

COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

NOVEMBER TOWN MEETING

Memorial Auditorium
Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR: David T. Vieira

TOWN CLERK: Michael Palmer

Tuesday, November 7, 2017

7:00 p.m.

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P R O C E E D I N G S

[7:00 p.m.:]

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

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

[Pause.]

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

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

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

Okay. Okay, I know Mr. Palmer briefed

1 a couple folks already. So everybody's good
2 this evening to begin using the response cards.
3 Now's your chance. Okay.

4 [Pause.]

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

9 At this time, we'll establish a quorum
10 by opening a poll for the quorum.

11 Rob, would you prepare a quorum call.

12 The polls are now open for a quorum.

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

15 [Pause while electronic quorum scrolls.]

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

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

23 [Pledge of Allegiance taken.]

24 THE MODERATOR: I'll recognize Scott

1 Thrasher for the invocation.

2 MR. THRASHER: Lord, when it comes to
3 meeting and communicating with each other, help
4 us be good listners. Help us to be open minded,
5 putting aside our own agendas. Help us to be
6 honest without being insensitive. Help us to be
7 respectful, without being too formal or
8 artificial. Help us to question and to
9 challenge without being harsh. Help us to be
10 aware that this is just one moment, just one
11 meeting. And lastly, help us to remember that
12 you, too, are always meeting and communicating
13 with us. Amen.

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

20 [Moment of silence held.]

21 THE MODERATOR: You may be seated.

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

24 Can we have a microphone to my left,

1 please.

2 MR. KEEFE: Brian Keefe, Precinct four.

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

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

19 So I'm going to let Town Meeting decide
20 this on the motion to reconsider.

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

23 [Aye.]

24 THE MODERATOR: All those opposed no.

1 [No.]

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

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

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

15 [Pause while electronic voting scrolls.]

16 THE MODERATOR: Okay, the polls are
17 closed. By a counted vote of 91 in favor and
18 101 opposed, the motion to reconsider does not
19 pass and we're on to Article 12.

20 Mr. Latimer.

21 MR. LATIMER: [No mic: inaudible.]

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

24 MR. LATIMER: It's a point of order but

1 it's also a question. I voted "No", so
2 shouldn't my name have appeared in brown?

3 FROM THE FLOOR: No.

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

7 MR. LATIMER: Oh, okay.

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

11 MR. LATIMER: All right, thank you.

12 THE MODERATOR: Yes.

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

15 THE MODERATOR: That's a point of
16 personal privilege, are you cold?

17 MR. LATIMER: Yes.

18 THE MODERATOR: You're cold. Okay,
19 yeah. Could we - we'll close the door until I
20 get hot, and then we're going to open it again.

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

24 CHAIRWOMAN MORAN: That the Town vote Article

1 12 as printed.

2 THE MODERATOR: As printed. This is to
3 delete the section in the Code of Falmouth dealing
4 with the beaches and adding Article 7, Beach and Park
5 Regulations. So the main motion is as printed.

6 We have an opening presentation on this.

7 Do we have a presentation or are we just
8 going to discussion? Okay, discussion.

9 Mr. Netto.

10 MR. NETTO: I'll make it quick. Good
11 evening, ladies and gentlemen, Joe Netto, Precinct
12 nine.

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

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

1 government.

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

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

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

22 When the Superintendent of Beaches came to
23 this podium last night, he told you something. He
24 said, "Yeah, I realize we can't do this at every
25 beach. Some of the beaches don't even have any
26 space." I defy you to find a place to sunbathe at

1 Menauhant West on a high tide; there's no more beach
2 there. It's literally gone.

3 I think through the winter, if we defeat
4 this, the message is clear. And there are people who
5 want some type of athletic activity other than
6 sunbathing, if that's an activity. And rightly so.
7 But let's go through the process, as I said last
8 night, of the public having input.

9 Every one of these beaches is a neighborhood
10 beach. I think we would find, certain beaches,
11 there's no room. Or the beaches, if there's room,
12 there might be a designated area. I don't know.
13 That's for the Beach Committee and those of you who
14 feel strongly one way or another to attend and have
15 your public input. Then, according to the Charter,
16 under C-7-12, the Beach Committee would make those
17 recommendations to the Selectmen, who are the only
18 body in town that can create policy.

19 I told you I'd be short, and I am. By
20 doing nothing, by defeating this Article 12, we
21 will send a message that we want this fixed the
22 right way. Because technically - and I will
23 stretch this a little bit. I'm not being paranoid,
24 but literally we are coming close to changing the
25 Charter.

1 Whoops, excuse me. Well, we're not getting
2 rid of the Beach Committee, but we're basically
3 taking their function away. And I'd like to remind
4 you that, built into the Charter, is a mandatory seven
5 year Charter Review Committee that is formed every
6 seven years to look at this. It's a fluid form of
7 government. It's built into the first charter, and
8 that Charter Review Committee makes reports and says,
9 "Change this". It asks for our input, what should be
10 changed, and the process is there. Let's solve this
11 problem the correct way.

12 Thank you.

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

15 MR. JOHNSON: Leonard Johnson, Precinct
16 five.

17 I read in the warrant that this article is
18 proposed by the Board of Selectmen. I would hope
19 that when the Selectmen propose an article they could
20 explain to us why they think we should pass it.
21 Thank you very much.

22 THE MODERATOR: Yes. Mr. Brown.

23 SELECTMAN BROWN: Hi, Douglas Brown,
24 Precinct nine. I'm the Beach Committee liaison for
25 the Selectmen.

1 So I've attended all these meetings this
2 past year and the Beach Committee is doing an
3 excellent job managing this situation. The Falmouth
4 Heights people have been coming to the meetings asking
5 for changes. The Beach Committee has been reacting,
6 they've been responding and they've been offering a
7 solution. They've got a chain of command set up to
8 deal with the problems. They don't have any actual
9 complaints. The complaints all come at the end of
10 the season after the fact. We don't have any
11 complaints on log from the residents.

12 They've asked - they've given out cell phone
13 numbers. Don Hoffer gave out his cell phone number.
14 Bruce has given out his cell phone number. They've
15 asked, if there's any problems, speak to the
16 lifeguard. If the lifeguard can't handle it, they'll
17 speak to the head lifeguard. If that doesn't work,
18 they'll call the Beach House, and if that doesn't
19 work, they'll call the police. And nothing's been
20 happening.

21 The Beach Committee discussed this sign
22 issue when the neighborhood kept pushing the issue and
23 saying, "The signs say this, the signs say that." So
24 they looked into what's on record. What's on record
25 is no ball playing, no softball. It's not very - you
26 know, it doesn't really do much. So they discussed

1 the idea that maybe the signs shouldn't be, you know,
2 misleading. Because those rules that were on that
3 previous sign were not really in place.

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

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

20 So, I don't see any harm in Article 12.

21 So I don't know why we would not vote it.

22 MR. DUFFY: I'm Frank Duffy, Town Counsel.

23 I drafted this article and submitted it to
24 the Selectmen at the request of the Town Manager,
25 with the knowledge of the Board of Selectmen.

1 As you know, last night we debated Article
2 11, which was a petitioner's article and it contained
3 a proposed bylaw for the beaches. The Selectmen
4 wanted to have an alternative. They understood, and
5 through the Town Manager informed me that they
6 understood this and there were issues on the beaches
7 that needed to be addressed. So I proposed this
8 article which would authorize the Board of Selectmen
9 to adopt rules and regulations for the beaches and the
10 parks, too, because the same issues, by the way, exist
11 in the parks.

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

20 The deletion of Section 87.3 that Mr. Netto
21 pointed out was not to allow the indiscriminate
22 playing of ball on the beaches, it was to give the
23 Board of Selectmen a clean slate so that when they
24 approach Beaches and try to adopt rules and
25 regulations, they can include every activity that's
26 there that comes to their attention. And I would

1 assume, and I - I presume that if they have the
2 authority to promulgate rules and regulations, they're
3 going to address ball playing.

4 SELECTMAN JONES: Mr. Moderator.

5 THE MODERATOR: Mr. Jones.

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

24 THE MODERATOR: Okay, Ms. Moran.

1 CHAIRMAN MORAN: And just to add to what
2 Doug said, the section that discusses recommendations
3 from the Beach Committee will be followed is C-7-12;
4 that also was not changed.

