here. So, remember that  
20 you the Town Meeting Members voted to approve  
21 these appropriations after they were recommended  
22 by the Community Preservation Committee.

23 Thank you.

24 THE MODERATOR: Ms. Harper.

1 MS. HARPER: Just pull that slide up,  
2 just one more. Right. No. Sorry, it's  
3 towards the end, I believe. Keep going. Right  
4 here.

5 These are all the requests. When we  
6 came to you initially, we expected the project  
7 would be between 800,000 and 1.2 million dollars.  
8 We submitted a proposal that we would come back  
9 over multiple Town Meetings and build a fund  
10 towards that total value. This is the last  
11 request.

12 The first request, the first in - excuse  
13 me, in 2015 is the Community Preservation  
14 Committee contribution of \$229,000. And I can  
15 tell you I'm just really most appreciative of the  
16 Community Preservation Committee being the first  
17 agency to review the project, to support the  
18 project and recommend it to Town Meeting. I  
19 believe that was incredibly important to Town  
20 Meeting having faith in the need for the project  
21 and understanding its value to support a  
22 recreational and open space asset.

23 THE MODERATOR: Okay, the question  
24 will come on the main motion as recommended.

1 All those in favor, signify by saying aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [None opposed.]

5 THE MODERATOR: The ayes have it  
6 unanimous.

7 Article 12. This is to - Madame  
8 Chairman for the main motion.

9 CHAIRMAN VOGEL: Mr. Moderator, I move  
10 Article 12 as recommended.

11 THE MODERATOR: As recommended. This  
12 is a vote to transfer the amount of \$150,000 from  
13 Article 15 of the April 2014 Town Meeting and  
14 transfer the amount of \$500,000 from the  
15 Waterways Improvement Account for repairing the  
16 town bulkhead at Robbins Road.

17 Mr. Shearer, you held this article?

18 MR. SHEARER: Third strike and I'll be  
19 out.

20 I have nothing wrong with what this  
21 article has being done. What I do not like is  
22 that the money is being taken away from a fund  
23 that this body started a couple of years ago so  
24 we could have a water system, a private water

1 department. And I'd like to know what happened  
2 to that. It was something that was suggested.  
3 It was unanimously voted by this body and now  
4 we're taking the money away from it.

5 But also I believe this has to be a two-  
6 thirds majority vote. But that's besides that.

7 The article itself, I'm for. But the  
8 money being taken from a Town Meeting article,  
9 I'm against, without knowing why and if it's been  
10 thrown out or what we want to do.

11 THE MODERATOR: Okay, Mr. Shearer, why  
12 do you think it's a two-thirds vote?

13 MR. SHEARER: It's taking money from a  
14 committee in town.

15 THE MODERATOR: There's no statutory  
16 requirement. Only Stabilization Fund transfers  
17 require two-thirds, or withdrawal from a  
18 Stabilization Fund.

19 MR. SHEARER: Okay, what do you call  
20 this, then?

21 THE MODERATOR: I call this the  
22 Waterways Improvement Account.

23 MR. SHEARER: Well, that's not how it  
24 was presented to Town Meeting in -

1 THE MODERATOR: This Town Meeting  
2 never established a Waterways Stabilization Fund,  
3 which would also require a two-thirds vote to put  
4 money into the account.

5 MR. SHEARER: Well, I have my warrant  
6 article at home that I read yesterday and I -

7 THE MODERATOR: Mr. Duffy, did we ever  
8 create a Waterways Stabilization Fund in the Town  
9 of Falmouth? No. So there's no requirement  
10 for two-thirds.

11 [Pause.]

12 THE MODERATOR: So, are you talking  
13 about the transfer from Article 15 of April,  
14 2014?

15 MR. SHEARER: Yes.

16 THE MODERATOR: Where do you think I  
17 need a two-thirds vote? Because the lawyer  
18 doesn't think I need it, I don't think I need it,  
19 and the statute doesn't tell me I need it. So,  
20 I'm trying to figure out where - where you think  
21 we need a two-thirds vote.

22 CHAIRMAN JONES: Mr. Moderator -

23 THE MODERATOR: Because this is a  
24 simple majority. We're transferring money out

1 of the account and transferring money out of a  
2 previously unexpended article.

3 MR. SHEARER: From taking from Article  
4 15 of the 2014 -

5 THE MODERATOR: Town Meeting. That's  
6 a simple majority.

7 CHAIRMAN JONES: It was Wild Harbor.

8 MR. SHEARER: Okay. I would say it  
9 would be the same as the Stabilization Account  
10 because that's what we were building it for.

11 THE MODERATOR: No, it's not coming  
12 out of the Stabilization Account. It's coming  
13 out a previously authorized appropriation.

14 MR. SHEARER: - it's coming out of it's  
15 own account.

16 THE MODERATOR: I don't know what to  
17 say. I gave you the answer four times.

18 MR. SHEARER: Well, well, somebody has  
19 -- would somebody please read -

20 THE MODERATOR: Yeah, go ahead. Come  
21 on up here and end this, please.

22 MR. FRASER: Greg Fraser, Harbormaster.  
23 The funds you're talking about is  
24 leftover surplus money from the Wild Harbor

1 bulkhead project.

2 MR. SHEARER: No.

3 MR. FRASER: So a portion of that will  
4 be used -

5 MR. SHEARER: That's not what the -  
6 that's not what Article 15 is in 2014. That was  
7 an account set up so we could have in the future  
8 a private water -

9 MR. FRASER: Well, I can honestly say I  
10 didn't check the article number. It was done by  
11 the Finance Committee, but the intent of the  
12 article is to remove surplus money that is in  
13 from the Wild Harbor bulkhead project, a portion  
14 of it. We still have some in reserve there.

15 MR. SHEARER: Well, that's -- no,  
16 that's the 150,000.

17 MR. FRASER: Right. The rest is from  
18 the Waterways Improvement Fund. The Waterways  
19 Improvement Fund is made up of 50 percent of the  
20 boat excise tax and 100 percent of the mooring  
21 fees.

22 MR. SHEARER: Well, why is Article 15  
23 of the 2014? Has anybody looked up what that  
24 is? I did.

1 I mean, we voted this -

2 [Pause.]

3 MR. SHEARER: I mean, if you read the  
4 article, the money is taken from Article 15 -

5 MR. JOHNSON: [No mic:] Mr.  
6 Moderator, point of order.

7 THE MODERATOR: Yeah, everybody just -  
8 Mr. Shearer, please sit down. We're looking up  
9 the warrant from 2014 and we'll answer the  
10 question, okay?

11 [Pause.]

12 THE MODERATOR: Mr. Shearer, this is  
13 an opportunity for both of us to be right, okay?

14 [Laughter.]

15 THE MODERATOR: The article doesn't  
16 mention which Town Meeting, so you are correct  
17 that at the Annual Town Meeting in 2014, we did a  
18 Water Stabilization Fund separate from the  
19 withdrawal at the Special Town Meeting Article  
20 14, which is the Wild Harbor bulkhead. And this  
21 doesn't mention if it's Annual or Special, it  
22 just says April, 2014 Town Meeting.

23 So, you are correct, in April, 2000 Town  
24 Meeting, Annual, we did some state water

1 stabilization work. But this is withdrawing  
2 from the Special warrant.

3 So I'm going to need an amendment to add  
4 the word "Special" so we know which account we're  
5 drawing from. Okay, do you want to just make  
6 that from the chair, up here, to add the word  
7 "Special" in front of Town Meeting in the main  
8 motion.

9 CHAIRMAN VOGEL: Okay, I move that we  
10 add the words "Special Town Meeting" to the  
11 recommendation line from Article 15 of the April  
12 2014 Special Town Meeting.

13 THE MODERATOR: Special Town Meeting.  
14 All those in favor of the amendment, signify by  
15 saying aye.

16 [Aye.]

17 THE MODERATOR: Opposed no.

18 [None opposed.]

19 THE MODERATOR: The ayes have it  
20 unanimous. So we're withdrawing that from the  
21 Special Town Meeting and that requires a majority  
22 vote.

23 Any further discussion?

24 MR. SHEARER: [No mic:] Thank you.

1 THE MODERATOR: That was good. Good  
2 catch.

3 MR. NETTO: Joe Netto, precinct 9.  
4 Thank you, Mr. Shearer, for being a  
5 watchdog, so to speak.

6 But the way the article is written -- he  
7 asked the question before I got a chance to.  
8 When we remove money from past Town Meetings, it  
9 would be nice to get an explanation. And I will  
10 ask the question, though now I think I know the  
11 answer from the discussion that's taken place on  
12 the floor.

13 Could the chairman of the Finance  
14 Committee please read to us what - put on glasses  
15 -- what Article 15 of the Special Town Meeting of  
16 April, 2014, what it said, where the money came  
17 from. And I think that would be - rest -

18 THE MODERATOR: [Reading:] By a  
19 unanimous vote, a quorum being present on  
20 Tuesday, April 8<sup>th</sup>, 2014, the Town voted the sum  
21 of \$1,300,000, appropriated to pay the costs of  
22 design and construction of the Wild Harbor  
23 bulkhead, and that, to meet this appropriation,  
24 \$500,000 was transferred from the Waterways

1 Improvement Account and the Treasurer, with the  
2 approval of the Board of Selectmen, was  
3 authorized to borrow \$800,000 under and pursuant  
4 to Chapter 44, Section 717, or any other  
5 appropriate authority of the General Laws or  
6 pursuant to any other enabling authority. And  
7 to issue bonds or notes of the Town thereof, to  
8 be expended under the jurisdiction of the Town  
9 Manager.

10 MR. NETTO: Okay, I think that would  
11 have been helpful in the explanation if there had  
12 been some reference to this.

13 And also I'd like to comment on what the  
14 Harbormaster told us, that some of this money is  
15 coming from those of us that own boats or rent  
16 moorings. Obviously if you rent a mooring, you  
17 should own a boat. From the boat excise tax and  
18 the mooring tax. And this is not coming from  
19 the real estate tax that all of us pay if we own  
20 a house.

21 So this - this - this is being somewhat  
22 subsidized by the boat owners, who get the  
23 benefit of this. And I think in the future when  
24 we move money from previous articles, that there

1 could be some explanation and we would have been  
2 through this 20 minutes ago.

3 Thank you.

4 FROM THE FLOOR: Question, question.

5 THE MODERATOR: Okay, the question  
6 will come on the main motion as amended. The  
7 amendment was to make the reference to the  
8 Special Town Meeting.

9 All those in favor of the main motion,  
10 signify by saying aye.

11 [Aye.]

12 THE MODERATOR: All those opposed no.

13 [None opposed.]

14 THE MODERATOR: The ayes have it  
15 unanimous.

16 Article 14. Madame Chairman.

17 CHAIRMAN VOGEL: Mr. Moderator, I move  
18 Article 14 as recommended.

19 THE MODERATOR: As recommended. This  
20 is to transfer the amount of \$25,000 from  
21 Certified Free Cash for professional technical  
22 assistance for the development of a town-wide  
23 aquaculture management plan.

24 Mr. Smolowitz held the article.

1 And then we have an amendment.

2 So, Mr. Smolowitz, before you start with  
3 - before we take the - Mr. Smolowitz, before we  
4 take the amendment, do we have a presentation, as  
5 well?

6 MR. SMOLOWITZ: I have a -

7 THE MODERATOR: No, I'm talking about  
8 an opening on the main motion.

9 So, why don't we do this. Why don't we  
10 - I've got an amendment in the cue, here. Why  
11 don't we do the opening presentation and then  
12 we'll take the amendment. Then we'll do the  
13 presentation on the amendment.

14 MR. MARTINSEN: Good evening, Town  
15 Meeting. Chuck Martinsen, I'm the Deputy  
16 Director of Marine and Environment and your  
17 Shellfish Constable.

18 If I could have the slides for Article  
19 14 of the Special.

20 FROM THE FLOOR: Can't hear you.

21 MR. MARTINSEN: Is that better?

22 THE MODERATOR: He's too tall, that's  
23 why.

24 MR. MARTINSEN: There we go.

1 FROM THE FLOOR: Yea.

2 MR. MARTINSEN: Chuck Martinsen, Deputy  
3 Director of Marine and Environment and your  
4 Shellfish Constable.

5 To first set the stage this evening  
6 about a discussion about aquaculture and  
7 shellfish planning, I just want to go back to  
8 when I started back in 2000. When I started  
9 back in 2000, we had one commercial aquaculture  
10 grant in the Town of Falmouth. It was the Kelly  
11 grant, which was located in East Falmouth, in  
12 Waquoit.

13 We currently have eight aquaculture  
14 commercial farms now, and as of the last four or  
15 five weeks I've been approached by four new  
16 growers who are interested in setting up  
17 aquaculture farms in the Town of Falmouth. There  
18 certainly is very much an interest in growing  
19 shellfish in the town of Falmouth. Which is the  
20 primary reason why we are bringing this article  
21 in front of Town Meeting tonight.

22 Next slide, please.

23 Our proposal, it's a comprehensive  
24 approach to public and private shellfish growing.

1 The first step would be to establish a shellfish  
2 working group with our stakeholders. This would  
3 include our commercial growers at this time, who  
4 are very knowledgeable about growing areas. I  
5 would also include recreational and commercial  
6 license holders, which represent 95 percent of  
7 our permit holders. And various Town boards,  
8 including our Conservation Commission, our Water  
9 Quality Management Committee, our Coastal Ponds  
10 Committee and our Board of Selectmen.

11 And also our neighbors. These are the  
12 people who will be most affected and who will be,  
13 you know, looking at these aquaculture farms and  
14 seeing them on a daily basis.

15 The process for this technical support  
16 that we're looking for is very simple. First we  
17 would assess certain areas that would be  
18 favorable to shellfish aquaculture and we would  
19 outreach to the stakeholders to get full,  
20 hopefully, buy-in. There would be a preparation  
21 of a draft, in addition to public meetings. And  
22 then there would be a final plan which would be  
23 approved by the Board of Selectmen. The entire  
24 process would involve public meetings and a

1 significant amount of public input.

2 This - at this point in the Town of  
3 Falmouth if you look at a map or a chart  
4 throughout the town you will see that the  
5 propagation projects, the private aquaculture  
6 projects are spread throughout the town. It's  
7 almost like someone sat back and threw darts at a  
8 chart of Falmouth. They are clustered in  
9 various areas and we feel that it would be -  
10 it's, you know, forward thinking to be able to  
11 get ahead of aquaculture and do it in a  
12 responsible way that would involve this entire  
13 community.

14 That's all.

15 THE MODERATOR: Mr. Smolowitz.

16 MR. SMOLOWITZ: Thank you. Ron  
17 Smolowitz, precinct 8.

18 Pretty much support everything that  
19 Chuck has said, and I have an amendment --

20 If we could get it up.

21 -- that I think would help to approve  
22 this particular article.

23 Should I read the amendment?

24 THE MODERATOR: We're just going to

1 read the change, there, the addition of the  
2 committee.