5 THE MODERATOR: Okay, Ms. Lichtenstein.

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

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

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

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

25 Is there a reason why it will not come

1 before Town Meeting to be passed?

2 THE MODERATOR: Yes, Mr. Patterson.

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

6 FROM THE FLOOR: Can't hear you.

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

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

22 THE MODERATOR: Okay, Mr. Herbst.

23 Microphone to the right, please.

24 MR. HERBST: Ralph Herbst, Precinct

1 eight.

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

7 THE MODERATOR: Okay, Mr. Alliegro.

8 MR. ALLIEGRO: Mark Alliegro, Precinct
9 seven.

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

20 So I don't understand why we should have
21 this creep to - no personal attacks, here. To
22 have this mission creep and short-circuit Town
23 Meeting.

24 THE MODERATOR: Okay, Mr. Alphonso.

1 MR. ALPHONSO: Phil Alphonso, Precinct
2 nine.

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

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

24 THE MODERATOR: Okay, Mr. Netto.

1 MR. NETTO: Yes, I'd like to answer the
2 previous question about the open meetings and the
3 public input from - been two different speakers.

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

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

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

21 You vote for this, you're giving a board
22 more work to do, more tie-up of Town. You want
23 to be talking about playing Frisbee or do you
24 want to talk about how to balance the budget?

1 How to stay within the confines of Proposition 2
2 ½. How to make sure we get clean drinking
3 water.

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

13 No offense, that's at a level, that's
14 why we have committees. Thank you.

15 THE MODERATOR: Okay, Mr. Hargraves.

16 MR. HARGRAVES: Peter Hargraves,
17 Precinct nine.

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

21 FROM THE FLOOR: Can't hear you.

22 MR. HARGRAVES: Sorry. I appreciate
23 the - both sides of the argument, really, and the
24 response time being faster for rules and

1 wondering why something like this would be in a
2 bylaw. But, to help me make my decision, I'd
3 appreciate if someone could explain whether
4 there's a difference in the power or enforcement
5 of a rule, as it would be promulgated under this
6 article, versus a bylaw, in terms of how we would
7 bring it into practice and whether there would be
8 penalties and who we can call upon to enforce it
9 and any other differences. Because the two
10 things are being positioned here as essentially
11 accomplishing the same thing. And it would help
12 me to understand whether they are in fact the
13 same or whether they're different in some
14 technical way that has to do with a law and
15 enforcement.

16 THE MODERATOR: Mr. Duffy.

17 MR. DUFFY: It's Frank Duffy, Town
18 Counsel, again.

19 Regulations are basically the same as
20 bylaws; they cover the same subjects; they're
21 enforced by the same people. As Mr. Hargraves
22 questioned, then it was pointed out by Mr.
23 Patterson, the time for amending a regulation is
24 relatively short; it can be done on a couple of

1 weeks notice. A bylaw has to be approved by a
2 Town Meeting; they have to have it on the
3 warrant, it goes to the Attorney General for
4 approval; it's a much more cumbersome process.

5 The enforcement is done by the same
6 people and it's basically the same.

7 FROM THE FLOOR: Question, question.

8 THE MODERATOR: Yeah. Answering the
9 question or do -

10 CHAIRWOMAN MORAN: Yes.

11 THE MODERATOR: - you want to be on the
12 speaker's list?

13 CHAIRWOMAN MORAN: On the question.

14 THE MODERATOR: Okay.

15 CHAIRWOMAN MORAN: With respect to the
16 87-3, the playing of baseball or softball on said
17 public beaches is prohibited. That is the only
18 regulation that would be changed. If the
19 regulation is changed today to allow the
20 Selectmen the flexibility to have a hearing to
21 hear recommendations by the Beach Committee - the
22 Beach Committee are the boots on the ground.
23 They're the front line that hear the complaints,
24 that study the issues, that see whatever it is.

1 Whether it's a tent and maybe that's impeding
2 upon a person's enjoyment of the view.

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

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

19 I hope that helps.

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

22 But all Town Meeting members need to be up
23 front, here, in front of the roped-off aisle.
24 So if you are a voting Town Meeting member -- I

1 see some red lanyards behind the Town Meeting
2 section. I need you all to find a seat
3 somewhere in the front.

4 Ms. Braga.

5 SELECTMAN BRAGA: Thank you. Not to
6 belabor the point, but I just want to point out
7 that the reason that this is before us is because
8 we have an outdated bylaw that was written in the
9 1960's and was extremely limited and has been the
10 subject of a very lengthy debate about what's
11 allowed at our beaches.

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

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

22 This allows the public input, again the
23 input from the Beach Committee. Nothing here is
24 diminishing what they do; it is allowing the

1 public and the Beach Committee to give input as
2 normally would be the situation. The public can
3 certainly go to every Beach Committee meeting and
4 give their input.

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

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

22 That bylaw was extremely limited. It
23 said "softball and baseball". We are well
24 beyond that with the activities that take place

1 at the beach. That is the sole goal of this.
2 It's not a power grab.

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

8 So I would hope that you would support
9 it.

10 THE MODERATOR: Okay, Mr. Walker.

11 MR. WALKER: [No mic: inaudible.]

12 THE MODERATOR: With a microphone,
13 please.

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

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

21 THE MODERATOR: Mr. Duffy.

22 MR. DUFFY: Frank Duffy. As I
23 explained earlier, the genesis of this article
24 was basically to give the Selectmen an

1 alternative to Article 11 which you voted on last
2 night. Article 11 seemed to talk about balls
3 and thing flying around and so on and so forth,
4 so it seemed kind of logical to address it by
5 deleting 87-3 and leaving the others in place.
6 But it's mainly because the context or the
7 content of Article 11.

8 FROM THE FLOOR: Question.

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

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

13 FROM THE FLOOR: Yes.

14 THE MODERATOR: Okay, we have a motion
15 to close discussion; this requires two-thirds.

16 All those in favor, signify by saying
17 aye.

18 [Aye.]

19 THE MODERATOR: All those opposed no.

20 [No.]

21 THE MODERATOR: It's the opinion of the
22 Chair that the ayes have it and the question is
23 called.

24 The question will come on Article 12, the

1 main motion as printed. All those in favor,
2 signify by saying aye.

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [No.]

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

8 FROM THE FLOOR: [No mic: inaudible.]

9 THE MODERATOR: No, we already -

10 SELECTMAN JONES: [No mic: inaudible.]

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

15 SELECTMAN JONES: [No mic: inaudible.]

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

20 SELECTMAN JONES: [No mic:] Thank
21 you.

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

1 opposed will press 2B.

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

4 [Pause while electronic voting scrolls.]

5 THE MODERATOR: Do you have a point of
6 order?

7 Let the poll run.

8 What's the point of order?

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

11 THE MODERATOR: No, it's a simple
12 majority. It's a general bylaw. Quantum of
13 vote is a simple majority in a general bylaw.

14 [Pause while electronic voting scrolls.]

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

18 Article 13. Article 13 is dealing with
19 Revolving Funds.

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

22 CHAIRWOMAN MORAN: Move Article 13 as
23 printed.

24 THE MODERATOR: As printed. This is

1 Chapter 137 Revolving Funds. This was held by
2 Mr. Noonan.

3 Mr. Noonan, you want to release your
4 hold?

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

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

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

12 [Aye.]

13 THE MODERATOR: All those opposed no.

14 [None opposed.]

15 THE MODERATOR: The ayes have it
16 unanimous.

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

19 CHAIRWOMAN MORAN: We move Article 17
20 as printed.

21 THE MODERATOR: With the following
22 addition?

23 CHAIRWOMAN MORAN: Ag is making an
24 amendment, right? Okay. They're going to -

1 THE MODERATOR: Okay, Ms. Schwalbe,
2 you're going to make the main motion?

3 Okay. I know there's some additional
4 language from what was originally printed in the
5 warrant, okay.

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

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

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

12 Oh, I've got the original. Sorry.

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

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

19 THE MODERATOR: It's not an - so, let's
20 just get -

21 MS. SCHWALBE: All right, that's why
22 I'm confused, okay. Good.

23 THE MODERATOR: - this right. So this
24 is what's happening: we're going to add a

1 sentence to what's printed in your warrant
2 booklet.