3 MR. SMOLOWITZ: It has a lot of little  
4 changes, but.

5 THE MODERATOR: Okay.

6 MR. SMOLOWITZ: And this is based -  
7 this isn't - the idea of going forward with the  
8 shellfish management plan, many communities have  
9 done this, so basically I think I put this  
10 together looking at what these other communities  
11 have done.

12 Article 14 as amended: To see if the  
13 Town will vote to appropriate a sum of money for  
14 the development of a town-wide shellfish  
15 management plan to determine how the money shall  
16 be raised and by whom expended. Or do or take  
17 any other action in this matter, provided,  
18 however, that said plan shall be developed in  
19 cooperation with a shellfish advisory committee  
20 appointed by the Board of Selectmen to include  
21 representatives of the Agricultural Commission,  
22 the MES staff, Conservation Commission, Chamber  
23 of Commerce, Board of Selectmen, shellfish  
24 scientists and commercial and recreational

1 shellfishermen and growers.

2 A few of the changes is that the  
3 aquaculture word has been changed to shellfish  
4 management plan because basically they're  
5 inseparable. Especially in the estuaries one  
6 impacts the other, both wild capture fisheries  
7 and the growers, private growers, depend on the  
8 same artificial raising of stock.

9 The other thing I did was remove the  
10 professional and technical support, because the  
11 optimum professional/technical expertise lies in  
12 the membership of the shellfish advisory  
13 committee. Virtually all towns that have formed  
14 shellfish management plans have used their  
15 stakeholders to put it together.

16 I see the money that's going to be with  
17 this article go more towards the surveys and  
18 mapping and technical support that the shellfish  
19 advisory committee and the town shellfish  
20 constable will need to go forward with the plan.

21 In a way of an explanation I want to  
22 read the two paragraphs from the letter from -

23 THE MODERATOR: Mr. Smolowitz, if I  
24 can just interrupt for a moment. I'll pause the

1 clock.

2 So, with this change, your motion - your  
3 amendment doesn't include \$30,000 - or, excuse  
4 me, \$25,000 from Certified Free Cash. Is your  
5 intention to do this with \$25,000 from Certified  
6 Free Cash?

7 MR. SMOLOWITZ: Yes, sir. I thought  
8 the recommendation was separate from the article.  
9 I'm sorry.

10 THE MODERATOR: Well, it is, but we're  
11 amending a motion, now, that's on the floor. And  
12 so the main motion on the floor is the  
13 recommendation.

14 MR. SMOLOWITZ: Yes.

15 THE MODERATOR: So, just so Town  
16 Meeting members are clear: the additional  
17 language here of the advisory committee and the  
18 change that he mentioned of the shellfish from  
19 aquaculture and the professional technical  
20 assistance striking out, that's all for \$25,000  
21 from Certified Free Cash. That's the amendment.  
22 Okay.

23 MR. SMOLOWITZ: And quickly: as there  
24 are five articles -- this is from the letter from

1 the Falmouth Agricultural Commission to the Board  
2 of Selectmen: [Reading:] As there are five  
3 articles regarding shellfish on the warrant for  
4 Spring Town Meeting, it is obvious much is  
5 happening in the town regarding the raising and  
6 harvesting of shellfish. We feel it is in the  
7 best interest of the town and of all the  
8 stakeholders in this matter that an advisory  
9 committee be formed; that we be representative of  
10 all interest groups. The committee would be  
11 tasked initially with developing of comprehensive  
12 shellfish plan for the town. They should then  
13 be responsible with reviewing all pertinent  
14 issues involving shellfish and making  
15 recommendations directly to the Board.

16 In the past, Falmouth had such a group.  
17 Most Cape towns have a group now.

18 And one final point which I found  
19 interesting in studying the history is that the  
20 concept of shellfish advisory committees existed  
21 on the Cape and in Massachusetts in the 1600's,  
22 and in the early 1700's there were some shellfish  
23 advisory committees.

24 In 1750, the General Court initiated

1 some shellfish protection measures for Cape Cod  
2 Bay and got the Cape Cod people very upset and  
3 they requested the repeal. And in 1773,  
4 Wellfleet formed a shellfish advisory committee  
5 and some of its - it was one of the first  
6 examples of home rule and this is during the time  
7 of British rule. So we've had shellfish  
8 advisory committees on the Cape and all the towns  
9 for over 250 years, and this I think is just  
10 bringing back the system.

11 Thank you very much.

12 THE MODERATOR: Mr. Jones.

13 CHAIRMAN JONES: Just to explain what  
14 the amendment's actually asking for. That the  
15 Town Manager, as with his power, has already  
16 started forming a shellfish advisory committee.  
17 This is asking you to have the Board of Selectmen  
18 appoint them, which means we have to post it, we  
19 have to advertise it, we have to hold interviews  
20 and then appoint them and they'd be running as a  
21 regular public committee.

22 If it's a task force that the Town  
23 Manager appoints, there's a little bit more  
24 freedom and that appointment is done by him. So

1 the question's just to this body: do you want to  
2 have it appointed by the Board of Selectmen or do  
3 you want to have this committee be appointed by  
4 the Town Manager?

5 THE MODERATOR: Okay, Mr. Martinsen.

6 MR. MARTINSEN: Thank you, Mr.

7 Smolowitz.

8 I don't want to depart from the initial  
9 purpose and reason why we brought this article to  
10 the Town Meeting.

11 When our department first of all - first  
12 of all, back about 18, 20 years ago we did have a  
13 shellfish advisory committee, which it  
14 unfortunately fell apart. When our department  
15 proposes shellfish regulations, we hold public  
16 hearings, we take into full consideration our  
17 community's wishes. The process could not be  
18 more transparent. This could not be more  
19 evident in the work that we have done over the  
20 last few years building our shellfishery.

21 Development of this committee as  
22 proposed inherently is weighted to favor  
23 agriculture. Were we planning on drafting  
24 membership of a shellfish committee, I would have

1 certainly let our commercial shellfishermen know,  
2 as they are largely not represented this evening.

3 I would urge Town Meeting to vote this  
4 amendment down and support the original article  
5 to provide the needed technical support to the  
6 Town of Falmouth.

7 Thank you.

8 THE MODERATOR: Okay, Ms. Magnani.

9 Did you?

10 I'll add the two of you to the list.

11 MS. MAGNANI: Mr. Chairman, Judy  
12 Magnani, of the Finance Committee.

13 A whole new motion's going to have to be  
14 written for this. It is going to be very  
15 confusing.

16 THE MODERATOR: I think we're good up  
17 here with just adding the money.

18 MS. MAGNANI: You're going to start  
19 with the money and then put the rest of it in  
20 there?

21 THE MODERATOR: Yeah. So, instead of  
22 it saying "appropriate a sum", it'll be to  
23 appropriate \$25,000 from Certified Free Cash.

24 MS. MAGNANI: Okay.

1 THE MODERATOR: Yeah.

2 MS. MAGNANI: All right.

3 THE MODERATOR: Yeah, we're good.

4 Mr. Dufresne.

5 MR. DUFRESNE: Adriene Dufresne. I'd  
6 like to move the question.

7 THE MODERATOR: Okay, we have the  
8 motion to move the previous question.

9 All those in favor, signify by saying  
10 Aye.

11 [Aye.]

12 THE MODERATOR: All those opposed no.

13 [No.]

14 THE MODERATOR: The opinion of the  
15 chair is that there is not a two-thirds majority  
16 and the next on my list is Mr. Putnam.

17 Mr. Netto, you're on the list.

18 MR. PUTNAM: Thank you, Mr. Moderator.  
19 Brent Putnam, precinct 9.

20 I would recommend support of Mr.  
21 Smolowitz's amendment to this article. I think  
22 it's something that's pretty obvious that Mr.  
23 Chairman, that Chairman Jones noted is the  
24 question of is this going to be appointed by the

1 Town Manager or by the Selectmen. And I heard a  
2 rumbling next to me; someone said, "Well, I don't  
3 trust either one." And the point, the point  
4 that I'd like to make, that I mumbled back, is  
5 that with the Selectmen it'll be on T.V., folks.  
6 We'll see the interview process, we'll see the  
7 committee appointed, we'll see who's appointed,  
8 and most importantly there will probably be some  
9 more transparency.

10 Mr. Smolowitz is a professional farmer,  
11 a consultant to fisheries, to the National  
12 Fisheries. He knows what he's doing, he knows  
13 what he's talking about, and I highly respect him  
14 and highly regard his recommendation.

15 Thank you.

16 THE MODERATOR: Okay, Ms. Karplus.

17 MS. KARPLUS: Sia Karplus, precinct 2.

18 One of the reasons that shellfish has  
19 now become a very important part of what the Town  
20 is doing is for water quality purposes. The 208  
21 plan and more importantly the Town's 15  
22 estuaries, the Water Quality Management Committee  
23 is looking at shellfish cultivation as a way to  
24 save millions and millions of dollars in avoided

1 sewer.

2 So, one group that is not listed on that  
3 amendment is the Water Quality Management  
4 Committee.

5 It is very important for us to have a  
6 coordinated effort that includes shellfish as  
7 part of water quality improvements. There are  
8 other stakeholders and those should be  
9 considered, but the Water Quality Committee is a  
10 very, very important player. We are writing the  
11 plans that are going to include shellfish and we  
12 have metrics and amounts of shellfish that are  
13 going to solve certain numbers of kilograms being  
14 removed.

15 So, that's one reason I think that this  
16 is an amendment that should not actually be  
17 passed. I strongly suggest against passing it.

18 The other is that there is a process  
19 that is the division would like to undertake, and  
20 that is writing a plan with broad public  
21 participation. Chuck put up all the different  
22 groups that would be represented on a advisory  
23 group that would be helping to write the plan,  
24 but somebody needs to actually put pen to paper,

1 put recommendations to paper and vet that  
2 process.

3 So, again, I think what the division has  
4 come up with for a process is streamlined,  
5 efficient and allows real information to be  
6 presented to all the stakeholders in a very clear  
7 way, as opposed to having lots of discussions  
8 without decisions.

9 Thank you.

10 THE MODERATOR: Okay, Ms.  
11 Lichtenstein.

12 FROM THE FLOOR: Could you put the  
13 amendment back up [inaudible]?

14 THE MODERATOR: Yeah, could we put the  
15 motion - the amendment back up? Thanks.

16 MS. LICHTENSTEIN: Thank you. Leslie  
17 Lichtenstein, precinct 8.

18 I stand to support this amendment. As a  
19 Sunday clammer, a number of years ago I spent the  
20 summer as a nursemaid to baby quahogs in West  
21 Falmouth and in Green Pond. I think that Brent  
22 is right. This amendment puts the ability of  
23 the people in Falmouth - a lot of us are  
24 shellfishers, shell fishermen or

1 shellfisherwomen, as the case may be, and I think  
2 that we can certainly add Water Quality people to  
3 this; that's not a problem. But I think it  
4 should go through the Board of Selectmen. I  
5 think it should be an open process.

6 So I do stand to support this.

7 Thank you.

8 THE MODERATOR: Okay, Mr. Netto.

9 MR. NETTO: Joe Netto, precinct 9.

10 I would like to stand in support of the  
11 1800 recreational shellfishermen. And no matter  
12 what plan we adopt, I'd like to see both of them  
13 - and this is very difficult because this is very  
14 confusing.

15 I've spent all my life in the Town of  
16 Falmouth and probably 62 of the last 68 years in  
17 the water, year round. And any group that's  
18 going to be sitting at the table I would like to  
19 see is the recreational shellfishermen be very  
20 well represented, and not just with one member.  
21 And also the commercial shellfishermen, who earn  
22 a living.

23 I have no disrespect for others that are  
24 listed, but I find sometimes people have

1 knowledge that's from a book and obtained at  
2 discussions at a table and don't spend time in  
3 the water, and some things philosophically don't  
4 always work out.

5 So, if I could get some answers to this  
6 question: on the amendment that's on the wall,  
7 now, how many recreational and commercial  
8 shellfishermen, Mr. Smolowitz, do you have on  
9 your committee?

10 FROM THE FLOOR: It says three.

11 THE MODERATOR: It says three on the  
12 printed -

13 MR. NETTO: Oh, hold on.

14 THE MODERATOR: Okay.

15 MR. SMOLOWITZ: The one thing is that  
16 it's to include. So it's up to the Selectmen on  
17 how many more they want to add. This basically  
18 is a suggested list. So it shows three active  
19 fishermen on here: one recreational, one  
20 commercial and one grower. If the Selectmen  
21 want to add more, most towns have a lot more  
22 shellfishermen on their committee and a lot less  
23 government people.

24 MR. NETTO: Okay, I was assuming that -

1           what the numbers were, and we don't like to  
2           assume anything.   And you're saying that this  
3           could have more than; this is the minimum.  
4           Well, why don't you just put that in the  
5           amendment, the numbers that you want?

6                     And, in the same breath, I'd like to  
7           have Mr. Martinsen tell us how many commercial  
8           and recreational shellfishermen are in his plan.  
9           And if we could put that back up.   Because this  
10          is getting very confusing, folks.

11                    And I know some of you have - don't get  
12          me wrong, you know, you go to the store and you  
13          buy your shell, and that's great.   But  
14          shellfishing is not only a recreational hobby in  
15          town, it's a livelihood for quite a few people.

16                    THE MODERATOR:    Mr. Martinsen.

17                    MR. MARTINSEN:   Thank you for the  
18          question, Mr. Netto.

19                    In our plan there was two  
20          representatives who would represent the  
21          recreational side, both a regular recreational  
22          and then a senior recreational, as well.   And  
23          then there was one commercial license holder who  
24          we had suggested be on there.

1 MR. NETTO: Okay. All right. Well,  
2 those - I wish we could - the confusion that gets  
3 in this and we do these things and we're looking  
4 to get out of here, so to speak. And we have  
5 amendments and it's tough when you present an  
6 amendment, you know, to cover everything.

7 I would amend this to have more  
8 commercial and recreational, but I'm not because  
9 we don't need any more confusion. If both of  
10 these - whichever one passes, whoever creates it  
11 could remember that there's 1800, the largest  
12 licensed group of shellfishermen in the town are  
13 the recreational.

14 Thank you.

15 THE MODERATOR: Okay, Mr. Wilber.

16 It's -- I've got eight people on this  
17 list, so let's put new issues up on the  
18 amendment.

19 MR. WILBER: Jude Wilber, precinct 8.

20 And I'd like to support the article that  
21 has - the amendment to the article. I've worked  
22 with Ron dirt farming and I've worked with Ron at  
23 sea shellfishing, and in both capacities I've  
24 come to understand he knows a lot about both of

1 those things.

2 We have actually discussed formats of  
3 stakeholders and groups like this, and methods by  
4 which you come to consensus, working toward  
5 consensus. The numbers he's put up here might  
6 well be removed, simply removed, and you just  
7 say, "To include representatives of bla, bla,  
8 bla, bla, bla", without a specific number on  
9 there. If it's - I'm supporting this because it  
10 will go through the Selectmen, there will be  
11 hearings, and therefore the numbers will develop  
12 themselves as -- through that process.

13 I don't want to make it any more  
14 confusing. If Mr. Netto wants to add more  
15 numbers, I'd suggest just take the numbers off  
16 and list the stakeholders.

17 Thank you.

18 THE MODERATOR: Well, do you want to  
19 make that as an amendment, or?

20 MR. WILBER: I would like to amend this  
21 amendment by simply -

22 THE MODERATOR: Striking the numbers.

23 MR. WILBER: - eliminating specific  
24 numbers as - as to represent specific

1 stakeholders, but to make the list of  
2 stakeholders as comprehensive as possible,  
3 including the waterways - the Water Quality  
4 Committee and any other persons that -

5 THE MODERATOR: Okay, so -

6 MR. WILBER: And any other persons of  
7 interest.

8 THE MODERATOR: So, strike the numbers  
9 and add Water Quality Management Committee?  
10 Okay.

11 So, let's see if there's any discussion  
12 on that amendment, because we've got two  
13 amendments on the floor. To strike all the  
14 numbers here, and to add the Water Quality  
15 Management Committee on that list.

16 Discussion on that amendment.

17 Ms. Bumpus.

18 MS. BUMPUS: Katherine Bumpus, precinct  
19 one and vice chair of the Charter Review  
20 Committee.

21 Through you, Mr. Moderator, Ron, do you  
22 envision the Board of Selectmen actually putting  
23 a member on this or a representative of the Board  
24 on it? Because the Charter specifically

1 precludes any member of the Board of Selectmen  
2 from sitting on any committee other than the  
3 EDIC.

4 So, if we're amending this, depending on  
5 your intent.

6 MR. SMOLOWITZ: Thank you for the  
7 question. I just put that there because that was  
8 a recommendation that came out of the Town Hall.

9 I personally think that the Selectmen  
10 could decide based on public comment and input on  
11 how they should design this committee. Like I  
12 said, most towns have a lot more shellfishermen  
13 on it, because this affects the livelihoods of  
14 commercial people and the recreational activity  
15 of numerous recreational people.

16 So, I see the list and the numbers as  
17 something, in this particular motion, are  
18 suggestive. They're not - it doesn't say  
19 "exclusive". It just says "to include". So  
20 it's not an all-inclusive list.

21 THE MODERATOR: So we can consider  
22 that there are going to be the Selectmen's  
23 liaison to the committee because they are  
24 prohibited by Charter from being a voting member

1 of the committee. So, supremacy of document  
2 clause would say they can't vote on the  
3 committee.

4 Yes, Mr. Martinsen.

5 MR. MARTINSEN: Just one more piece on  
6 the amendments. By what has been proposed in  
7 the first amendment, we're basically tripling  
8 what we initially set forth to do.

9 I'm wondering if somebody at this point  
10 could address that, what we're looking to do with  
11 a plan, if we want to include a plan which will  
12 also address not only aquaculture but how we  
13 manage our fishery. There's quite a bit involved  
14 in that. There's everything from the sale of  
15 shellfish to relaying shellfish within town,  
16 where we're going to grow shellfish. So, there  
17 is quite a bit more by these amendments that are  
18 added to that and I just want to point that out.

19 Thank you.

20 THE MODERATOR: Okay, Mr. Potamis.

21 MR. POTAMIS: Gerry Potamis, precinct  
22 2.

23 I'm opposed to this amendment simply  
24 because of the process it was brought to us. As

1 we heard from the discussion, this is a  
2 complicated and it should be a thorough  
3 discussion. As worded, the Selectmen don't  
4 necessarily have discretion. It says "to  
5 include". I think we vote this down because  
6 they try - I'll probably tick someone off. But  
7 I see this as an end run by not going through the  
8 proper process of thinking what you want out of  
9 this, and maybe the plan, if we approve it and  
10 when we approve it, will set up a process to more  
11 fully vet who should be on it. This is an  
12 initial plan and I think we have to vote this  
13 down.

14 And I say this all, all the time: I get  
15 offended when people say they have lack of faith  
16 in the Town Manager and they have lack of faith  
17 in the Board of Selectmen because of  
18 transparency. We all know about the shadow  
19 government. Each one of those committees that  
20 are supposed to be on that have public meetings,  
21 and they will be discussed at those public  
22 meetings. So I think we have the transparency.

23 I vote we - I urge you to vote this  
24 down.

1 Thank you.

2 THE MODERATOR: Mr. Turkington.

3 MR. TURKINGTON: Eric Turkington,  
4 speaking as Chairman of the Water Quality  
5 Committee.

6 Our committee heard a presentation on  
7 this article and voted to recommend support of it  
8 to the Town Meeting. But what we were voting to  
9 recommend was it had two parts to it. One was a  
10 professional study of all the estuaries, combined  
11 with a working group of all the interest groups  
12 that would provide information and advice in the  
13 course of that study.

14 The amendments before us, here, change  
15 that in many significant ways. One is that it  
16 changes it from a working group to a full-  
17 fledged, permanent Town committee. That's one  
18 thing.

19 The other thing, as has been pointed  
20 out, it deletes the Water Quality Committee.  
21 We're not offended, we have enough work to do,  
22 but it seems like sort of a mistake.

23 It also deletes the professional and  
24 technical assistance that was the whole point of

1 the original article. And it does it basically  
2 on behalf of a special interest group, which is  
3 the aquaculture community, the commercial  
4 aquaculture community. It's a very valuable  
5 group to the economy and we're very happy to have  
6 it, but this - this entire operation should not  
7 be focused on their interests alone.

8 The key interest for this Town, as Sia  
9 pointed out, is those estuaries are going to  
10 provide us an alternative to sewers in many  
11 cases, and we want to make darn sure that when  
12 the Town needs to put something in by way of  
13 aquaculture that the ground is available and that  
14 the waterway is available for that purpose and  
15 hasn't been handed out to private interests.

16 These estuaries of ours, as the Chairman  
17 noted at the beginning, there's only one private  
18 aquaculture operation in any of the 15 estuaries  
19 right now, and it's been there for 50 or 100  
20 years. That could change. And, if it's going  
21 to change, we want to make darn sure that the  
22 Town's interest in avoiding sewerage is the  
23 paramount goal.

24 THE MODERATOR: Mr. Cummings.

1 MR. CUMMINGS: Jim Cummings, precinct  
2 8. Also the Chairman of the Waterways  
3 Committee.

4 I think I'm not alone with my fellow  
5 Town Meeting members in saying that a lot of us  
6 are probably thoroughly confused about what  
7 exactly is everybody asking for. I think the  
8 most conscientious thing we can do is to just  
9 vote down both amendments.

10 The Marine Environmental Services  
11 Committee, Water Quality Management Committee,  
12 several other committees, the Town Manager and  
13 the Board of Selectmen have all looked at this.  
14 This is simply asking for a professional survey  
15 of the Town's waterways. What's the most  
16 effective and fair way that we can implement any  
17 sort of aquaculture?

18 I think when we start to confuse this by  
19 taking that technical assistance out and doing it  
20 - certainly there is a working group involved in  
21 it in the MES plan, but when we start having the  
22 working group dictate how it is going to look at  
23 the Town's waterways, we take that - we take  
24 that, the real purpose of this out of it. We

1 allow for, you know, competing interests, special  
2 interests, instead of somebody who comes in in a  
3 professional standardized way to look at the  
4 waterways of the Town.

5 Rather than getting bogged down in who  
6 is going to be on a committee and taking numbers  
7 out and this board and that board, I think a lot  
8 of boards can make a case. As we move inside of  
9 the estuaries for aquaculture projects, I think  
10 you can make a strong case for a member of the  
11 Waterways Committee to be on this.

12 So, rather than sitting here and  
13 debating who's going to be on the committee,  
14 they're looking to make a working group to come  
15 up with this plan.

16 I think Mr. Smolowitz's intention to  
17 have a Shellfish Advisory Committee is  
18 commendable, and I do think the Selectmen should  
19 look into making a Shellfish Advisory Committee,  
20 but I think for the time being we're looking to  
21 come up with a comprehensive plan for the Town.  
22 And what we can do as far as growing shellfish,  
23 relaying shellfish, moving it around, setting  
24 areas aside, whether it be for moorings, for like

1 Mr. Netto said the boaters in town that also -  
2 that pay into exclusive funds to help pay for  
3 water sports in this Town - I think, again, Mr.  
4 Smolowitz's purpose to get a shellfish working  
5 group is commendable and I do think the Selectmen  
6 should look at reestablishing that group, but I  
7 think this is asking for a working group to work  
8 with a professional to come up with an unbiased  
9 plan that looks at the whole Town.

10 So I urge you to vote down both  
11 amendments.

12 Thank you.

13 THE MODERATOR: Mr. McCaffrey.

14 You're on the list.

15 MR. MCCAFFREY: Thank you, Charles  
16 McCaffrey, precinct 5. Member of the Coastal  
17 Ponds Management Committee.

18 I agree with the people from the Water  
19 Quality Committee that this study is going to  
20 look at shellfish in the context of all of the  
21 other resources and uses that we make of our  
22 harbors. It's not - I would assume that it's  
23 not going to look at it solely from, as  
24 beneficial as they are, the various

1 shellfisheries in town. But we have to look at  
2 that in the context of the other resources of our  
3 waterways and the uses that are made: commercial,  
4 boating, swimming, a whole range of uses.

5 So, it needs to have a broad  
6 representation in the working group that we get a  
7 plan that reflects the important role that  
8 shellfish plays that sees it in the context of  
9 all of the other resources and uses that we make  
10 of our waterways.

11 THE MODERATOR: Okay -

12 MR. MCCAFFREY: So I'm opposed to the  
13 amendment and the amendment to the amendment.

14 THE MODERATOR: Okay, Mr. Latimer.

15 MR. LATIMER: Richard Latimer, precinct  
16 one.

17 One word: K.I.S.S. Keep It Simple,  
18 Stupid. What we see up here is a recipe for  
19 disaster. How is any committee, when you've got  
20 the Chamber of Commerce, working supposedly with  
21 shellfish scientists, they're not going to see  
22 things the same way.

23 This is - this is an article that's  
24 supposed to get a project underway to do a study

1 with \$25,000 cash. Let's leave it up to our  
2 shellfish warden who has devised the scheme to -  
3 let's follow his recommendation. Let's just  
4 keep it simple. Let's just go forward with  
5 this.

6 Any group of, which it should be, the  
7 interested parties, the commercial, recreational  
8 shellfishermen and growers, they are going to  
9 need technical advice; they can go to the ConCom.  
10 They can go to shellfish scientists. They don't  
11 have to go to the Chamber of Commerce, you know.  
12 There's no reason - and they don't have to go the  
13 Board of Selectmen; you're talking politics, now.  
14 Got to get politics out of this.

15 Let's just keep it simple. Period.

16 Thank you.

17 THE MODERATOR: Okay, Ms. Marotta.

18 And then Ms. Schneider.

19 MS. MAROTTA: Heidi Marotta, precinct  
20 five.

21 I work for the National Marine Fisheries  
22 in Woods Hole and the federal waters are managed  
23 by regional office and the government agency.  
24 However, we have stakeholders and we have fishery

1 management councils that make up those type of  
2 experts. And those decisions get made at a  
3 federal level.

4 I do not understand why we wouldn't take  
5 that exact same model and apply it to our local  
6 waters. I know that's probably where some of  
7 this background came from when Mr. Smolowitz  
8 proposed these amendments.

9 So, to say that we're not having a  
10 professional technical person on the team, I  
11 disagree with you, because shellfish scientists  
12 are professionals. So, and so aren't fishermen.  
13 So you'd need to bring all of those objectives to  
14 the - all those objective people to the table so  
15 that they can display their own interests when  
16 you go and make these type of decisions.

17 So I support not only the amendment but  
18 the second one that maybe takes the numbers off  
19 and includes other constituents to make better  
20 decisions. Having these people on the boards  
21 are going to come after it at many different  
22 angles so that you can get the best decision  
23 possible.

24 THE MODERATOR: Okay, Ms. Schneider.

1                   Yeah, you're on the list. This is  
2 getting to be a really huge list and I think  
3 you're about ready to make a decision.

4                   MS. SCHNEIDER: This is scary because  
5 it's two nights in a row that Richard Latimer and  
6 I are in agreement.

7 [Laughter.]

8                   MS. SCHNEIDER: I have - for the last  
9 two decades, I have been chairing either a board  
10 of trustees or a committee that is made up of  
11 large numbers. One of them was a town, in fact  
12 town committee: Community Preservation. And our  
13 second one, the dog park board, actually had a  
14 design just like this where we labeled that  
15 someone from the Chamber of Commerce would be on  
16 our board.

17                   This is all great, year one. And any of  
18 you who ever look at the vacancies that we have  
19 on committees and towns know that it's wonderful  
20 to talk like this, and it's exciting the first  
21 couple years and then watch and try and replace  
22 people as they go, and they lose their  
23 enthusiasm.

24                   And that is why this is a setup for

1 disaster. It isn't that I disagree that we need  
2 voice, but that's what hearings are about, and  
3 that's what coming to meetings and having a say  
4 at the beginning of a meeting or during a meeting  
5 is. But don't make a formula you can't live  
6 with for the next five and ten years, and that's  
7 exactly what this will do.

8 If there's ever anyone to trust, it is  
9 Chuck. Chuck Martinsen is just a trustworthy  
10 guy. I know you all have distrust in government  
11 bodies, but this is one place I know he's done  
12 his homework and he will include people and  
13 listen to voices.

14 Thank you.

15 THE MODERATOR: Okay, Ms. Flynn.

16 FROM THE FLOOR: Question. Vote.

17 THE MODERATOR: Let's go, anything  
18 new, Ms. Flynn.

19 MS. FLYNN: Thank you, Mr. Moderator.  
20 Pat Flynn, precinct six.

21 In looking at this article it really  
22 asks the Town Meeting to do just a few things.  
23 First is to create and or provide and develop an  
24 aquaculture management plan. It provides the

1 funding for it. And it says form a working  
2 group of competent, capable, interested people  
3 and don't screw it up. And I think it's not --  
4 it's not any more complicated than that. The  
5 Selectmen have been doing this for a long time  
6 and appointing working groups and getting things  
7 done.

8 So I don't think we need the amendment.  
9 I just think we need to vote the article.

10 THE MODERATOR: Okay, anything new, Ms.  
11 Lichtenstein?

12 FROM THE FLOOR: Question, question.

13 THE MODERATOR: Anything new.

14 MS. LICHTENSTEIN: This amendment does  
15 not preclude hiring a professional person to  
16 help. I'm on a lot of committees; they are  
17 hired.

18 The only thing this amendment really  
19 does is it widens the group that will be giving  
20 input. If you have a shellfish license, you  
21 might think that this is a good idea. That's  
22 all I want to say.

23 Thank you.

24 THE MODERATOR: Okay.

1 Mr. Putnam, last one, and then we're  
2 going to vote on the amendment.

3 MR. PUTNAM: I go back to what Chairman  
4 Jones said: it's a question of whether the group  
5 is appointed by the Town Manager or appointed by  
6 the Selectmen. And we can trust our government  
7 bodies, ladies and gentlemen, but as Ronald  
8 Reagan said: "Trust but verify". And an open  
9 public process supported by the Board is easier  
10 to verify than one where you don't know who is  
11 being appointed to what.