3 MS. SCHWALBE: All right, so it's not
4 an amendment.

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

7 MS. SCHWALBE: All right, thank you.

8 THE MODERATOR: Okay? So the main
9 motion is -

10 MS. SCHWALBE: Sorry about that.

11 THE MODERATOR: - what you see in your
12 warrant booklet of up to "establish an
13 Agricultural Commission", and we're going to add
14 the following language.

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

23 THE MODERATOR: Okay, so we're
24 accepting the statute for Agricultural

1 Commissions and we're setting the membership at
2 seven and allowing the folks that are there to
3 continue to serve until the end of the term.
4 That's the main motion.

5 Okay.

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

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

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

18 Okay, do we have an opening presentation
19 on this?

20 MS. SCHWALBE: [Inaudible.]

21 THE MODERATOR: So discussion is open
22 on Article 17.

23 Ms. Connolly.

24 MS. CONNOLLY: Hello? Hi. Annie

1 Connolly, Precinct six.

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

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

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

16 MS. CONNOLLY: Okay, thanks.

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

19 SELECTMAN JONES: Doug Jones, Precinct
20 one.

21 Just to clarify: the Agricultural
22 Commission was established by a Town bylaw many
23 years ago and the Commission has been operating
24 as a board-appointed group. The Massachusetts

1 passed a law establishing Agricultural
2 Commissions and we are now going to be using the
3 Massachusetts law to create this commission
4 instead of the Town bylaw, and that's the only
5 effect that's happening. It'll be the same
6 people doing the same job, just working
7 underneath the Massachusetts General Law instead
8 of under the Town bylaw.

9 THE MODERATOR: Okay, Mr. Noonan.

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

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

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

21 So, I have the text available. It's
22 about two pages and I'm happy to share it if
23 anyone would like to take a look at it. We
24 don't have it for the screen, unfortunately.

1 THE MODERATOR: There is a summary
2 under the explanation of the powers granted under
3 the state statute in the warrant booklet.

4 Yes, Ms. Peterson.

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

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

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

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

24 MS. SCHWALBE: Absolutely.

1 MS. PETERSON: - and be voted.

2 MS. SCHWALBE: Yeah.

3 MS. PETERSON: Thank you.

4 THE MODERATOR: Okay. Ms. Alliegro.

5 MS. ALLIEGRO: Mary Ann Alliegro,
6 Precinct seven.

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

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

22 Mr. Noonan.

23 MR. NOONAN: John Noonan, Precinct six.

24 Is this a two-thirds vote because we're

1 eliminating a bylaw?

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

5 Ms. O'Connell.

6 MS. O'CONNELL: Yes, Maureen O'Connell,
7 Precinct four.

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

18 MS. SCHWALBE: It would be for farm -
19 properties that are -

20 MS. O'CONNELL: Immediate farming or
21 down the road farming?

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

24 MS. O'CONNELL: So you'd be conserving

1 land with the thought that at some point we might
2 - somebody might be using it for agricultural
3 purposes?

4 MS. SCHWALBE: Yes.

5 MS. O'CONNELL: But not immediately?

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

8 MS. O'CONNELL: So it'll be more like
9 another Conservation Commission.

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

14 MS. O'CONNELL: Thank you.

15 THE MODERATOR: Mr. Latimer.

16 MR. LATIMER: Richard Latimer,
17 Precinct one.

18 I understand that this commission would
19 not have the regulatory powers of the Conservation
20 Commission, but my question is, under the statute
21 does this commission have any exemption from
22 requirements with the Conservation Commission. In
23 other words, can it do with its land such as what
24 the power company does with its easement, just do

1 what it wants in the wetlands areas? Do I have
2 an answer to that question?

3 THE MODERATOR: Can you restate the
4 question?

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

13 MS. SCHWALBE: I think I'd have to
14 defer to Ms. McKay, from the Conservation
15 Commission.

16 THE MODERATOR: Ms. McKay.

17 MR. LATIMER: It's just a question.

18 MS. SCHWALBE: Yeah. No, it's fine.

19 MS. MCKAY: Hello, Jennifer McKay,
20 Conservation Administer.

21 Mr. Latimer, it would depend. It would
22 depend on the current use of the property and if
23 the property were not currently a farm and would
24 like to be turned into agricultural land in the

1 future, the Conservation Commission may have a
2 regulatory role. It would really depend on the
3 current use of the property and the future use.
4 And we would have to review that when the time
5 comes.

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

12 All those in favor, signify by saying
13 aye.

14 [Aye.]

15 THE MODERATOR: All those opposed no.

16 [No.]

17 THE MODERATOR: The ayes have it by a
18 majority.

19 MS. SCHWALBE: Thank you.

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

24 Mr. Duffany.

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

4 Before I say too much, I want to make it
5 clear that I stand here tonight with - well, with
6 many of the hats that I wear. I stand here as an
7 individual citizen that's making an attempt to
8 help a group of people that have a very severe
9 concern.

10 That said, I would like to move that an
11 ad hoc committee to be known as the Coonamessett
12 Cranberry Farming Heritage Committee be appointed
13 by the Town Moderator. Said committee shall
14 include one member each from the Conservation
15 Commission, Agricultural Commission, Historic
16 Commission, Falmouth Chamber of Commerce and a
17 member of either The 300 Committee or the
18 Community Preservation Committee. The committee
19 shall be charged with exploring the feasibility
20 of commemorating cranberry cultivation in the
21 Coonamessett bogs, to include options for a place
22 for cranberry growing separated from the river,
23 vista preservation and other recognition of the
24 agriculture and cultural heritage of the bogs.

1 The committee shall not explore the
2 feasibility of farming in the Lower Bog. The
3 Committee shall report to Town Meeting - back to
4 Town Meeting in April of 2018.

5 And then there is -

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

8 You have a PowerPoint for Article 19,
9 correct?

10 MR. SEGRIN: [No mic: inaudible.]

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

14 MR. SEGRIN: [No mic: inaudible.]

15 THE MODERATOR: Ann Sears, the one
16 that's in favor of it, and it has the main
17 motion?

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

24 MR. DUFFANY: And then I just want to

1 offer an explanation to complete this. As you
2 see in your warrant, there are explanations for
3 all the articles, so they - the explanation for
4 this is that much has changed in the landscape of
5 the Town-owned bogs. We have it up on the
6 screen. At the Town owned bogs since the
7 original compromise in 2005. The farmer who was
8 to be an integral part of the original plan for
9 the compromise is no longer here. Organic
10 farming was too challenging for a second farmer.
11 The bogs looked abandoned.

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

19 And I would yield the floor to Ann
20 Sears, whom I've placed this article or this
21 motion for.

22 And again, and I just want to say that I
23 strongly support, continue to support the
24 Heritage River Restoration Project and that this

1 is in no way meant to compromise that or set it
2 back or in any way try to undermine that effort,
3 which I think is a very good effort.

4 And I would yield to Ann Sears.

5 Thank you.

6 THE MODERATOR: Do you have a point of
7 order?

8 MR. CLARK: I do.

9 THE MODERATOR: Yeah. Mr. Clark.

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

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

17 MR. CLARK: Um -

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

20 MR. CLARK: I would like that.

21 Another related question is: I don't
22 know that it's been the precedent of the Town
23 Meeting to appeal the decision of the Town
24 Moderator on an issue of this sort. Has it

1 been? Is it allowed?

2 THE MODERATOR: It's not allowed.

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

5 MR. CLARK: Yes, please.

6 THE MODERATOR: Okay.

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

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

17 That's page 62, paragraph 2, section 23
18 of Town Meeting Time.

19 Ms. Sears.

20 Do you have a point of order?

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

23 THE MODERATOR: Mr. Waasdorp. With a
24 microphone.

1 MR. WAASDORP: My question was, Mr.
2 Moderator, were you involved in writing this
3 motion?

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

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

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

19 And the question was asked was it within
20 scope and then I said, "Well, yeah, and it's even
21 in the Town Charter," and showed them the section
22 of the Town Charter, so that they could look at
23 that. It has to have a date of reporting and
24 who's on the committee and all of that, so yeah.

1 MR. WAASDORP: I think we're creating
2 needless controversy, here.

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

5 Go ahead, Mr. Jones.

6 [Applause.]

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

14 [Applause.]

15 THE MODERATOR: Mr. Jones. Mr. Jones.

16 SELECTMAN JONES: Doug Jones, Precinct
17 one.

18 THE MODERATOR: Mr. Jones.

19 SELECTMAN JONES: As I understand it --

20 THE MODERATOR: Do you have a point of
21 order?

22 MR. WAASDORP: Point of order.

23 THE MODERATOR: Yeah. This is a
24 procedural question, point of order, yeah.

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

2 FROM THE FLOOR: Can't hear you.

3 THE MODERATOR: I can't hear you
4 without the microphone.

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

7 THE MODERATOR: Okay. Then stop
8 pushing my buttons.

9 Go ahead, Mr. Jones. Mr. Jones.

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

18 So I support it.

19 THE MODERATOR: Yeah, this is the main
20 motion. If Town Meeting wants to vote no on
21 this and go back and move as printed, you can do
22 that. You know, we'd have two separate debates.
23 I mean, that's up to you. But the main motion
24 is this motion that the petitioner's asked to put

1 as their main motion.

2 Okay, Ms. Sears.

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

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

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

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

21 New information that we've acquired over
22 the past 12 years is available that will help the
23 committee decide whether the west side of Middle
24 Bog is still the best location for farming,

1 whether three acres is the best size, and how
2 costs and funding sources have changed since
3 2005.

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

10 In 2013, a Boston University study -

11 Ohh, I'm supposed to be clicking this
12 thing. I'm sorry.

13 [Laughter.]

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

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

24 In our view, there is no reason why a

1 local committee such as would be appointed,
2 exploring the modest recommendations of the 2005
3 compromise, should jeopardize the river
4 restoration project.

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

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

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

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

23 The idea of - darn. I need someone to
24 do this for me.

1 The idea of saving elements of historic
2 structures that are to be demolished is not new
3 in Falmouth. The 300 Committee saved the dairy
4 silo at River Bend Farm when it demolished the
5 other farm buildings. The School Department
6 saved the cupola at the Hall School when that
7 building was demolished. Both the River Bend
8 Farm and Falmouth center are richer today for the
9 presence of these two structures which were just
10 elements of the historic properties that were
11 demolished.

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

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

24 The landscape tends to disappear into

1 development or swampy woodland when cranberry
2 bogs are abandoned. The photo on the left shows
3 that the landscape and its vista can be
4 preserved, even if farming is abandoned, by
5 removing the trees and shrubs that begin popping
6 up once the farming ends.

7 This photo on the left was taken in
8 2011, six years after farming had ended on Lower
9 Bog. Volunteers from the River Restoration
10 group, 300 Committee, had been cutting down the
11 tree growth that was popping up. The photo on
12 the right shows Lower Bog this year after five or
13 six years of no maintenance at all.

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

20 What makes the bogs historical - let's
21 see what I missed - are the people who worked
22 them, who maintained them and who enjoyed them
23 over the years. These historical photographs
24 were taken in 1911 of the children of families

1 who were working on the Coonamessett bogs.
2 They're in the Library of Congress, now, as part
3 of a collection done by Lewis Hine, a researcher
4 at that time.

5 On the right is Kerry Medeiros who was
6 12 years old. Children leaving the bogs with a
7 six quart pail and a lunch box. I guess they
8 aren't as clear as I thought they would be. And
9 the little girl on the right is Mary Christmas,
10 amid barrels used to store cranberries at that
11 time.

12 The Coonamessett bogs were established
13 in the 1890's by the Swift Brothers who
14 introduced large scale farming to Falmouth by
15 applying some of the practices of the Industrial
16 Revolution and taking advantage of rising
17 immigration. Many of the early harvest workers
18 were immigrants from the Azores and Cape Verde,
19 coming to Falmouth via New Bedford and Fall
20 River. Many established small farms in East
21 Falmouth and Teaticket and became the leading
22 strawberry growers in Massachusetts, maybe in the
23 1920's, 30's.

24 The path around the bogs draws walkers

1 from the neighborhoods on both sides of the bogs,
2 river. In the winter, the bogs are flooded to
3 protect the cranberry vines from wind damage, and
4 when the flood waters freeze, the neighborhood -
5 the neighbors can go skating on the bogs.

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

16 THE MODERATOR: Okay -

17 MS. SEARS: - the berries.

18 THE MODERATOR: - Ms. Sears, we're at
19 the ten minute mark.

20 MS. SEARS: Am I finished?

21 THE MODERATOR: We're at the ten minute
22 mark, yeah.

23 MS. SEARS: Okay. Let's see.

24 THE MODERATOR: Do you want to request

1 additional time?

2 MS. SEARS: Could I have -

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

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

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

10 MS. SEARS: Two minutes.

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

14 All those in favor, signify by saying aye.

15 [Aye.]

16 THE MODERATOR: All those opposed no.

17 [No.]

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

21 MS. SEARS: Thank you.

22 Town Meeting may take an important step
23 tonight - oh, I missed my last picture - in
24 acquiring the Tony Andrews farm. We petitioners

1 hope that you will also save some cranberry
2 farming on the Coonamessett bogs where Mr.
3 Andrews worked during the Depression years to
4 supplement the income from his farm. That was
5 not unusual.

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

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

22 I hope you will support this motion.
23 Thank you.

24 THE MODERATOR: Okay. Now we have a

1 presentation from Ms. Schumacher.

2 MS. SCHUMACHER: Good evening. I'm
3 Mary Schumacher and I'm Chair of the Conservation
4 Commission.

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

19 As of today, roughly three million in
20 competitive grants and additional in-kind match
21 has been secured for a river restoration project
22 that broke ground last month. But there still
23 has been no permitting or funding, let alone
24 construction of berms or tailwater recovery

1 ponds. Despite good intentions on both sides,
2 the farming side of the equation has been
3 undermined by unfavorable market conditions since
4 2013 and a lack of cooperation from growers in
5 separating cranberry farming from the river.

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

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

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

23 Economic realities have probably been
24 the most important of these factors. At the

1 local level, two successive growers resisted
2 creating the required berms and vegetative
3 buffers because they would reduce the area
4 available for farming to uneconomic levels. And
5 the most recent grower stated in 2013 when he
6 abandoned his ten year lease at the end of five
7 years that falling prices as a result of supply
8 outstripping demand made cranberry farming
9 economically unsustainable.

10 Some of you may recall seeing this
11 headline at the time.

12 This graph is from a Regional USDA
13 publication with the start and finish of our most
14 recent lease superimposed in red. We can see the
15 prices were at their highest point of the last
16 ten plus years in 2008, and at their lowest when
17 the lease was terminated in 2013. And they
18 continue to remain low.

19 Considering these conditions, it's not
20 surprising that no commercial grower has
21 expressed an interest in farming here since the
22 termination of the last lease.

23 Turning, now, to the engineering
24 challenges. A 2006 engineering study found that

1 the high groundwater table in Middle Bog would
2 make a tailwater recovery pond costly to engineer
3 and operate and that unfavorable soil conditions
4 would make it difficult to achieve adequate
5 separation from the river. The same study
6 estimated the costs of berming Middle Bog at
7 \$157,000.

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

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

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

1 was required.

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

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

17 Now, turning to the other side of the
18 compromise, the Town's River Restoration Project
19 has received quite a lot of attention over the
20 last two years in the local press and on local
21 radio. All grant applications have gone through
22 public review and have been approved by the Board
23 of Selectmen and the Finance Committee. And
24 there also have been numerous other presentations

1 to the Board of Selectmen, the Conservation
2 Commission, the Historical Commission and the
3 Planning Board.

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

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

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

23 The key activities that comprise the
24 project are removing two dams and replacing them

1 with pedestrian walkways, replacing the rusty
2 pipe culverts under John Parker Road with a fish-
3 friendly concrete culvert, restoring 58 acres of
4 cranberry bog to natural wetland, and restoring
5 4600 linear feet of in-stream fish habitat.
6 There also is a companion project to create a
7 greenway heritage trail with informational
8 kiosks.