12 THE MODERATOR: Okay, so the question  
13 will come on -

14 MR. FINNERAN: Point of order.

15 THE MODERATOR: What's the point of  
16 order? Who's --? Okay, microphone for a point  
17 of order.

18 MR. FINNERAN: If we actually vote on  
19 this amendment and it passes, it will be against  
20 the Charter because it includes the Board of  
21 Selectmen. The Charter says the Board of  
22 Selectmen cannot be members of a board - a  
23 committee to which they are the appointing  
24 authority, with the exception of the EDIC.

1 THE MODERATOR: Yeah. So they could  
2 be - the reference there can be the liaison.  
3 The Selectmen do put liaisons to advisory boards,  
4 and so we actually have many inconsistencies  
5 between bylaw and Charter. Matter of fact,  
6 bylaws still say you can do a -

7 MR. FINNERAN: Oh, I understand.

8 THE MODERATOR: - hand count, but the  
9 Charter says you can't, so therefore, supremacy  
10 document clause triggers. The Charter takes  
11 rule, and therefore the Selectmen on this  
12 committee will not have the ability to vote as a  
13 member of the committee because of the Town  
14 Charter.

15 So the question will come on the second  
16 amendment, which is to strike all of the numbers  
17 in the Smolowitz amendment and to add the Water  
18 Quality Management Committee.

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

21 [Aye.]

22 THE MODERATOR: All those opposed no.

23 [No.]

24 THE MODERATOR: It's the opinion of the

1 chair is that the nos have it by a majority.

2 The question will come on the original  
3 amendment that had the numbers in there. All  
4 those in -- do you have a point of order, or?  
5 No.

6 All those in favor, signify by saying  
7 aye.

8 [Aye.]

9 THE MODERATOR: All those opposed no.

10 [No.]

11 THE MODERATOR: It's the opinion of  
12 the chair is that the nos have it by a majority.

13 And we are back on the main motion -  
14 what the heck was the main motion?

15 [Laughter.]

16 THE MODERATOR: The main motion, as  
17 recommended. All those in favor of the main  
18 motion as recommended, signify by saying aye.

19 [Aye.]

20 THE MODERATOR: All those opposed no.

21 [No.]

22 THE MODERATOR: The ayes have it by a  
23 majority.

24 Madame Chairman for the main motion.

1 CHAIRMAN VOGEL: Mr. Moderator, I move  
2 that we adjourn.

3 THE MODERATOR: Okay, the motion to  
4 adjourn and dissolve the Special Town Meeting.  
5 All those in favor, signify by saying aye.

6 [Aye.]

7 THE MODERATOR: All those opposed no.

8 [None opposed.]

9 THE MODERATOR: The ayes have it  
10 unanimous; this meeting is dissolved.

11 And we'll go into 20 minute recess.

12 [Whereupon, recess taken.]

13 THE MODERATOR: Okay, all Town Meeting  
14 members please come forward and take your seats  
15 so that we can reestablish a quorum.

16 [Pause.]

17 THE MODERATOR: We are going to  
18 establish the quorum this time to go into the  
19 Annual Town Meeting.

20 Do I have my tellers here? Mr. Netto?  
21 Do I have Mr. Netto? Oh, you're down here. I'm  
22 looking in the aisle, where you usually are.  
23 Okay.

24 All Town Meeting members please stand

1 for the establishment of the quorum and the  
2 tellers will return a count.

3 [Pause.]

4 THE MODERATOR: In the first division,  
5 Mr. Netto.

6 MR. NETTO: 39.

7 THE MODERATOR: 39.

8 In the third division, Ms. Cool.

9 MS. COOL: 58.

10 THE MODERATOR: 58.

11 In the second division, Mr. Dufresne.

12 MR. DUFRESNE: 88.

13 THE MODERATOR: 88.

14 By a counted vote of 185, we have a  
15 quorum and I call the Annual Town Meeting back  
16 into session.

17 At this time I'll recognize Ms.  
18 Lichtenstein for an announcement of the town wide  
19 cleanup, and then we'll go to Article 22.

20 MS. LICHTENSTEIN: It's spring again,  
21 despite the snow.

22 Last week in April, April 23<sup>rd</sup> -

23 THE MODERATOR: Speak into the mic,  
24 please.

1 MS. LICHTENSTEIN: April 23<sup>rd</sup> to April  
2 30<sup>th</sup>, Falmouth Town Cleanup Week. Please, grab a  
3 bag, go outside, grab a neighbor, a kid - your  
4 kid, somebody's else's kid, it doesn't matter.  
5 Anyway, if you want to volunteer your group,  
6 please give me a call. We'll try to get this  
7 done as quickly as we can and get the town all  
8 cleaned up.

9 Linda did a great job last night,  
10 telling us about hazardous waste. I would like  
11 to remind you when you looked at that big jump in  
12 our waste budget for this year: we paid three  
13 kinds of waste, guys: regular trash, recycling -  
14 we still pay for it, but it's less - and  
15 hazardous waste, we pay through the nose for it.  
16 Unfortunately sometimes you grab that little can  
17 and it says, oh, ant poison. "Oh, I don't want  
18 to wait for the hazardous waste. I'll just throw  
19 it in the can, nobody will notice it." All it  
20 takes is a little bit of hazardous waste and an  
21 entire truckload of regular trash that we don't  
22 pay that much for suddenly becomes elevated to  
23 hazardous waste that we pay a fortune for.

24 If you've never been to our hazardous

1 waste pickups, they're really easy. Throw it in  
2 your trunk, you don't even have to get out of the  
3 car. Drive through, stop, they take it out for  
4 you.

5 So, please, help us clean up the town.  
6 Thank you.

7 THE MODERATOR: Okay, Article 22.  
8 This is a Community Preservation article. Main  
9 motion from the Community Preservation Committee.

10 [Pause.]

11 THE MODERATOR: The Chair of the  
12 Community Preservation Committee for the main  
13 motion on Article 22.

14 [Pause.]

15 CHAIRMAN CARMICHAEL: Sorry, I thought  
16 we voted this last night. This is -

17 THE MODERATOR: No, Article 22 is held  
18 by Mr. Shearer, so I just need you to say "as  
19 recommended", and then we're ready to go.

20 CHAIRMAN CARMICHAEL: As - I move the  
21 motion as recommended.

22 THE MODERATOR: As recommended.

23 Mr. Shearer, you had a question on  
24 Article 22. You release your hold?

1 Any further discussion on Article 22.

2 Hearing none, the question will come on  
3 the main motion as recommended. All those in  
4 favor, signify by saying aye.

5 [Aye.]

6 THE MODERATOR: All those opposed no.

7 [None opposed.]

8 THE MODERATOR: The ayes have it  
9 unanimous.

10 Article 24. Article 24 was held by Mr.  
11 Donahue, but we had a pre-meeting meeting of the  
12 Board of Selectmen. What is posted - written  
13 here in the warrant booklet is actually not the  
14 bylaw language. It was regulatory language, and  
15 so the Board of Selectmen has a new main motion.

16 Mr. Chairman of the Board of Selectmen.

17 CHAIRMAN JONES: Mr. Moderator, I move  
18 indefinite postponement on Article 24.

19 THE MODERATOR: Okay, the main motion  
20 will be indefinite postponement so that we can  
21 get the appropriate language and bring it back at  
22 a future Town Meeting.

23 All those in favor of indefinite  
24 postponement, signify by saying aye.

1 [Aye.]

2 THE MODERATOR: All those opposed no.

3 [None opposed.]

4 THE MODERATOR: The ayes have it  
5 unanimous.

6 Article 25. Article 25, the Board of  
7 Selectmen for the main motion.

8 CHAIRMAN JONES: Mr. Moderator, I move  
9 -

10 THE MODERATOR: Okay, folks, listen to  
11 this one because this is - this is a new motion.

12 CHAIRMAN JONES: - that the Town vote  
13 to authorize the Board of Selectmen to petition  
14 the legislature for a Special Act raising the  
15 accidental disability pension payable to John  
16 Busby under General Laws Chapter 32, Section 90A  
17 to a maximum of a hundred percent of the rate of  
18 regular compensation currently payable to a  
19 patrolman of the Falmouth Police Department. Or  
20 such other amount determined to be equitable by  
21 the Board of Selectmen.

22 THE MODERATOR: Okay. And do we have  
23 that on a slide, too? Or. Do we have a slide  
24 for that? No, we don't have a slide for that.

1 Okay.

2 No, that's what I just asked.

3 So, let's -- let's read it one more time  
4 since we don't have a slide for it.

5 CHAIRMAN JONES: That the town vote to  
6 authorize the Board of Selectmen to petition the  
7 legislature for a Special Act raising the  
8 accidental disability pension payable to John  
9 Busby under General Laws Chapter 32, Section 90A  
10 to a maximum of one hundred percent of the rate  
11 of regular compensation currently payable to a  
12 patrolman of the Falmouth Police Department. Or  
13 such other amount determined to be equitable by  
14 the Board of Selectmen.

15 THE MODERATOR: Okay, so you see in  
16 the article it was in reference to a 90C  
17 scribner's error. It was 90A, so this is the  
18 motion that the Selectmen were able to come to,  
19 based on the statute that deals with this type of  
20 retirement.

21 Discussion on Article 25.

22 Mr. Donahue.

23 MR. DONAHUE: I'm in favor of this  
24 motion, but I'd like to get it clarified a little

1 bit. Is this - are we asking to give Mr. Busby  
2 a patrolman's salary at the current rate or is it  
3 the patrolman's benefit that if he were on the  
4 force today and had the same kind of a on the job  
5 accident?

6 Aren't those two different things and  
7 could you please clarify it.

8 Thank you.

9 THE MODERATOR: Mr. Chairman.

10 CHAIRMAN JONES: The motion is 100  
11 percent of his current patrolman's rate. Pay  
12 rate.

13 THE MODERATOR: So it would be up to  
14 that amount, up to the amount.

15 Mr. Donahue.

16 MR. DONAHUE: [no mic:] How much is  
17 that? What dollars are we paying him?

18 THE MODERATOR: Okay, how much would  
19 it be?

20 CHAIRMAN JONES: I don't have the  
21 exact dollar figure. It's 66,000, I think 238.

22 MR. DONAHUE: [No mic: inaudible.]

23 THE MODERATOR: That would be the  
24 hundred percent.

1 Ms. O'Connell.

2 MS. O'CONNELL: I'm Maureen O'Connell,  
3 precinct 4.

4 Just a clarification. This is a  
5 retroactive and then going forward?

6 THE MODERATOR: Mr. Jones.

7 CHAIRMAN JONES: It will not be  
8 retroactive. It would happen - we would be  
9 asking the special legislature for a Special Act  
10 for it to happen now, and that would be what his  
11 compensation would be, moving forward. But it  
12 would not be retroactive, which is one of the  
13 reasons why the Board of Selectmen felt it was  
14 cleaner to do a hundred percent now than trying  
15 to figure out some retroactive trying to make up  
16 for it, saying - going a hundred percent is in  
17 our attempt to make up for what probably should  
18 have been done many, many years ago.

19 MS. O'CONNELL: Yes. Okay. Thank  
20 you very much.

21 THE MODERATOR: Further discussion on  
22 Article 25. Yes.

23 Hearing none, the question will come on  
24 the main motion - no, Mr. Johnson.

1 MR. JOHNSON: It appears - Leonard  
2 Johnson, precinct 5.

3 It appears to me this is a money article  
4 without a money source.

5 THE MODERATOR: So this article is to  
6 allow the Board of Selectmen to petition the  
7 legislature for a Special Act. Should a Special  
8 Act make it to Boston and make it through the  
9 legislature and get signed by the governor, then  
10 this body would have to - the Town would have pay  
11 for whatever it has to pay for. But this  
12 article is to petition the legislature at this  
13 time.

14 And the retirement - go ahead, Mr.  
15 Duffy.

16 MR. DUFFY: It's the Retirement Board  
17 that makes the payment. The Retirement Board,  
18 by the way, is not a Town department, it's an  
19 independent agency, but we do make a contribution  
20 to them, so at some point we will be getting a  
21 bill for part of this and the Town will pay it in  
22 the regular budgetary manner. So we don't need a  
23 special source right now.

24 THE MODERATOR: Okay, any further

1 discussion on Article 25?

2 Hearing none, the question will come on  
3 the main motion as presented by the Chair of the  
4 Board of Selectmen. All those in favor, signify  
5 by saying aye.

6 [Aye.]

7 THE MODERATOR: All those opposed no.

8 [No.]

9 THE MODERATOR: Unanimous -- uh,  
10 majority.

11 Article 26. Article 26 is to advise  
12 the Board of Selectmen to authorize a formulation  
13 and to finance a three year nitrogen attenuation  
14 and water quality monitoring program in Bournes  
15 Pond. The recommendation of the Board of  
16 Selectmen is indefinite postponement.

17 The petitioner held the article.

18 Mr. Zweig.

19 MR. ZWEIG: Thank you, Mr. Moderator.

20 Well, first I would like to say, before  
21 Mr. Potamis gets up and says that it may look  
22 like I'm trying to make an end run and, to stay  
23 with the football metaphor, actually I've banged  
24 myself up - banged my way through the middle of

1 the line, and hopefully I don't have a  
2 concussion, but I'm - but I made it here. So  
3 here we are.

4 SLIDE PERSON: [No mic: inaudible.]

5 MR. ZWEIG: The Article 26, Zweig.  
6 Mine.

7 SLIDE PERSON: [No mic: inaudible.]

8 MR. ZWEIG: Well, you should have one  
9 from me. I brought it in on Monday morning.

10 SLIDE PERSON: [No mic: inaudible.]

11 MR. ZWEIG: Maybe someone deleted it, I  
12 don't know. I have it here.

13 [Pause.]

14 MR. ZWEIG: Okay, thanks again, thank  
15 you, thanks, Bob.

16 I - basically -

17 THE MODERATOR: So I just need you to  
18 place the main motion on the floor first, because  
19 I understand you're changing the language.

20 MR. ZWEIG: Oh, okay. Well, the - I  
21 have an amendment to the main motion, but I'd  
22 like to -

23 THE MODERATOR: So you - no, there is  
24 no main motion. You're going to place the main

1 motion on the floor.

2 MR. ZWEIG: Yeah, thank you, all right.

3 Okay.

4 Thank you. Basically what this is -

5 THE MODERATOR: No, I need the main  
6 motion placed on the floor.

7 MR. ZWEIG: Oh. I'd like to put the  
8 main motion on the floor.

9 THE MODERATOR: Where is it?

10 MS. ZWEIG: Oh, keep going. Oh, wait.  
11 There it is, yeah.

12 With the - the amendment is in red,  
13 which I'll be discussing.

14 THE MODERATOR: So you move that the  
15 Town advise the Board of Selectmen to authorize  
16 the formulation and to finance a three year  
17 nitrogen attenuation and water quality monitoring  
18 program in Bournes Pond to start in spring 2016  
19 and not to exceed \$150,000, using free cash  
20 and/or the funding allocation available under the  
21 2011 spring Annual Town Meeting warrant Article  
22 17 to improve water quality and to meet the  
23 nitrogen and total maximum daily load for that  
24 estuary using the shellfish nitrogen mitigation

1 option.