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

18 Construction is expected to begin in
19 2018. In addition to the river itself, phase two
20 will include the restoration of Middle and Upper
21 Bogs, removal of Upper Dam and replacement of the
22 John Parker Road culvert.

23 This is Eel River in Plymouth, the first
24 river and cranberry bog restoration in the area.

1 The picture is from 2009, before restoration
2 began. Like the Eel River project, the
3 Coonamessett restoration will begin with the
4 removal of two to three feet of sand from the
5 bogs. This will promote the emergence of wet
6 meadow species, including cranberries, in place
7 of the pine trees.

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

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

21 The important benefits we expect to gain
22 from the restoration include fish access to 2.2
23 miles of free-flowing river, enhanced coastal
24 resiliency in the form of enhanced flood storage

1 and nutrient reduction and more rapid recovery
2 after disturbances. Improved access for
3 recreation and new opportunities to learn about
4 the river's environmental, industrial and
5 cultural history as provided by the Greenway
6 Heritage Trail.

7 This slide depicts the amount of storm
8 surge we can expect with hurricanes of different
9 strengths. The storm surge associated with a
10 Category 2 hurricane shown in the darker green
11 will extend all the way up to Middle Dam.
12 Removing the dams will allow a greater volume of
13 water to flow more freely and be absorbed further
14 inland, further away from the coastline and Route
15 28.

16 Finally, there's an alternative to
17 Article 19 that would not be in conflict with the
18 river restoration. Two off river, town-owned
19 bogs, West Thompson and Flax 3, are available for
20 leasing to a grower or for some other type of
21 farming arrangement. Together, they would offer
22 just under three acres for farming. Here are
23 their locations. For anyone who is interested
24 and knowledgeable about cranberry farming, you are

1 more than welcome to come to the Conservation
2 Department for information and assistance with the
3 permitting process.

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

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

10 THE MODERATOR: Okay, discussion is open.
11 Ms. Lichtenstein.

12 I'll get you next.

13 MS. LICHTENSTEIN: Leslie Lichtenstein,
14 Precinct eight.

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

21 We've had a lot of contentious
22 occurrences in Falmouth: the bogs, the turbines,
23 recently the Senior Center. We have working
24 groups, we present papers; it doesn't get

1 followed.

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

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

24 This article doesn't stop the

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

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

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

21 I'm asking you to think about Town
22 Meeting as the best form of democracy that we
23 have going for us now. Heaven knows, I don't
24 know what we have in Washington. But here, if

1 we make a vote, we should stand by it, we
2 shouldn't stand in front of it.

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

11 Thank you.

12 [Applause.]

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

15 FROM THE FLOOR: Motion back up on the
16 screen.

17 THE MODERATOR: What's that?

18 FROM THE FLOOR: Motion on the screen.

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

22 Go ahead.

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

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

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

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

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

22 The 300 Committee and the Town of
23 Falmouth are placing a special emphasis on land
24 preservation along the Coonamessett River both

1 for the protection of riparian habitat and for
2 completion of linkage needed for the Coonamessett
3 Greenway Heritage Trail. We urge you to
4 consider the environmental function and health of
5 the river and support the restoration efforts
6 that are in progress.

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

13 THE MODERATOR: Okay, Mr. Latimer.

14 MR. LATIMER: Richard Latimer, Precinct
15 one. I'll try to be brief.

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

18 We've heard about the historicity of the
19 100 and so years of cranberry growing along what
20 was a beautifully flowing, natural river, full of
21 sea run Brook Trout, as well as an important
22 herring fishery.

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

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

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

19 So, I mean, a little cranberry museum or
20 you know, a vista would be nice for tourists, but
21 let's be realistic about it. And, by the way,
22 the herring fishery is very important to the
23 fishery in general, the fishing industry. And
24 we need as much protection for those herring to

1 get up that creek and come back, because that's
2 what supports the striped bass fishery.

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

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

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

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

24 Thank you.

1 THE MODERATOR: Okay, Mrs. Buessler.

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

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

14 We know that - remember, we had a
15 cranberry grower who walked away from the lease
16 because the market had crashed. It still has not
17 recovered. Whether you study this for six
18 months or for six years, the conclusions will be
19 the same: it is not economically or
20 environemtnally feasible to grow cranberries in a
21 river corridor. Especially one with a herring
22 run and with Brook Trout. It will be difficult,
23 expensive, and detrimental to the environemnt.

24 The wording in this article talks about

1 cranberry growing separated from the river. This
2 means filling and altering the flood plain of the
3 river to build berms. If - and that is a big if
4 - cranberry growing is allowed back along the
5 river, given that the expense of the berms and
6 the whole project would be very high, or if all
7 the needed permits are granted, you have to
8 understand that the berms will completely alter
9 any view or historic landscape or vista of the
10 cranberry bogs. It will not look like the open,
11 wide vistas that we had on the river before or
12 like you can see in the Backus River the next
13 valley over or on Bourne's Brook.

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

21 So, I'm asking you to please support
22 moving forward with the restoration plans. And
23 the plans will be impacted if we try to bring
24 cranberries back along - anywhere along the

1 river.

2 A restored Coonamessett River will be a
3 jewel in Falmouth's open space. This
4 restoration will bring the river full circle to
5 when the herring are again plentiful and the
6 river runs free. So please vote no on Article
7 19.

8 THE MODERATOR: Okay, Mr. Netto's next.

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

12 Mr. Netto.

13 MR. NETTO: Joe Netto, Precinct nine.

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

22 That's correct. We designed the berms,
23 the Town. The grower that we had would not
24 accept the berm as a condition of farming.

1 Let's get that understood. We went out and put
2 out three RFP's. The first two had to deal with
3 the berming; no one.

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

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

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

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

18 I'd like Ms. McKay - and I have another
19 - I'd like Ms. McKay to explain the mitigation
20 which you're going to pay for as a taxpayer of
21 Falmouth.

22 THE MODERATOR: Okay, the woman in the
23 aisle, I've got you on my list, if you want to
24 take a seat. It's going to be a while.

1 MS. MCKAY: Yes, Mr. Netto.

2 THE MODERATOR: Ms. McKay.

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

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

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

21 But I'd like to hear from the person who
22 has obtained the grants and I think their
23 credibility is there. Betsy, please, if you
24 could?

1 THE MODERATOR: Ms. Gladfelter. To
2 answer his question and you're still on the list.
3 To --

4 MS. GLADFELTER: [No mic: inaudible.]

5 THE MODERATOR: As long as it answers
6 his question.

7 MS. GLADFELTER: That answers his
8 question.

9 THE MODERATOR: Okay, go ahead.

10 MS. GLADFELTER: So, this'll be my four
11 minutes?

12 THE MODERATOR: Yeah, okay, I'll take
13 you off the list.

14 MS. GLADFELTER: Okay. Good evening.
15 My name is Betsy Gladfelter. I live in Precinct
16 six and I'm a member of the Conservation
17 Commission. I also helped coordinate the
18 Coonamessett River Restoration Project for the
19 Town.

20 I know many of you are supportive of
21 river restoration and I'm appreciative of that
22 support. But I think it's important for you to
23 also understand the realities of how federal and
24 state grant funding work.

1 The NOAA Habitat Conservation
2 Restoration Center is our largest funder for this
3 project. The Town was awarded a \$1.15 million
4 grant in a competition for coastal resiliency
5 projects, one of ten grants awarded from 57
6 proposals submitted nationwide.

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

18 Here's how this funding works. Each six
19 months, the Town's required to submit a progress
20 report to NOAA. This report explains the
21 activities that have been conducted in the prior
22 six months and the milestones met. Our NOAA
23 grant, as well as the support from Division of
24 Ecological Restoration, was awarded to the Town

1 based on the expected restoration milestones,
2 including 58 acres of bog converted to natural
3 wet meadows.

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

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

19 Future funding, requested next spring,
20 will include the third year of the NOAA grant.
21 \$675,000 that this project needs for completion
22 will be jeopardized if there's any deviation from
23 the timeline. It would also potentially
24 compromise the Town in trying to secure funding

1 for future restoration projects. As Charlie
2 McCaffrey of the Coastal Resiliency Action
3 Committee explained, "Wetland restoration
4 projects are a key to help the Town mitigate the
5 effects of climate change, including sea level
6 rise."