2 So that's the main motion on the floor.

3 Mr. Zweig.

4 MR. ZWEIG: Okay, go back. Great,  
5 thank you.

6 Thank you, Mr. Moderator.

7 Article 26 creates an important  
8 opportunity for the Town, which is actually a bit  
9 urgent to keep things on track. And what this  
10 is looking at is essentially continuing with the  
11 permitting of inlet widening that we've all  
12 approved -- that the Town Meeting has approved  
13 and was voted in 2014. And then simultaneously  
14 to run a full scale shellfish demonstration  
15 project possibly to save the Town about the need,  
16 possibly, for the new bridge.

17 But, if not, it could be very much  
18 complimentary paths that could lead to a win-win-  
19 win-win scenario. That hopefully will - will be  
20 evident in the next few minutes.

21 Rapid changes are taking place with  
22 water quality management, particularly on the  
23 Cape. We need to keep up.

24 And let me just talk a little bit about

1 the origin of Article 26. On January 14<sup>th</sup> this  
2 year I made a presentation regarding what I'll be  
3 showing you, and then Town Meeting, the warrant  
4 closed on the 15<sup>th</sup>, so I sort of put a placeholder  
5 on for the consideration of this article. And  
6 then on February - and then again I presented -  
7 this will be the third time, now - on February  
8 25<sup>th</sup>, and the Water Quality Committee did not  
9 support this article.

10 So, as I say, I would like to persevere  
11 with it.

12 You all received this note from Eric in  
13 Virginia, and one thing that's in it that says,  
14 very clearly in the document and in other places,  
15 as well as in the language in the warrant book,  
16 it says, you know, the widening project alone  
17 will provide half the needed nitrogen reduction.  
18 Well, that is a bit speculative, still, today.

19 Next slide, please.

20 So, Article 26, the assessment is based  
21 on new information that's come from around the  
22 Cape in particular, but especially in Mashpee.  
23 As well as from the Cape Cod Section 8 Clean  
24 Water Act plan.

1 Next.

2 Okay, we've read this, thank you.

3 So, in the explanation, there's a couple  
4 of things that are stated in here that I think  
5 may need a little bit more clarification, and  
6 that is that in the widening as presented by the  
7 Town and voted, has somewhat has been superceded  
8 by a lot of work that has been going on. To  
9 some extent we may have an opportunity to, again,  
10 to save over \$5 million. And that this is the  
11 most cost effective and beneficial way to reduce  
12 50 percent of the amount of excess nitrogen in  
13 Bourne Pond. The Massachusetts Estuaries  
14 Project.

15 Next slide.

16 With regard to the since the 2014 vote  
17 town wide, the Cape Cod Commission has passed its  
18 208 plan that says basically to take the low  
19 hanging fruit, the lowest cost options and then  
20 move up toward more expensive infrastructure,  
21 including sewers and other things.

22 Then recently in July, the Mashpee  
23 Comprehensive Plan came out and it has a huge  
24 shellfish component to eliminate sewer

1 development there. The - and both of them are  
2 supportive and important to Article 26. A lot  
3 of other technical innovations have been coming  
4 up, including George Heufelder's septic layer  
5 cake. I wouldn't recommend for dessert, but it's  
6 something that - that has a lot of promise and  
7 we'll probably be hearing a lot more about it.

8 Next.

9 So then, if we look at the -- at  
10 actually the report that was quoted previously in  
11 the language, the Massachusetts Estuary Project  
12 report, it says basically it's likely would be  
13 cheaper than sewerage to do the inlet widening.  
14 So it's not completely set yet that it's -- that  
15 it's there. And there's another study that  
16 needed to be done to really look at the details.

17 Next.

18 And so, here's another bit of good news,  
19 is that this is the wrong cover to the report,  
20 but there was a request for - a notice of project  
21 change that has recently been endorsed by the  
22 secretary, produced by GHD about the inlet  
23 widening to 92 feet from 50 feet. And this  
24 explains basically what would be done.

1                   We'd eliminate 273 to 470 houses.    At  
2                   \$45,000 per house for sewerage which is about  
3                   double the Little Pond cost.    And the cost  
4                   estimate is about 5.52 million by Falmouth  
5                   taxpayers directly.    And, for however other  
6                   comparisons, we're not done with other  
7                   alternatives, especially such as in the shellfish  
8                   plan that was developed by Mashpee.

9                   Next.

10                  The wastewater plan there.

11                  So the Mashpee plan, using shellfish  
12                  that can save \$140 million from sewer costs, and  
13                  this has been looked at.    Now, this has also got  
14                  to still be proved.    It isn't certain.    But  
15                  they're moving ahead and it's been endorsed by  
16                  the Secretary of the state to proceed in this.

17                  Now, what's interesting is that what  
18                  they're saying in this report is that for every  
19                  million oysters or million shellfish, you  
20                  basically can reduce sewer costs by \$4 million.  
21                  And one million oysters can be planted in about  
22                  one acre.    So it's really quite an amazing  
23                  assessment and analysis that's been done.  
24                  Again, it still has to be proved, but they're

1 starting first with this and then moving from  
2 there.

3 Next.

4 So, I checked with DEP and I said, "You  
5 know, is this certain that this reduction of  
6 2,000 kilograms of nitrogen, has that really been  
7 granted or approved by DEP?" And -

8 The next slide.

9 And DEP came back and said the inlet  
10 widening project is really a demonstration  
11 project to determine how effective such a  
12 strategy may be and therefore inform us as what  
13 level of credit we should consider.

14 So, it isn't certain yet that we're  
15 actually going to get what we're hoping. But  
16 the experts say there's a good chance, but it's  
17 not certain. It hasn't really been accepted.  
18 We still have to prove that.

19 Next slide.

20 So we have, now, the George Souza  
21 bridge, we all know. And the George Souza  
22 bridge has another 20 years of useful life,  
23 according to the Mass. Department of  
24 Transportation. It's also already withstood

1 Hurricane Bob, a category 2 hurricane, in 1991.  
2 So this is - we have 20 more years in this bridge  
3 that could be there while we're doing - for the  
4 next while, anyway, until it's determined it  
5 should be replaced. Because you're throwing away  
6 20 years of useful life.

7 Next.

8 So, one thing you've all done in this  
9 meeting so far is you've approved all of these  
10 articles. And all of these articles basically  
11 support Article 26. It's very, very close. The  
12 shellfish sales offset production costs, 35,000.  
13 The Little Pond Oyster plan, the TA for the  
14 aquaculture plan, the - and then also the TA for  
15 the Community Rating System application, which  
16 has to do with doing a flood planning exercise.  
17 And that's been - you've approved that study, and  
18 that would tie into looking at infrastructure  
19 along the coast. And maybe we should keep it  
20 small because of climate change and the increase  
21 in intensity of coastal storms.

22 So, it basically encourages a  
23 comprehensive approach to [inaudible]  
24 maintenance. Also, the Water Quality Management

1 Committee has since, in March, basically, is not  
2 considering proposing the Article 26 program, but  
3 to start in 2017 and not this year with six  
4 million shellfish in Bournes Pond. So things  
5 are moving really fast. I mean, it's coming up  
6 and so we're trying to get it started - I'd like  
7 to get it started this year so there'd be no  
8 delay if we wanted to see the results before the  
9 bridge would have to be built.

10 Next. Next slide.

11 There's a moratorium in town on  
12 commercial shellfish licenses. The commercial  
13 shellfish is probably the toughest - about the  
14 toughest job in town. So we need more  
15 shellfish, basically. There's a big - DMF has  
16 an economic multiplier effect of 4.5 times the  
17 value, the sales value brought by the collectors  
18 and of also our native shellfish, and  
19 particularly oysters, are well suited to the  
20 conditions, here, which are very extreme compared  
21 to say west coast because of huge fluctuations in  
22 those factors.

23 Next.

24 So here's the plan, basically. I won't

1 go through the whole thing, but this is kind of  
2 preliminary. It's something that can be worked  
3 out. But right now the Little Pond Plan that you  
4 voted in already plans to plant a half a million  
5 oysters in Bournes Pond this year, and I'm  
6 suggesting that that be increased to one and a  
7 half million of the two and a half million the  
8 Marine & Environmental Services Department is  
9 going to be producing of oysters. And I'd add  
10 another one and a half million quahogs.

11 And to also do only do that if we can  
12 find good bottom to plant. Because there is  
13 quite a bit of it. It's an 153 acre estuary and  
14 we need about three acres to start. Twelve  
15 acres overall for the overall program. But we  
16 can start off and it'll be virtually no cost this  
17 year beyond what has already been committed  
18 through your votes and through the MESD's work -

19 THE MODERATOR: Okay, Mr. Zweig, we're  
20 at the ten minutes.

21 MR. ZWEIG: Oh. Can I have another  
22 two minutes?

23 THE MODERATOR: An additional two  
24 minutes for Mr. Zweig.

1 All those in favor, signify by saying  
2 aye.

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [No.]

6 THE MODERATOR: The opinion of the  
7 chair is that the ayes have it by a two-thirds.

8 Mr. Zweig.

9 MR. ZWEIG: Thank you.

10 So basically it's a progressive program  
11 starting with three million oysters, moving up to  
12 - three million shellfish, moving up to six  
13 million, and then moving ahead and possibly  
14 requiring in future years up to \$150,000 in  
15 supplemental costs.

16 At the moment, about \$500,000 remains in  
17 the Article 17 budget which has been in effect  
18 for five years. So there's still quite a bit of  
19 resources there that haven't been fully  
20 allocated.

21 But, anyway, this is an option to  
22 continue with.

23 Next.

24 So, the expected outcome is that we

1 would be, you know, reducing the nitrogen level  
2 almost to the target. One thing is is that,  
3 with shellfish, they work during the season when  
4 we need to control nitrogen during the summer,  
5 not during the winter, and all of that water  
6 during the winter basically flows out at about  
7 the rate of about ten volumes per year right into  
8 Vineyard Sound, which is like inlet widening,  
9 basically, and then moving ahead with it.

10 So, we - and it could be that we could  
11 avoid the cost of the bridge with this  
12 intervention.

13 Next.

14 So the recommendations are to continue  
15 with the Bournes Pond inlet widening. It's now  
16 been extended from the Notice of Project Change  
17 date of 2017 to 2018. Conduct the full scale  
18 incumbent shellfish demonstration project from  
19 now until 2019, and then create an eval - do an  
20 evaluation - oh, actually an evaluation every  
21 year, but a final evaluation in 2019 to see if  
22 it's justified.

23 Next.

24 So, one thing though. This is a letter

1 that came from - this is a view from Robert  
2 Chase's front yard and this is a letter to the  
3 editor, or most of it. And it says basically:  
4 Little Pond shellfish project operated right in  
5 front of my house last summer. My neighbors and  
6 I are very supportive of this effort. The  
7 operation was very well managed and neat and  
8 orderly, a real tribute to MESD. It's a big,  
9 big deal. And I saw the water clear up before  
10 my eyes. Please continue this project.

11 We can see this happening in other  
12 estuaries and I would like to say that we can  
13 work with these parallel paths, and maybe they'll  
14 come together and be complementary.

15 THE MODERATOR: Okay -

16 MR. ZWEIG: If the shellfish doesn't  
17 do enough, then the inlet widening can complement  
18 and we can go ahead.

19 THE MODERATOR: Okay.

20 MR. ZWEIG: Okay, thank you.

21 Next slide.

22 THE MODERATOR: No, we're done.

23 That's two minutes.

24 MR. ZWEIG: Yeah, I know, the next

1 slide is the motion.

2 THE MODERATOR: Okay, thank you.

3 Any further discussion - any discussion  
4 on Article 26?

5 Yes, Ms. Karplus.

6 MS. KARPLUS: Hi. Sia Karplus,  
7 precinct two.

8 How many of you are Pond Watchers or Bay  
9 Watchers? You go out and you collect water  
10 samples for the Town of Falmouth. I know you  
11 guys are out there. Yeah.

12 So, for those of you who aren't Bay  
13 Watchers, what - or Pond Watchers, what happens  
14 is that four times in the summer we go out, we  
15 collect bottles, we dip 'em in the water and we  
16 send 'em off to SMAST. And, as you can see,  
17 they take those bottles and they turn 'em into  
18 data. So you get data tables.

19 And what those data tables have in them  
20 is total nitrogen, chlorophyll, dissolved oxygen.  
21 So, the facts. What's really going on in the  
22 particular water bodies.

23 That's a picture of Bournes Pond.

24 Bournes Pond has six monitoring stations, from

1 the top down to the inlet. And on the right is  
2 just a snapshot of the data that we get back, and  
3 one of the parameters, one of the things that we  
4 find when we look at the water samples, is  
5 something called chlorophyll.

6 Next slide.

7 So, what do shellfish eat? Shellfish  
8 eat algae. Another word for algae is  
9 phytoplankton. The way we know how much algae  
10 is in the water is by that number of chlorophyll.  
11 There's publish science. There's a factor. And  
12 from the chlorophyll numbers we actually know how  
13 much food is in the water that the oysters can  
14 eat.

15 So, if you take the actual data from  
16 actually Bournes Pond that we have, you make a  
17 pie chart. And shellfish can only eat  
18 phytoplankton. They're not going to touch any  
19 of the other nitrogen that's in Bournes Pond.  
20 And by the real numbers that we all collect  
21 samples for, what you see here is that the food  
22 is about 22 percent of the nitrogen. And we  
23 need to remove 42 - what did I say? -- 4200  
24 kilograms of nitrogen. Not just the food for

1 the oysters.

2 So if the oysters eat all the food and  
3 don't starve, they'll remove about 1200  
4 kilograms. That's all the nitrogen that they're  
5 going to get because it's the nitrogen in the  
6 food they eat.

7 The nitrate, the other stuff, oysters  
8 don't eat that. And that's still about 3,000  
9 kilograms. Which is why, on the best day, we  
10 still need the widening of the inlet because that  
11 removes 2,000 kilograms.

12 Oysters cannot do it all. They can't.  
13 By the numbers, by the science, by the reality of  
14 the filter that oysters are, vote no on Article 2  
15 -- vote no on Article 26.

16 Thank you.

17 THE MODERATOR: Okay, we're going to  
18 open up discussion.

19 Mr. Stecher. Mr. Potamis, I'll add you  
20 to the list.

21 MR. STECHER: Bernie Stecher, precinct  
22 three.

23 I think there's no reason why we can't  
24 have oysters and the widening of the pond. The

1 widening of the pond is only going to give us 50  
2 percent reduction. We still have 50 percent.  
3 What we're aiming for is practically zero, so  
4 this will just add to it. I think we should  
5 vote for this.