7 I really appreciate the support many of
8 you have given to this project and I understand
9 others may be confused. What's important to
10 know, though, is that if the goal of this Article
11 19 is to provide for a community bog to preserve
12 town farming on Town owned land, we have two bogs
13 that could be restored for cranberry farming in
14 the Coonamessett Valley that would not impact the
15 flood plain of the river. Conservation's
16 willing to talk to anyone interested to outline
17 how we can make this happen by working together.

18 We urge you to support a holistic
19 restoration project that returns the entire Lower
20 Coonamessett River, encompassing Lower, Middle
21 and Upper bogs, to a healthy condition that
22 includes full communication with its bordering
23 seeps and springs and a natural buffering wetland
24 community.

1 Please vote no on Article 19. Thank
2 you.

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

5 THE MODERATOR: Mr. Netto.

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

15 As a member of the Falmouth Rod and Gun
16 Club, we're doing the same thing on the Child's
17 River. We're one of your co-sponsors. We've
18 given thousands of dollars to the fish tagging
19 program. We have over an estimated a million
20 dollars to do our project and we're - we're
21 hoping you vote no against this. Because we're
22 worried that, if this funding is stopped for this
23 project, that the funding could be stopped for
24 ours.

1 We are paralleling the Town on the
2 Child's River. We're getting a culvert fixed
3 for the Town of Falmouth that's estimated at
4 \$330,000 through a grant.

5 Please support river restoration.

6 Thank you.

7 THE MODERATOR: Okay, Mr. Brown.

8 SELECTMAN BROWN: Douglas Brown,
9 Precinct nine.

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

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

23 When I toured the bog with the project
24 manager and I asked him how much is going to be

1 ripped out on that bog, he pointed out that, you
2 know, now that they've done the ground
3 penetrating radar and checked on what's there,
4 they don't really have to rip out as much as they
5 had originally thought. And he said a lot of the
6 cranberry vines are going to remain. So maybe
7 we can just encourage them to try to be more
8 careful and keep as much cranberry vines as
9 possible. We'll have a naturally growing
10 cranberry resource that people can go down there
11 and pick some cranberries and make a cranberry
12 bread.

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

22 But, to go back here now I don't think
23 is possible and it's going to be a beautiful
24 restoration and I think putting berms on it now,

1 I think it's just too late.

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

6 Thank you.

7 THE MODERATOR: Okay, Mr. Jones.

8 I'll add you to the list.

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

12 THE MODERATOR: Okay. So Mr. Jones is
13 requesting that when we take a vote on this
14 article that it be by a roll call, which means
15 the yeas and nays would be recorded and kept as
16 part of the record of the meeting. It requires
17 20 members.

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

20 [Pause, while members standing.]

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

24 Okay. Mr. Buesseler was next on the

1 list. Microphone.

2 What's - do you have a point of order?

3 FROM THE FLOOR: [No mic:] No. I

4 don't know if I'm on the list.

5 THE MODERATOR: Yes.

6 FROM THE FLOOR: Thank you.

7 MR. BUESSELER: Thank you, Mr.

8 Moderator. Ken Buesseler, Precinct two.

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

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

20 It's a 2017 document. It's an advisory
21 to the members of that Cape Cod Cranberry
22 Growers. And there's a big stop sign, there's a
23 traffic light that's red, here, under this part
24 of the regulations, about this part of

1 permitting, and it says: "Growers are advised to
2 stay out of the permit process. Once a grower
3 enters into the permitting process, it's
4 extremely difficult to exit." This is advice to
5 the cranberry growers.

6 "The applicant must commit significant
7 funds and time that may be impossible to
8 recover." This gets at Joe Netto's comment
9 about the cost.

10 "Although the permit filing fee is
11 fairly low, there's no ceiling on the cost
12 associated with environmental assessment or
13 engineering requirements that may be imposed. We
14 don't know what those costs will be, there is no
15 ceiling. Preparing the surveys, reviewing the
16 paperwork, seeking several layers of bureaucratic
17 approval, often takes years to complete."

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

21 So, Article 19 is asking us to include
22 cranberry cultivation. This would require those
23 activities, the new permits, this expense that
24 has no ceiling, that may take years, may not even

1 be allowed, and we heard about the one for one
2 acreage needed.

3 Cape Cod Cranberry Growers are saying,
4 "Stay in the safe zone." That's their headline.
5 "Stay out of the permit process." This isn't a
6 Con Com Committee. This isn't a group of
7 supporters of restoration. These are the
8 cranberry growers.

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

17 Thank you very much.

18 FROM THE FLOOR: Question.

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

23 Mr. Smolowitz is on the list. And then
24 Ms. Fenwick.

1 MR. SMOLOWITZ: Hi, Ron Smolowitz,
2 Precinct eight.

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

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

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

17 I do want to point out, though, there's
18 quite a few problems, here, with this river
19 restoration, okay? Here's - and, when you go
20 home, just go online and look up, just google
21 "failed river restoration projects". Here's a
22 paper from 2010 called River Restoration Habitat
23 Heterogeneity and Biodiversity, a Failure of
24 Theory or Practice by the Center of Environmental

1 Studies at University of Maryland. They looked
2 at 78 river and stream restoration projects.
3 Only two were significantly successful.

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

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

17 This is not a natural river. This is a
18 man made river. The connection to Coonamessett
19 Pond right now is man made. The original
20 connection was probably Broad Pond. Removing
21 the water control structures is probably going to
22 drain the river in years of drought. If you
23 looked at the engineering studies, they did not
24 go far enough back in their water flow

1 calculations to look at the drought periods we
2 had in the 1990s.

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

10 THE MODERATOR: Okay, Ms. Fenwick.
11 You're on the list.

12 MS. FENWICK: Judy Fenwick, Precinct
13 one.

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

20 So, I'm looking at the middle sentence:
21 "The committee shall be charged with" - and these
22 are the important words: "exploring the
23 feasibility of commemorating". And so I've
24 heard nothing but arguments about why this can't

1 be done. Why having bogs restored on the
2 Coonamessett River can't be done.

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

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

17 So I would say try a little diplomacy.
18 Vote yes on this motion, having this committee
19 work. It's not going to put a stop to what's
20 going on. We're not going to give money back to
21 any of the agencies, state or federal. I think
22 the restoration goes forward, but I also think
23 the diplomacy within the community goes forward
24 so that we can have both.

1 This is a case of having your cake and
2 eating it and enjoying it.

3 THE MODERATOR: Okay, Ms. Asendorf.

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

6 I was part of a 100 4th grade student
7 field trip to the Coonamessett River last spring.
8 It was wonderfully successful. The kids all had
9 a herring that was assigned to them with a
10 number; they could follow it online. It was
11 wonderful.

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

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

1 pools.

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

6 Thank you.

7 THE MODERATOR: Okay, Mr. Rhodes.

8 MR. RHODES: Scoba Rhodes, Precinct
9 eight.

10 The shortest and sweetest I can probably
11 say to anybody here tonight is if you're my age,
12 go work in the bogs. Because you'll understand
13 that. They'll say, "Well, the strawberry patch
14 needs picking, so go pick 'em." Or, "We really
15 do need the cranberry bogs, so you need to go out
16 there and take care of it. Now, get that berm
17 off the bier."

18 We can argue this for the next two
19 hours, and I don't think we can get to a finish
20 because everybody hasn't had their say, yet.
21 We're going to try to see if they can do
22 something.

23 I call the question.

24 FROM THE FLOOR: Yay.

1 [Applause.]

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

8 So, Ms. Schwalbe.

9 MS. SCHWALBE: Karen Schwalbe, Precinct
10 eight.

11 I call the question.

12 [Applause.]

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

16 [Aye.]

17 THE MODERATOR: All those opposed no.

18 [No.]

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

22 The question will come on the main
23 motion as presented up on the overhead slide.
24 The method of voting has been determined to be by

1 roll call vote.

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

6 So, let's open the poll on Article 19.
7 The poll is open and will remain open for one
8 minute.

9 [Pause while electronic vote scrolls.]

10 THE MODERATOR: Ten seconds in the
11 poll.

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

15 Rob, can you scroll through the - scroll
16 through the record of the roll call.

17 [Pause while roll call scrolls.]

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

22 Okay, Article 20 was held by Mr.
23 Shearer. This is a Board of Selectmen article.
24 Madame Chairman for the main motion on

1 Article 20.

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

4 THE MODERATOR: So Rob, we've got to
5 save that. Good, okay.

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

10 Mr. Shearer.

11 MR. SHEARER: Dan Shearer, Precinct
12 six.

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

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

20 For the last four years I have tried
21 very hard to convince the Selectmen, who in
22 April, 1997 in Article 14 was given the right to
23 make all modifications or rules without Town
24 Meeting's approval - which I think we just did on

1 12 - for moorings. And I've been trying to get
2 - we have 2,692 moorings at the last records I
3 could get hold of. We have 935 people on the
4 waiting list. Through our Harbormaster, he's at
5 my harbor and what the harbormaster said almost
6 all the other harbors in town we have 30, 40,
7 someplace in that count, moorings not used during
8 the season.

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

19 I want to see these moorings used. I
20 want everybody that wants to boat, boat that has
21 a chance to do it. And if we take this out,
22 maybe it'll tell the Selectmen that we should
23 change the rules, make a new rule and we could
24 have those empty moorings being used by some kids

1 or adults that would really like to do some
2 boating.

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

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

8 Mr. Frazier.

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

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

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

20 This part basically addresses the
21 violations only. It's not a mooring regulation.
22 You know, I have told this story to the Board of
23 Selectmen, and I can tell it to you. I have
24 people that come in my office and say, "Geez, you

1 know, great job, you caught me three times. It
2 cost me \$150 for the whole season. If I were to
3 rent a commercial mooring, it could be thousands
4 of dollars." This is a deterrent. We're trying
5 to get people to understand if you're going to
6 violate the rules, then the consequence of that
7 would be more than a slap on the wrist, which is
8 a \$50 fine.

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

15 THE MODERATOR: Okay, further
16 discussion on the amendment?

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

20 [Aye.]

21 THE MODERATOR: All those opposed no.

22 [No.]

23 THE MODERATOR: It is the opinion of
24 the chair that the nos have it by a majority.

1 Any further discussion on Article 20 as
2 printed?

3 Yes, Mr. Donahue.

4 Microphone, please, for the center.

5 MR. DONAHUE: Robert Donahue, Precinct
6 three.

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

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

23 So, on the fourth offense, they lose the
24 mooring. I hope you all support that. I think

1 it's reasonable thinking about who owns these
2 moorings, or who gets these moorings. It's not
3 children, it's not people that aren't intelligent
4 people.

5 Thank you very much.

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

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

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

16 This is amends Article 1, Section 1 of
17 the Code of Falmouth which is Noncriminal
18 dispositions which simply sets forth fees - or,
19 excuse me, the penalties for violating bylaws or
20 regulations. If there's going to be non-
21 monetary penalty, such as loss of the mooring, I
22 think that should be provided for in the
23 regulations and be a decision of the Board of
24 Selectmen or the Waterways or the Harbormaster or

1 somebody. It's not something that goes to court
2 as a fine, possibly go to court as a fine.

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

5 MR. DONAHUE: Robert Donahue, Precinct
6 three.

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

9 THE MODERATOR: Sure, that's within
10 the scope.

11 MR. DONAHUE: Thank you.

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

14 Discussion on the amendment.

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

17 [Laughter.]

18 THE MODERATOR: Okay, you want to \$300?

19 All right. So the new amendment is, on the
20 fourth offense, you'll be fined \$300.

21 Yes, Mr. Donahue. With a microphone.

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

24 THE MODERATOR: Thereafter. So the

1 fourth and subsequent. Okay. Fourth and
2 subsequent.

3 Okay, Mr. Latimer. On the amendment.

4 Yeah, microphone down here.

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

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

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

14 THE MODERATOR: Mr. Frazier.

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

21 MR. LATIMER: Okay, so for example if I
22 had a sailboat in West Falmouth Harbor and I
23 decided that I wanted to take a week and go over
24 to Martha's Vineyard, and my friend who trailers

1 a Boston Whaler, you know, and I wanted to let
2 him use it for the week, that would be a \$50 fine
3 for the first offense?

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

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

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

11 MR. LATIMER: Oh, okay, thank you.

12 MR. FRAZIER: Yeah.

13 THE MODERATOR: Okay, Ms. O'Connell.

14 MS. O'CONNELL: Yes, Maureen O'Connell,
15 Precinct four.

16 I'm wondering, is this consecutive over
17 a long period of time or is this within one
18 season?

19 MR. FRAZIER: I did ask Frank Duffy for
20 his opinion on that, and basically, technically
21 speaking an offense could be multiple times on
22 the same day. Practically speaking, that's not
23 how we do it. It would be a calendar day
24 offense.

1 MS. O'CONNELL: So this is over three
2 years, over four years, or it's not within one
3 year?

4 MR. FRAZIER: No, there's no limit.
5 If this is adopted as written, there is no limit.
6 It would be over - in perpetuity.

7 MS. O'CONNELL: Thank you.

8 THE MODERATOR: Okay, Ms. McGuire.
9 Microphone.

10 MS. MCGUIRE: Debra McGuire, Precinct
11 one.

12 Who pays the fine?

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

19 THE MODERATOR: Okay, further
20 discussion on the amendment?

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

1 saying aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [None opposed.]

5 THE MODERATOR: The ayes have it by a
6 majority.

7 Any further discussion on the main
8 motion as amended?

9 Yes, Mr. Walker.

10 Microphone, please.

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

13 What is a sewer violation?

14 THE MODERATOR: Mr. Rafferty.

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

17 [Laughter.]

18 THE MODERATOR: Go ahead, Mr. Rafferty.

19 MR. RAFFERTY: Good evening, Steven
20 Rafferty. I'm a member of the Board of Health.
21 And during the course of the last year we began a
22 process for folks that have been told to have a
23 denitrifying system on their property. They're
24 obligated to maintain the system and provide

1 periodic quarterly data that the system's
2 working.

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

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

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

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

22 Did I answer the question?

23 THE MODERATOR: Mr. Walker. Mr.
24 Walker. Yes.

1 MR. WALKER: Is there any violation for
2 a household connected to the new Little Pond
3 Sewer System? If you're connected to that sewer
4 pipe system, is there a violation?

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

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

12 THE MODERATOR: Ms. Putnam.

13 MS. PUTNAM: Rebecca Putnam, Precinct
14 nine.

15 Through you, Mr. Moderator, to Mr.
16 Rafferty. So why do we have it listed as a
17 sewers and septic systems?

18 THE MODERATOR: That's the subject of
19 Chapter 180. So that's the title of Chapter
20 180.

21 MS. PUTNAM: But he just explained if
22 we're tied into --

23 THE MODERATOR: So you're only doing
24 two little fines within Chapter 180, which the

1 title of Chapter 180 is Sewers and Septic
2 Systems.

3 MS. PUTNAM: So is there a better way
4 to clarify that? Since, really if you're - you
5 just said, if you're tied into the Town sewer
6 system you aren't going to be fined, and it says
7 --

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

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

21 But I think it gets confusing when you
22 sit there and - unless you really know what
23 Chapter 180 is, what the fines are really going
24 to be for.

1 MR. RAFFERTY: I'm going to take a stab
2 at this, only because I also work at the DPW.
3 I'm the Water Superintendent; I work there.
4 The Wastewater Superintendent Amy Lowell is not
5 here tonight, otherwise she'd do a better job of
6 this than I would.

7 But for the first thing here, the sewers
8 and septic systems, the sewer use here I do
9 believe is you have one year in order to connect
10 to the sewer system in the Little Pond Sewer
11 Service Area. It's the same rules that applied
12 when they put in the New Silver Beach.

13 Right now, if you get to the end of the
14 year and you've made no progress towards
15 connecting up to the sewer, I don't believe
16 there's a methodology by which you can enforce
17 the regulation. This gives a little bit of
18 teeth to that regulation. So if everybody else
19 has done their part to hook up to the sewer and
20 somebody's just not complying, this allows the
21 Town to ask people to follow along with their
22 obligation to tie in within one year.