6 THE MODERATOR: Okay, Mr. Alliegro.  
7 Right next to you there, Bernie.

8 MR. ALLIEGRO: My name is Mark  
9 Alliegro; I'm from the 7<sup>th</sup> precinct.

10 I've been a biologist for over 30 years,  
11 and I can tell you from experience that no model  
12 - if you think you can go in and predict out  
13 using a model like that, based on data, data,  
14 data - you know, I just love that, we have data.

15 I think what's being proposed here, and  
16 I'm not recommending whether we vote this article  
17 up or down, but what I'm saying is what I saw up  
18 on that slide meant just about nothing to me.  
19 So, we have two parallel paths, and if the Town  
20 Meeting thinks that it's worth the relatively  
21 small investment to take a little bit of a chance  
22 to see if we can reduce the load, or perhaps even  
23 do more than the data showed, I think it's worth  
24 a shot.

1                   But it's very naive to think that there  
2                   are no other factors, that you have control and  
3                   understanding of all of the factors that are  
4                   impacting the system you're studying. It's very  
5                   naive, indeed.

6                   THE MODERATOR:     Okay, Mr. Potamis.

7                   MR. POTAMIS:     Gerry Potamis, precinct  
8                   2. I'd like to thank everybody else that spoke  
9                   before me so I can be short.

10                  Next slide, please.

11                  Economic and social carrying capacity.  
12                  We don't know what that is for the Town. We  
13                  don't know what it is for any of the estuaries.  
14                  We don't know if the market price of oysters are  
15                  going to go down; maybe not; we know Mashpee's  
16                  going to throw a lot out.

17                  I think: trust Chuck and let's get a  
18                  study on how many oysters are economically viable  
19                  for the town. Carrying capacity is a little bit  
20                  of the same, but how much of a particular pond  
21                  are we going to give up to fishermen rather than  
22                  fishing and other recreational use?

23                  Previous people have mentioned climate  
24                  change. Climate change can change oysters'

1 capability to be reliable. The oysters primarily  
2 remove nitrogen. They don't remove anything  
3 else. They're very efficient at removing  
4 nitrogen if they're well thought out. We have  
5 TMDL, which is driving this for this. Not  
6 because any of us love oysters or don't like  
7 inlet widening. But who is going to be liable?

8 Little Pond's success, in my mind, is  
9 largely due to Sia Karplus and many volunteers.  
10 Sia and her husband went out there on a weekend  
11 to move the oysters to assure hypoxia wouldn't  
12 kill 'em.

13 We have like a 90 percent survival rate,  
14 or very high. The standard survival rate is 70  
15 percent. And I asked this question, I've been  
16 asking it for seven years: who is going to be  
17 responsible for the nitrogen limit?

18 And then we have the environmental  
19 impacts from things other than nitrogen.

20 Next slide.

21 We have chemicals of emerging concern  
22 and we have personal care products. This is what  
23 they do to frogs.

24 Next slide.

1                   This is another picture.    They may be  
2                   healthy frogs to eat, but we don't know how  
3                   healthy our environment is, but there's no one  
4                   wants to look at it.    And part of the reason is  
5                   it's expensive to even do a little bit of  
6                   monitoring along the estuaries.

7                   CECs cause acute and reproductive  
8                   problems.    Not in humans necessarily.    We're  
9                   talking about in this case our estuaries.

10                  Next slide, please.

11                  A British study shows that they do have  
12                  adverse impacts on oysters, and if you peruse the  
13                  literature, you may find they also have adverse  
14                  impacts on other animals that grow in estuaries.

15                  Next slide.

16                  Aquaculture is needed in some estuaries.  
17                  Wastewater pollutants must be removed and reduced  
18                  prior to farming.    You don't farm toxic land.  
19                  Little Pond Oyster Project needs to be completed.  
20                  We need to have the results.    We need to know  
21                  what the nitrogen credit is.    We're pretty sure  
22                  approximately what it is.

23                  And I think Article 26 is premature.  
24                  Let's wait for Chuck's study and let's wait for

1 some more studies, and if oysters are a way to  
2 go, there's nothing against it but it's a little  
3 bit premature based on the science we don't know  
4 today.

5 Thank you.

6 THE MODERATOR: Okay, Mr. Wilber.

7 MR. WILBER: Jude Wilber, precinct 8.

8 I worked for 14 years as a chlorophyll  
9 nutrient phytoplankton periphyton biologist in  
10 the Providence River estuary, the Taunton River  
11 estuary and other estuaries in this - in Southern  
12 New England. For 14 years, I did every sort of  
13 study that you can do to monitor around in this  
14 case power plants and their affect on the  
15 ecosystem.

16 It's not just oysters and phytoplankton,  
17 okay? Periphyton and macro algae are also a  
18 part of the equation, okay? Oysters don't eat  
19 macro algae. Oysters don't eat periphyton.  
20 Other things do.

21 So, there is, as the gentleman who is  
22 also a marine biologist, a very complex web in  
23 these estuaries that we don't really need to go  
24 into. But what we do need to think about is: is

1 150 dollars a wise investment to see what a  
2 certain amount of oysters can do. Even if it's  
3 22 percent, it seems unreasonable to me to just  
4 toss that aside. It seems very unreasonable to  
5 me for 150 dollars to toss that aside.

6 I will also agree with you, sir, that  
7 flushing studies are always wrong.

8 THE MODERATOR: Okay, Mr. Netto.

9 MR. NETTO: Joe Netto, precinct 9.  
10 Trying to make this brief and wade in with all  
11 the experts and the scientists and just try to be  
12 a layman.

13 We have a problem. We have a solution  
14 to that problem for five and half million  
15 dollars. And Mr. Zweig comes along and says,  
16 thankfully, he presents to us somewhat with a  
17 greatly reduced cost of \$150,000. I would think  
18 if you were a homeowner and you had a problem  
19 with your house and you were given that  
20 opportunity, you would jump at the \$150,000.

21 Let me ask you, folks: what do we have  
22 to lose?

23 We get to eat the oysters in the end.  
24 For those of you that haven't been doing it,

1 you've been missing a treat. Thanks to Mr.  
2 Martinsen, I've had oysters continuously, I  
3 think. Even though they're out of season,  
4 they're in the refrigerator. But anyhow.

5 And I'm somewhat appalled - and I'll be  
6 blunt. I'm somewhat appalled at the opposition,  
7 with the degree of opposition to someone who is  
8 trying to do the right thing, trying to save us  
9 money, trying to look at another alternative. As  
10 Mr. Alliegro said, isn't that what science does?

11 I'm trying to remember back to my days  
12 of sitting as a student. You run a series of  
13 tests. Well, hey, let's just run one more test.

14 And the solution to pollution is not  
15 dilution. What does widening of that bridge do?  
16 It takes what's wrong in Bournes Pond and puts it  
17 in Nantucket Sound where I'm going to go and  
18 catch fish. And what if every town on the south  
19 side of the Cape says, "Let's just widen all our  
20 inlets and let's just put it out there to  
21 Nantucket and Vineyard Sound"? Then the federal  
22 government's going to come down 20 years from now  
23 and say, "Hey, you know you folks that have  
24 polluted Nantucket Sound, what are you going to

1 do about that?" It's common sense.

2 And let's - I think Mr. Zweig has done  
3 this before. This is not new to him. I served  
4 with him on a group that presented an article,  
5 and I've got to commend him. I never knew Ronnie  
6 Zweig that well until a couple of years ago.  
7 And he can get you a tremendous amount of facts.  
8 And I think we should take this opportunity to  
9 listen to him and adopt this article. Just use  
10 your common sense.

11 Thank you.

12 THE MODERATOR: Okay, Ms. Putnam.

13 MS. PUTNAM: Rebecca Putnam, precinct  
14 9.

15 Is Mr. Martinsen still here?

16 THE MODERATOR: I don't think so.

17 MS. PUTNAM: Okay. I absolutely  
18 wholeheartedly agree with what Mr. Netto just  
19 said, and I'm not sure - through you, Mr.  
20 Moderator, to the petitioner, are you asking that  
21 we not widen if we do this, or this is just in  
22 addition to widening Bournes Pond?

23 MR. ZWEIG: Thank you for the question.

24 Thank you for the question, Ms. Putnam.

1                   What I'm suggesting is that we work,  
2 going through the permitting process, continue  
3 that. I voted for that in committee. We  
4 continue with the permitting process.  
5 Simultaneously we do this, follow this other  
6 path.

7                   If it does as well as say the Mashpee  
8 example is predicting, or what our - some of our  
9 calculations show, particularly for - if they  
10 take out phytoplankton. That's a critical thing  
11 because that's what really causes the  
12 eutrophication error in our reservoirs, with the  
13 overshoot and collapse.

14                  So, if at the same time we're ready to  
15 do the construction and but we see that the  
16 shellfish can do it, that's fine. If the  
17 shellfish cannot do all of it, then basically  
18 we've got a dual thing: we do the inlet widening,  
19 and we continue with the shellfish.

20                  So, it just depends. It's the decision  
21 - a step by step process in this and that we  
22 would just move ahead that way.

23                  And following the Town's existing  
24 practices. It's not introducing anything new.

1 It's a rotational thing: it's planting, it's  
2 closing areas for a year, re-opening them, and  
3 then providing a lot of - a lot of shellfish.  
4 So - and, and cleaning the water, so.

5 Thank you.

6 MS. PUTNAM: Thank you.

7 FROM THE FLOOR: Question.

8 THE MODERATOR: Yeah -

9 MS. PUTNAM: Again, we all -

10 THE MODERATOR: - hold on, we've got a  
11 couple more.

12 MS. PUTNAM: We all took science in  
13 school. We all know there's experimentation.  
14 But this body also voted to try alternatives,  
15 which we are doing in Little Pond. Why can't we  
16 move on, vote this article up and widen the inlet  
17 if it still needs to be widened? Nobody here,  
18 as you just saw, is saying "Do not widen the  
19 inlet". It's not going to hurt us. It's not  
20 going to hurt anyone.

21 So I ask that you vote this yes.

22 THE MODERATOR: Okay, Mr. Waterbury.

23 MR. WATERBURY: John Waterbury, member  
24 of the Water Quality Management Committee.

1 I would ask you to have confidence in  
2 what the committee - the course the committee has  
3 charted and vote this article down. We have  
4 been looking diligently at a number of  
5 alternatives. We've laid out a plan of how we're  
6 approaching each of them. Aquaculture is part of  
7 that program, as is the widening of the Bourne  
8 Pond inlet. And I would ask you simply to have  
9 confidence in what that committee has been doing  
10 for you and to vote this article down and let  
11 that committee do the job which it was set up to  
12 do.

13 THE MODERATOR: Okay, Ms. Siegel.

14 MS. SIEGEL: I agree with what Mr.  
15 Waterbury has said and I also find it disturbing  
16 that when a committee that has been doing -  
17 excuse me -- has been doing very detailed and  
18 expansive work, a committee that I think many of  
19 us have reason to have a lot of trust and faith  
20 in, recommends against this article being voted  
21 when one of its members has come out of the  
22 committee to do something like this. I don't  
23 think we should support that, and I ask that we  
24 vote this article down.

1 THE MODERATOR: Okay, Mr. Finneran.

2 MR. FINNERAN: Mark Finneran, precinct  
3 six.

4 I participated in the Water Quality  
5 meetings for years. I read the MEP report  
6 entirely. And that means you have to read it  
7 three times, because it's dry stuff and its no  
8 way to spend a weekend.

9 I also read the 208 plan, and it says  
10 that you're supposed to pick an alternative and  
11 test it for five years. If we try this out, just  
12 put the bridge off a little bit, see how it  
13 works, who in this room doesn't want to save \$6  
14 million? If that's even a 25 percent chance,  
15 isn't it really worth giving it a shot?

16 I think that you should vote this  
17 article up. We can always do the bridge  
18 afterwards; they're going to plan for it anyway.  
19 If everything in the permitting is all done, I  
20 mean, it can be implemented almost immediately.  
21 But if we save the six million, I think it's been  
22 demonstrated here in the last two nights that we  
23 can spend that money in a dozen - a hundred other  
24 places for the betterment of the Town.

1 Thank you.

2 THE MODERATOR: Ms. Alliegro.

3 MS. ALLIEGRO: Mary Anne Alliegro,  
4 precinct seven.

5 I just would like to say I am in support  
6 of Article 26. I think it's a great idea. I'm  
7 also a scientist and I think this experiment  
8 would give a very positive result. I'm very  
9 glad to hear that.

10 What I hope this body does not do, does  
11 - first of all, there's - this doesn't mean -  
12 following - agreeing with Article 26 does not  
13 disparage anything that our Water Quality  
14 Committee has worked on or done. These are  
15 separate issues; this isn't a personal issue.  
16 This is something that would be very good, I  
17 think, for the Town, very good for us to do, and  
18 I just really hope that people will support this  
19 article.

20 THE MODERATOR: Okay, Mr. Latimer.

21 I've got the two of you on the list.

22 MR. LATIMER: Thank you. Richard  
23 Latimer, precinct one.

24 I also support this article.

1 I've heard - we've heard from three  
2 biologists, now. All of them who have said, "Why  
3 not?" It's a relatively cheap alternative - not  
4 an alternative, it's a relatively cheap parallel  
5 plan. Nobody's saying don't do the permitting  
6 for the widening. They're saying, "Yes, let's go  
7 forward with that."

8 And what I'm hearing from the opponents  
9 is disturbing, because it sounds just like so  
10 much turf concern. You know, "Don't step on our  
11 turf, because, you know, we've done all this."  
12 Well, we're not stepping on your turf. Yeah,  
13 the science is there in terms of the chemistry,  
14 okay, maybe so, but the science is also there,  
15 from three people who are knowledgeable about it,  
16 is that widening doesn't necessarily cure the  
17 problem, either. So why not do both?

18 Vote this up.

19 Thank you.

20 THE MODERATOR: Okay, Ms. Valiela.

21 You want to be on the list?

22 MS. VALIELA: Virginia Valiela,  
23 precinct five and Vice Chairman of the Water  
24 Quality Management Committee.

1                   And I'm going to make two points. I  
2 believe you should vote this article down. We  
3 have discussed it two different times. It makes  
4 assumptions that are not well grounded. But the  
5 main point is that it's - we're not opposed to  
6 aquaculture at all. We're going to use it as  
7 much of a tool in every estuary that we possibly  
8 can.

9                   But it's premature because of the  
10 article that you've just passed in the Special  
11 Town Meeting. That was the intent of Article  
12 14, was to look at all of the estuaries. Not  
13 just any particular one, but all of them, and  
14 look at their potential for aquaculture. We  
15 need that basic information. We need to know  
16 where you have good shellfish bottom for quahogs  
17 and we know where we have areas where we can put  
18 gear so that we can grow oysters.

19                   This article sort of picks a particular  
20 pond and says, pedal to the metal and just go  
21 right ahead and do everything now. We need to  
22 do this in a -- in a calm and orderly fashion to  
23 gather the information as to where we can have  
24 these aquaculture sites. Not every site will

1 work.

2 So that's my first point.

3 The second has to go particularly to the  
4 money. The remaining money in Article 17 that  
5 this committee is using has to last us until  
6 December of 2019, when we will need to - as a  
7 community and the Board of Selectmen, to send a  
8 report that will be the final Comprehensive  
9 Wastewater Management Plan for the southern  
10 estuaries. To take 150,000 out of the 500 that  
11 is remaining is not sustainable.

12 So I'm going to make an amendment. I'm  
13 opposed to this article but I'm going to make an  
14 amendment just so that in terms of management we  
15 can proceed if it passes. And that is that the  
16 150,000 must come from Free Cash. It will not  
17 come from Article 17.

18 THE MODERATOR: That was an amendment?

19 MS. VALIELA: That's an amendment,  
20 right. That the source of money -

21 THE MODERATOR: Okay.

22 MS. VALIELA: - which is not  
23 particularly clear in this -

24 THE MODERATOR: Yeah, it says

1 either/or.

2 MS. VALIELA: Either/or.

3 THE MODERATOR: Yeah, so -

4 MS. VALIELA: It must come from Free  
5 Cash. It cannot come from Article 17.

6 But I really think that you have someone  
7 who's so committed to aquaculture that they're --  
8 they're not looking at the larger picture, um,  
9 and they're not allowing the studies to do a  
10 really good town-wide job on aquaculture.  
11 They're just picking one particular pond and  
12 trying to make that - force the issue. And I  
13 don't think that's right.

14 THE MODERATOR: Okay, so we have an  
15 amendment to strike the language of funding  
16 coming from the Article 17 so that the money  
17 would only come from Certified Free Cash.

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

20 [Aye.]

21 THE MODERATOR: All those opposed no.

22 [No.]

23 THE MODERATOR: The ayes have it by a  
24 majority, and if you pass the main motion as

1 amended the funding would come from Certified  
2 Free Cash.

3 All right, I've got a couple more folks  
4 here. Anything new?

5 Mr. Lowell.

6 MR. LOWELL: Nick Lowell, precinct 5,  
7 member of the Finance Committee.

8 This being a petitioner's article, we  
9 did not review it on the Finance Committee  
10 because, per our policy, we don't review the  
11 petitioner's articles. So we did not have a  
12 chance to talk about it.

13 However, I was concerned about the  
14 funding with the and/or. I'm glad it's been now  
15 clarified to Free Cash.

16 But now being Free Cash, Free Cash is  
17 not free, and I would greatly appreciate the  
18 ability to look at this on the Finance Committee  
19 as a proper article; bring it back at a later  
20 time. \$150,000 would be in the order of a  
21 capital-type appropriation that we typically deal  
22 with in the fall. So I urge indefinite  
23 postponement on this article.

24 Thank you.

1 THE MODERATOR: Okay, Mr. Brown.

2 MR. BROWN: Douglas Brown, precinct 9.

3 So, as a former member of the original  
4 Comprehensive Wastewater Management Plan  
5 Committee, I follow this group carefully. I'm  
6 also a Vice President of Falmouth Water Stewards.  
7 So I attend a lot of their meetings and I watch  
8 them and they're very effective. They carefully  
9 plan and think of what they do. That's why  
10 they're so successful with their aquaculture  
11 program.

12 So I'm wondering if now they're going to  
13 create a whole new program without any planning,  
14 who's going to manage it and can the Department  
15 of Marine Fisheries and the staff we have, can  
16 they handle it? Or is it going to detract from  
17 our current program?

18 So, I just don't think it's well  
19 planned.

20 THE MODERATOR: Okay, Mr. Cummings.

21 MR. CUMMINGS: Jim Cummings, precinct  
22 8.

23 In the discussions that have been going  
24 on, I used some technology and communicated some

1 of the questions that I had, and I'm not a  
2 scientist so I'm not going to argue nitrogen and  
3 this and that. But for me it's a question of  
4 logistics. Do we have the capacity to grow  
5 another million oysters? And the short answer I  
6 got is yes, probably, because we're going to get  
7 another upweller in West Falmouth. However, the  
8 oysters that we are going to grow next summer in  
9 Little Pond were ordered four weeks ago. So we  
10 may not be able to get the oyster seed. In  
11 addition, it would take at least 1200 additional  
12 bags to grow the oysters that would have to be  
13 constructed. And then, as Mr. Brown stated,  
14 they would have to be maintained. That would -  
15 we would really need another staff person, on top  
16 of what they have to manage Little Pond.

17 So I think there's a lot of questions.

18 Again, I don't doubt Mr. Zweig's, you  
19 know, good intentions in this article and I think  
20 obviously a lot of people here have brought up  
21 some good points and maybe the Water Quality  
22 Management Committee should revisit this, but I  
23 think we'd be rushing it to start something in  
24 spring of 2016, which is now. And I think maybe

1 we should hold off. As Mr. Lowell said, now  
2 that we're using all Free Cash, it's something  
3 that the Finance Committee should also look at.

4 So, again, we don't have to rush into  
5 this this year. I think we can revisit the  
6 issue, look at it financially, look at the  
7 logistics of doing the project and come back and  
8 vote on it at another time.

9 So I urge you to vote no.

10 THE MODERATOR: Okay, Mr. Alliegro.

11 Ms. Karplus, you're on the list, relax.

12 [Laughs.]

13 MR. ALLIEGRO: Mr. Zweig, correct me  
14 if I'm mistaken, but my understanding is that  
15 some new information has come in. So, am I  
16 correct in that matter? May I ask that through  
17 the -

18 MR. ZWEIG: Well, basically the Mashpee  
19 plan -

20 MR. ALLIEGRO: Right, right.

21 MR. ZWEIG: - was just approved this  
22 summer.

23 MR. ALLIEGRO: So, what we have here is  
24 we have a plan and we had a committee that

1 addressed the issue, but in the interim new  
2 information has come in. So I don't understand,  
3 and I have to agree with Mr. Latimer, this sounds  
4 more like a turf war to me. It seems to me that  
5 an institution or a committee that has the  
6 interests of the Town in mind would say, "Look  
7 this is new. It's new information has come in.  
8 It's not that expensive. Let's adapt and try  
9 this other thing." And that's - that's how  
10 science works. You get new information and you  
11 adapt and you may change your model or you may  
12 change your plan. And I think it's a great  
13 opportunity.

14 Look, we have an alliance here between  
15 scientists and lawyers. This is miraculous. I  
16 think - I think we should give this a shot.

17 [Applause.]

18 MR. ZWEIG: Could I just -

19 THE MODERATOR: Okay, Mr. Zweig.

20 MR. ZWEIG: I just want to - just a  
21 quick comment. On the - that's a very good  
22 point that was made about the logistics. The  
23 department is going to be producing this summer  
24 two and a half million oysters. Okay, so the

1 idea is, and then the idea was to put half a  
2 million in Bournes Pond and a million in West  
3 Falmouth Harbor and a million in Green Pond.  
4 Well, what would be the change would be that one  
5 and a half million would go to Bournes Pond for  
6 this full scale demonstration, half a million  
7 would go to West Falmouth, half a million would  
8 go to Green Pond.

9 So, it's within the scope of the plan by  
10 the Town, it's just an adjustment.

11 Thank you.

12 THE MODERATOR: Okay, Ms. Karplus.

13 MS. KARPLUS: A couple of points of  
14 fact. The first one is that the information  
15 from Mashpee is not new. It's been around; the  
16 Water Quality Committee has considered it  
17 extensively. And the Mashpee plan is \$170  
18 million sewer plan, with some shellfish in  
19 addition to save them a few million.

20 So that, the Town of Falmouth and the  
21 Water Quality Management Committee in particular  
22 understand very well what Rick York is doing for  
23 shellfish. He's bottom planting quahogs and  
24 putting about five million oysters all over the

1 rest of town. It's not a huge cost saving plan.  
2 It's 170 to 200 million sewer plan in Mashpee.  
3 So that's first point of fact.

4 The second is we've been - we have been  
5 working, the Division of Marine and Environmental  
6 Services, the Water Quality Committee, to put  
7 together a plan for this summer that has been  
8 going on since the fall of last year. The two  
9 million oysters that are being grown in Little  
10 Pond are part of the propagation and bottom  
11 planting and relay in West Falmouth and Green  
12 Pond. Those have been planned; there are areas  
13 for it.

14 The half a million dollars - the half a  
15 million oysters that are going into Bournes Pond  
16 this summer - let me repeat that. We have a  
17 plan for Bournes Pond; it's to put half a million  
18 oysters in and see how they grow. It is  
19 reckless to put a million and a half oysters into  
20 a body of water that you have not grown oysters  
21 before. No farmer would do that. No rational  
22 scientist would do it.

23 The half a million oysters that are  
24 going in there are the test. And then, after

1 that, the plan that the Water Quality Management  
2 Committee has and the division has, is to grow  
3 more. But we're walking before we run. The  
4 idea that you'd put a million and a half in and  
5 all those bags in Bournes Pond when we haven't  
6 done the - the baseline research to understand,  
7 it's why the Committee voted this down. They  
8 voted it down not because they don't want to put  
9 shellfish into Bourne's Pond. They know -

10 THE MODERATOR: Okay, your two minutes  
11 has expired. Ms. --

12 MS. KARPLUS: - the parameters and how  
13 it works.

14 THE MODERATOR: Ms. Vogel.

15 CHAIRMAN VOGEL: Wendy Vogel, precinct  
16 4. I live on Bournes Pond and I want to see it  
17 clean more than anyone here, probably.

18 My issue with this is the scientific  
19 data that show there might not be enough food in  
20 the pond to support the volume of oysters  
21 proposed, and that to me is rather scary, because  
22 I can only imagine what millions of dying oysters  
23 are going to smell like. Not what any of you  
24 would want in your back yard.

1                   So it seems like the measured approach  
2                   that is already in place is really the way to go,  
3                   and that we should hold off on adding more to  
4                   Bournes Pond until we have seen how successful  
5                   the initial group is.

6                   And also the funding from Free Cash now,  
7                   as Finance Committee chair I have a little bit of  
8                   problem with that, too. It's not really the  
9                   right way, procedurally, to approach it.

10                  So, vote no.

11                  THE MODERATOR:    Okay, Mr. Buesseler.

12                  And then we're going to take a vote on this.  
13                  We've been here for almost an hour on this  
14                  article.

15                  MR. BUESSELER:    Ken Buesseler, precinct  
16                  two.

17                  I just thought I'd add we've heard from  
18                  several marine biologists. I'm a marine  
19                  chemist. I'm not going to lecture you this late  
20                  at night on the merits of any of these proposals.  
21                  I am in favor of experiments, but we have a  
22                  committee. We have a Water Quality Management  
23                  Committee and I would go with their views and  
24                  vote this down.

1 THE MODERATOR: Okay, the question  
2 will come on the main motion as presented by the  
3 petitioner.

4 All those in favor, signify by saying  
5 Aye.

6 [Aye.]

7 THE MODERATOR: All those opposed no.

8 [No.]

9 THE MODERATOR: It's the opinion of  
10 the chair that the nos have it by a majority and  
11 the article fails.

12 Article 27 was held by Ms. Driscoll, who  
13 emailed me today she was unable to be at the  
14 meeting and she'd like to withdraw her hold on  
15 the article.

16 Mr. Chairman of the Board of Selectmen  
17 for the main motion.

18 CHAIRMAN JONES: Mr. Moderator, I move  
19 indefinite postponement.

20 THE MODERATOR: Indefinite postponement  
21 on Article 27.

22 All those in favor, signify by saying  
23 Aye.

24 [Aye.]

1 THE MODERATOR: All those opposed no.

2 [None opposed.]

3 THE MODERATOR: The ayes have it  
4 unanimous.

5 Article 29. The recommendation of the  
6 Board of Selectmen is indefinite postponement.

7 Mr. Finneran.

8 FROM THE FLOOR: 28.

9 THE MODERATOR: 28, sorry. 28.  
10 29 is dinner.

11 [Laughter.]

12 MR. FINNERAN: Mark Finneran, precinct  
13 six and I would like to put a positive motion on  
14 this article, please.

15 THE MODERATOR: Yes, as printed? As  
16 printed?

17 MR. FINNERAN: As printed.

18 THE MODERATOR: Okay. The main  
19 motion is as printed.

20 Mr. Finneran.

21 MR. FINNERAN: Okay. This article  
22 has been in my head for several years. It was a  
23 question of are we doing what's actually best for  
24 the Town. This thinking was the impetus of my

1 article of a couple of years ago, which we  
2 successfully passed, the litigation report.  
3 That was necessary to glean further information  
4 in order to bring this forward.

5 Next slide, please.

6 This is the statistics from the Mass.  
7 Municipal Lawyers Association. It has 345  
8 municipalities. I don't know what happened to  
9 the other six towns; there's 351 in  
10 Massachusetts. But of those, only 48  
11 municipalities use in-house attorneys. Of those  
12 municipalities, 40 are cities and have a mayoral  
13 form of government. So that shakes down to 297  
14 of the towns use law firms and only seven towns  
15 other than Falmouth use in-house attorneys.

16 Barnstable is the only town on the Cape  
17 and the Islands that still uses an in-house  
18 attorney.

19 Next slide, please. What's going on  
20 there? Thanks. That is - there you go.

21 That shakes out to 97.38 percent of the  
22 towns in Massachusetts use law firms versus only  
23 2.62 percent using in-house attorneys. And you  
24 ask yourself why?

1 Next slide, please.

2 The answer is conflicts of interest.

3 It's difficult for an individual enmeshed in a  
4 community to avoid conflicts or the appearance of  
5 conflicts. We're all friends, here. I mean,  
6 that makes it even more difficult.

7 Firms have multiple lawyers and a  
8 conflict checking system reducing potential  
9 problems. And the dynamics of an employee-  
10 employer relationship are eliminated with the use  
11 of a law firm.

12 Next slide, please.

13 I'm going to make this as quick as  
14 possible.

15 And the scope of the services. I mean,  
16 a law firm has broad services enhanced by the  
17 number of attorneys and legal staff in the firm.  
18 The practice areas and the number of other  
19 municipal clients. An in-house attorney is - is  
20 limited to the skills and experience of single  
21 person - a person or persons. It's nothing  
22 negative on the skills of counsel - Town Counsel  
23 or the Assistant Town Counsel. It's just, are  
24 we getting what we really need?

1 Next slide, please.

2 And here's a case in point. Kopelman &  
3 Paige.

4 Next slide, please.

5 Kopelman & Paige serves 125 of the towns  
6 in Massachusetts, eight on the Cape and Islands  
7 and across the state. Why? They have a ton of  
8 expertise all under one roof. And there's a  
9 list, a partial list, but if you go on, here's  
10 another one.

11 Can you go to the next slide, please.

12 There's a list, a partial list. I've  
13 got more pages of this. But if you go through,  
14 you can see that we use most of these things all  
15 the time. And I've highlighted that one, Civil  
16 Rights and Police Misconduct, because it brings  
17 to mind things that this Town's been through.

18 The civil rights brings to mind Peter  
19 Waasdorp's case. I spoke to Peter and I asked  
20 him if I was all right to mention this; he said  
21 yes. Had we had someone who was experienced in  
22 civil rights in - under the Town roof, under the  
23 umbrella of the Town Counsel, would that have  
24 gone on for as many years as it did? I mean,

1 would we have had to have paid in the end - -  
2 would Peter have had to have gone through as much  
3 as he went through? I don't think so.

4 Next page, please.

5 There's just some more things that -  
6 that they - Kopelman & Paige does. You can see  
7 that most of that stuff we would use in our own  
8 town.

9 Next page.

10 There's more. I mean, this is all  
11 under one roof.

12 The next page, please.

13 There's another one I highlighted:  
14 internal investigations. Had we had those types  
15 of lawyers in town when we had the police  
16 fireworks thing where we lost some police  
17 officers, would it have gone that far? Perhaps  
18 not.

19 Another one was the Water Department,  
20 with the water supervisor and the copper sulfate.  
21 I mean, would that have been handled quicker and  
22 smoother and easier and better had we had the  
23 expertise in town, at Town's, you know, access to  
24 it? I think so.

1                   The next one is local legislation and  
2                   bylaws. I mean, we appropriated \$35,000 to  
3                   review the Z. B. A. and the bylaws. The money's  
4                   sitting there. We haven't done anything yet.  
5                   If we had that expertise in-house, would we be  
6                   proceeding further along those lines? I think  
7                   it's probably true. To this point, nothing has  
8                   been done.

9                   Next one.

10                  Procurement and contracting? Could we  
11                  use help on that? I - I think so. I mean, who  
12                  can think of instances where contracts were a  
13                  problem? I mean, originally the high school  
14                  went off the tracks due to a contractual  
15                  agreement, or disagreement. Had we had in-house  
16                  help, would that have helped? I'm pretty sure.

17                  Another one that comes to mind - I'm  
18                  sorry, it's one of my things, is the metal at the  
19                  dump. I mean, had we had someone - that was  
20                  basically a bad contract. Had we had someone  
21                  that was expert in contracts and reviewing all  
22                  our contracts, would that have gone that far?  
23                  Chances are, probably not.

24                  Next slide.

1 I mean, these are all things that Towns  
2 use everyday.

3 Kopelman & Paige has 30 law firms or  
4 offices across the state. When the Selectmen  
5 reviewed this article and gave their defense or  
6 their own defense, they brought up several  
7 points.

8 Can you go back to the third slide,  
9 please. The third slide from the beginning.

10 [Pause.]

11 MR. FINNERAN: Right there.

12 When the Selectmen were reviewing this,  
13 we were told that in-house counsel is a common  
14 model. It used to be. It was. But, as you  
15 can see there, it's not anymore. It's used very  
16 infrequently. Why? Because of everything that  
17 you have in a competent, comprehensive law firm.  
18 And I'm not saying that anyone is incompetent. I  
19 mean, it's - law is a very specialized field, and  
20 we need access to all of it.

21 Another argument they had against it was  
22 that it would cost extra money. If you hire a  
23 law firm, you pay a retainer, you have a partner  
24 at access all the time and it doesn't cost any

1 more; it's part of the contract.

2 Another argument was the size of the  
3 town. I mean, obviously all size towns in  
4 Massachusetts are using law firms. I mean, only  
5 2 ½ percent aren't.

6 Another argument was do they have the  
7 proper skill set. Well, it seems obvious that  
8 Kopelman & Paige does if 125 of the towns in  
9 Massachusetts are using them. And there's other  
10 firms that are also used, but it amounts to 97,  
11 and almost 97 ½ percent of the towns do what I'm  
12 proposing in this article.

13 Another argument they had was the speed  
14 of you getting an answer, questioning an  
15 attorney. Again, you have an attorney on  
16 retainer. He's assigned to the town. They  
17 have, as I said, they have 30 offices all over  
18 the state. It's just a much more efficient  
19 model and I think the numbers state it.

20 And, quite simply, that's my  
21 presentation. We can get out of here quick.

22 THE MODERATOR: Okay, Ms. Moran.

23 MS. MORAN: Thank you, Mr. Moderator.

24 I just wanted to respond to a couple of

1 points, here. And, first of all, in terms of the  
2 big picture, the delivery of legal services is an  
3 executive function of the Town Manager, with the  
4 approval of the Board of Selectmen. The Board  
5 of Selectmen started looking at this issue around  
6 December of 2015, which it periodically does,  
7 just to be sure that the Town is getting the bang  
8 for the buck, that the services are provided  
9 expertly and that it makes sense for the way the  
10 Town is run.

11 With respect to a couple points that the  
12 petitioner has made, conflicts issues are handled  
13 by every lawyer according to professional rules.  
14 When there ever is a conflicts issue, that is  
15 specifically handled; it doesn't come up all that  
16 often.

17 With respect to skills required in  
18 municipal law, you saw a lot of them listed and  
19 as far as the application to Falmouth, what we  
20 talked about as a Board is that there really is  
21 an incredibly high benefit in terms of having  
22 both outside counsel and really in-house  
23 corporate counsel.

24 In my background, one of the things I

1 did was I was regional counsel for General  
2 Electric Capital. I worked for a lot of  
3 corporations who have both in-house counsel and  
4 who use outside counsel. And when you have an  
5 in-house expert, you have increased access  
6 because they're literally always available to you  
7 without an additional price. And so that when  
8 you have particular problems that might need an  
9 outside counsel, they work together. So you're  
10 actually saving money on outside counsel fees.

11 At this moment on my coffee table I have  
12 two Lawyer's Weeklys. Kopelman & Paige is  
13 running at least two ads in each of those  
14 weeklies because they can't staff - they don't  
15 have enough staff for their municipal law  
16 services. What they're looking for are young  
17 lawyers to help out with the volume.

18 So, say you're dealing with 30  
19 communities. All those communities have  
20 different issues. In Falmouth, we have a lot of  
21 institutional history because we have long-term  
22 in-house counsel. Kopelman & Paige, what you're  
23 likely to get is a young lawyer. You're not -  
24 who's going to be answering the phone who's not

1 going to be familiar, likely, with the particular  
2 issue that has occurred, and you're not going to  
3 be able to react that quickly.

4 There also may be an agreement where you  
5 need to really move it up the chain to the Town  
6 Manager to see is that within the fee agreement.  
7 Is that something you can ask. I mean, it is a  
8 weekly and daily issue when questions come up and  
9 they're answered in a second. It doesn't mean  
10 there's no need for outside counsel, it just  
11 makes it tremendously efficient.

12 This is something that the Board  
13 periodically and will continue to look at to be  
14 sure it's continuing to run effectively.

15 Thank you.

16 MR. FINNERAN: Can I -

17 THE MODERATOR: Yes.

18 MR. FINNERAN: When you contract with  
19 a firm like Kopelman & Paige, you get a partner.  
20 You don't get a young lawyer. I mean, they have  
21 young lawyers and oftentimes they're capable of  
22 doing the job and you get it at a reduced rate.  
23 Again, 97 ½ percent of the towns in Massachusetts  
24 use this model.

1                   It's not a bunch of young lawyers. I  
2                   mean, they're a growing firm. 125 towns use it  
3                   in Massachusetts; they got to be doing something  
4                   right.

5                   THE MODERATOR: Mr. Latimer.

6                   MR. LATIMER: Richard Latimer, precinct  
7                   one.

8                   I've been practicing law as an  
9                   individual lawyer for a lot longer than I've been  
10                  a Town Meeting member, actually, since 1975.  
11                  I've never worked at a corporate practice. I go  
12                  up against corporate firms all the time. I know  
13                  that what corporate firms do, and excuse me,  
14                  Susan, if - I'm not criticizing your experience,  
15                  but they try to maximize billable hours, because  
16                  that's what they're in business for.

17                  You have somebody on retainer, you know,  
18                  who is an employee, he doesn't do that. He does  
19                  the work that's necessary.

20                  As Susan said, they're looking for young  
21                  lawyers, people who are going to take longer to  
22                  do things because they have to learn the law.  
23                  Meanwhile, on some of the situations that Mark  
24                  here has indicated, you farm those cases out,

1            anyway. I doubt - either you farm them out or  
2            your insurance company assigns the lawyer.

3            So, for example, if there's somebody  
4            gets injured by a Town truck that drives into  
5            them, that's going to go to insurance counsel.  
6            That's not going to go to Kopelman & Paige, so  
7            they don't have any expertise on that.

8            Civil rights cases, mostly civil rights  
9            cases go to specialized firms, police brutality  
10           and things like that.

11           This is totally unnecessary, and I have  
12           to -- and the reason I'm so upset about this is  
13           because despite his disclaimers, Mark is actually  
14           impugning the competence of Town Counsel, and I -  
15           -I just think that's wrong.

16           I think Mr. Duffy has served us well for  
17           many years and I think he should continue to  
18           serve us for as long as he feels he wants to.

19           Thank you.

20           [Applause.]

21           THE MODERATOR:     Okay, Mr. Smolowitz.

22           FROM THE FLOOR:     Question.

23           MR. SMOLOWITZ:     I just have a question  
24           from somebody that supports in-house corporate.

1 Why the big discrepancy with the other towns?  
2 Why is that ratio of 97 ½ to 2 ½ percent as far  
3 as having a law firm on retainer versus in-house  
4 counsel? I'm just wondering what the - I mean,  
5 that's a startling figure, to me.

6 MS. MORAN: I really can't speak --

7 THE MODERATOR: Ms. Moran.

8 MS. MORAN: -- to those particular  
9 numbers.

10 I'm sorry, Mr. Moderator, I thought I  
11 was still -

12 THE MODERATOR: That's all right.

13 Yes.

14 MS. MORAN: I would just say that in  
15 part at this point in time I think Falmouth has  
16 the advantage of a long institutional history  
17 with Mr. Duffy which I think is in part, you  
18 know, just as Mr. Latimer said, it's part of the  
19 benefit.

20 MR. SMOLOWITZ: Oh, no argument there.  
21 I mean, we're very lucky in having a highly  
22 experienced long-term attorney, but I don't think  
23 this is a personal issue. This is what happens  
24 when a retirement occurs: what do we do? And

1 are we prepared to say that maybe it's better to  
2 have a law firm on a retainer?

3 And, through you, Mr. Moderator, what is  
4 the economics of the retainer? How does that  
5 work? Because, I work for the sea scallop  
6 industry and we have a, you know, an 800 lawyer  
7 law firm in D.C. that's on retainer and I know  
8 how that works. I'm just wondering how this  
9 works.

10 THE MODERATOR: Do you want to, Ms.  
11 Flynn, yes?

12 MS. FLYNN: A few months ago,  
13 Barnstable County decided to review their legal  
14 services and actually did a survey to determine  
15 whether or not the County should have in-house  
16 counsel or go out and have outside counsel. And  
17 when we surveyed some of the towns, what we  
18 learned was most of the reasons that the Towns  
19 have legal counsel is because of land issues on  
20 the Cape. And that usually is - takes up the  
21 most work of counsel.

22 Barnstable and Falmouth are the only two  
23 towns on the Cape that have in-house counsel.  
24 The other towns actually have - have contractual

1 legal services.

2 So, so when you - and then I'm not going  
3 to evaluate the pros and cons of either, but when  
4 you think of the land issues that larger towns  
5 would have, it does in some sense make sense to  
6 have an attorney in-house because you constantly,  
7 whether it's the Planning Board, whether it's the  
8 Zoning Board of Appeals, whether it's the Town  
9 Manager, somebody is always contacting counsel  
10 regarding land use issues.

11 On the labor side, most towns do have  
12 separate counsel for labor because that's the way  
13 it works. And there are larger firms like  
14 Kopelman & Paige and others that have those  
15 special services that you can contract for in  
16 that regard. And this - we do the same thing.  
17 We, while we have in-house counsel, we also  
18 utilize outside counsel for labor issues.

19 So, it depends on the size of the town,  
20 it depends on the needs of the town, the type of  
21 services the town needs. Those services are  
22 available and most often you look to see the most  
23 cost-effective way of getting those services.  
24 And, depending on your size, that's how you make

1 your decision.

2 FROM THE FLOOR: Question, question.

3 THE MODERATOR: Okay, Mr. Clark, you  
4 got something? Something new, and then we're  
5 ready.

6 MR. CLARK: Peter Clark, precinct one.  
7 Former superintendent of schools.

8 The school system did use an educational  
9 law firm, a very good one, in Boston. But it  
10 isn't as simple as that, because here you have  
11 six or eight different administrators of  
12 different programs; you have to govern who has a  
13 right to call and under what conditions they have  
14 to call, or you're going to start building up big  
15 bills just for those phone calls. It's very  
16 helpful to have someone who is in-house who is  
17 sorting and triaging and then sending things out  
18 as needed.

19 THE MODERATOR: Okay, the question will  
20 come on the main motion.

21 All those in favor, signify by saying  
22 Aye.

23 [None for.]

24 THE MODERATOR: All those opposed no.

1 [No.]

2 THE MODERATOR: It's the opinion of the  
3 chair is that the no's have it by a majority.

4 The Chairman of the Board of Selectmen  
5 for notification of the next Annual Town Meeting.

6 CHAIRMAN JONES: Mr. Moderator, our  
7 next Annual Town Meeting will be on November 14<sup>th</sup>  
8 at 7:00 p.m., planned right now for the Falmouth  
9 High School.

10 THE MODERATOR: Okay, we hear that?  
11 Falmouth High School. We're going to give that  
12 one a shot at the next Town Meeting.

13 FROM THE FLOOR: No.

14 THE MODERATOR: Okay?

15 Whoa, whoa, whoa. Hold on, hold on.  
16 Whoa, whoa, whoa, whoa. You all voted to do  
17 that at the last Town Meeting, so don't get too  
18 angry.

19 So the total amount expended in this  
20 Town Meeting is \$128,657,550.

21 And as you get to your feet, before you  
22 leave, let's have a round of applause for two of  
23 our outgoing Selectmen. This will be their last  
24 Town Meeting: Selectman Mary Pat Flynn and

1 Rebecca Moffitt.

2 [Applause.]

3 THE MODERATOR: Thank you for your  
4 years of service.

5 [Continuing applause.]

6 THE MODERATOR: Madame Chairman for  
7 the main motion.

8 CHAIRMAN VOGEL: The motion is to  
9 adjourn.

10 THE MODERATOR: You've all heard the  
11 main motion to adjourn the Annual Town Meeting.

12 All those in favor, signify by saying  
13 Aye.

14 [Aye.]

15 THE MODERATOR: All those opposed no.

16 [None opposed.]

17 THE MODERATOR: The ayes have it; we  
18 are adjourned.

19 [10:46 p.m. whereupon, this meeting adjourned.]

20

21

22

23

24

C E R T I F I C A T E

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 April Town Meeting, taken by me on Tuesday, April 5, 2016. 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 5th day of May, 2016.

\_\_\_\_\_  
 Carol P. Tinkham, Notary Public  
 My Commission Expires:  
 April 21, 2017

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