23 THE MODERATOR: Okay, Ms. Murphy.

24 MS. MURPHY: Thank you, Mr. Moderator,

1 Carol Murphy, Precinct nine.

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

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

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

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

23 You know, we had one individual who said
24 that the person who was taking care of their

1 system had stopped taking care of it. They had
2 been away. They hadn't yet signed somebody else
3 up. They would sign somebody else up and they
4 came in with a contract with the new person to
5 take care of their system, and so we did not
6 pursue anything.

7 So.

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

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

12 MS. MURPHY: Thank you.

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

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

19 [Aye.]

20 THE MODERATOR: All those opposed no.

21 [None opposed.]

22 THE MODERATOR: The ayes have it
23 unanimous. And we'll stand in a 15 minute
24 recess.

1 [Whereupon, a recess was held.]

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

5 [Pause.]

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

10 [Pause.]

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

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

18 Town Meeting members please come forward
19 and take your seats.

20 [Pause while electronic quorum scrolls.]

21 THE MODERATOR: Okay, 30 seconds left
22 in the quorum poll. Town Meeting members please
23 press 1A on your response card to establish the
24 quorum.

1 Twenty seconds left in the quorum poll.

2 The quorum poll is closed.

3 Rob, please present the results.

4 By a counted vote of 167, we have a
5 quorum and I call the Annual Town Meeting back
6 into session.

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

13 Mr. Finneran.

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

16 THE MODERATOR: Go ahead.

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

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

22 You want to read through it.

23 MR. FINNERAN: Yeah. To see if the
24 Town will vote to authorize the Board of

1 Selectmen to purchase or take by eminent domain
2 the parcels of land and buildings thereon at Zero
3 and Three Lantern Lane and Zero and 556 Main
4 Street, now or formerly owned by the Fay Realty
5 Trust, John Fay, Trustee, recorded in the
6 Falmouth Assessor's book parcel I.D. 4780301702,
7 47803017A04, 47802005001, and there is another
8 corresponding number with the Zero Main Street
9 missing, but it's included.

10 And develop a mixed use complex,
11 adopting the design and characteristics of 704
12 Main Street with 40 to 50 residential units to be
13 affordable for families earning between 50 and 70
14 percent of the median household income and
15 meeting all eligibility criteria for affordable
16 housing, as specified in MGL c. 40B, and
17 regulations promulgated thereunder, for the sole
18 purpose of helping the Town of Falmouth meet its
19 statutory quota for affordable housing
20 economically while siting such units on an
21 optimal downtown location for families earning
22 less than the median household income, being on a
23 bus route within all walking distance to a
24 pharmacy, grocery store, convenience stores and

1 other amenities.

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

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

22 MR. FINNERAN: Yes. Isn't that on
23 there?

24 THE MODERATOR: No. Okay.

1 So, at the end of the \$2,500,000 from
2 Certified Free Cash or by borrowing.

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

5 THE MODERATOR: No, it's up there.

6 MR. FINNERAN: And the zero where?

7 THE MODERATOR: In which number?

8 MR. FINNERAN: In the dollars.

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

14 So this will be the main motion for
15 Article 25.

16 Mr. Finneran.

17 MR. FINNERAN: Yes.

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

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

22 THE MODERATOR: Yeah.

23 MR. LOWELL: [No mic:] Can you
24 explain, it says here "or borrow"?

1 THE MODERATOR: Yeah, so it's to
2 transfer. It says at the beginning to transfer
3 the sum or by borrowing said sum, or any part
4 thereof.

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

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

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

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

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

24 THE MODERATOR: Then that's what Town

1 Meeting can discuss when we open discussion.

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

5 Okay, Mr. Finneran.

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

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

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

24 My presentation is going to be very

1 short. Peter has some information that he
2 gathered through the library that he's going to
3 present. But basically, I think that we can do
4 better. We can build more affordable units than
5 this gentleman proposes and on a much smaller
6 scale.

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

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

23 THE MODERATOR: Mr. Cook.

24 MR. COOK: Good evening, Town Meeting

1 members. I'm Peter Cook from Precinct six. I'm
2 here to vote in favor of Article 5 and provide
3 background history about this parcel in Falmouth.

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

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

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

22 And here's an ad from the Enterprise.

23 After several years a new road was
24 constructed initially called Fay Lane Road, and

1 later Lantern Lane, so as not to be confused with
2 Fay Road in Woods Hole. This road would become
3 the main road through a neighborhood called
4 Tradition Village, which is still there today.

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

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

1 inch pitch."

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

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

20 If I could have page 86, 86 in your
21 warrant if you could take a look in the back,
22 it'll give you an overview. I just want to
23 point out where number five is. Let's see,
24 right up there, that's number five. That's the

1 property line for Liberty Green. In addition,
2 they're going to be building across the street,
3 there.

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

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

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

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

24 I ask my fellow Town Meeting members to

1 ask themselves: do we care about the land, our
2 neighborhoods, our neighbors, our architecture,
3 and a Falmouth we want our children to be proud
4 of, or do we just want to allow a builder to make
5 a quick dollar, leave town, and forever change
6 Falmouth with possibly more Liberty Greens in the
7 future?

8 Thank you.

9 MR. FINNERAN: So, basically, I'm going
10 to throw this out to you, now, and I just want to
11 keep these two slides up, if possible. I mean,
12 that's how dense that thing's going to be. As I
13 said: not one visitor parking space. 104 units,
14 26 which will be affordable.

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

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

21 THE MODERATOR: Okay, Mr. Herbst.

22 MR. HERBST: Ralph Herbst, Precinct
23 eight.

24 I have to congratulate the petitioner

1 for bringing this before Town Meeting because
2 there's not a person in this room or probably
3 within the town limits of Falmouth that believes
4 that this is good for the town.

5 I notice that the Board of Selectmen
6 have voted indefinite postponement, or
7 recommended indefinite postponement, and the
8 reason is -- and you need to make sure that you
9 look at this in your book, the explanation of why
10 they have recommended indefinite postponement.
11 It's because there was a Supreme Judicial Court
12 ruling in the past that you can't use eminent
13 domain to prevent affordable housing. Which,
14 that's sort of a slam dunk, you can see why the
15 court would rule that way because they would be
16 using it as an end run to try and avoid
17 affordable housing in their town.

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

1 because eminent domain is simply not going to
2 work.

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

21 So I believe it's in court right now.
22 So my proposal is to get out of court. Stop
23 this litigation and get out of court and deal
24 with these people one on one and buy em out.

1 And yes, it'll cost more than probably we would
2 want to, but so you add three or four thousand
3 dollars per unit to your affordable units and
4 you're home free and you do it the way you want
5 to.

6 So, my - I'm sorry I don't have
7 something to put in front of you --

8 THE MODERATOR: So your amendment is
9 just to strike the words "or take by eminent
10 domain" from the main motion?

11 MR. HERBST: I'm sorry?

12 THE MODERATOR: So your amendment is to
13 just strike the words "or take by eminent domain"
14 from the main motion?

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

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

22 MR. HERBST: It's very short. It's
23 very short, and if I can just read it, I'd be
24 happy to do it.

1 THE MODERATOR: Yeah, so you're
2 striking this motion in its entirety?

3 MR. HERBST: No, I'm just adding
4 something.

5 THE MODERATOR: Okay.

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

9 It was a white piece of paper and I put
10 my name on it --

11 [Laughter.]

12 THE MODERATOR: "R. Herbst. And
13 further that the --

14 MR. HERBST: That looks like it.

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

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

19 THE MODERATOR: Yeah.

20 MR. HERBST: All right, my amendment
21 is at the very end of the article, the proposed
22 article that's in front of you. I propose to add
23 this following verbiage: "And further, the
24 Board of Selectmen shall appoint a negotiating

1 committee of five or other entity such as the
2 EDIC to purchase at a reasonable and equitable
3 price those said parcels, including portions of
4 Lantern Lane, for the exclusive purpose of
5 developing affordable housing."

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

15 The last thing, of course, is instead of
16 25 percent of the units being affordable, 100
17 percent of the units will be affordable.

18 Thank you very much.

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

24 MR. HERBST: I don't think - I'm not

1 saying to strike "by eminent domain". That's
2 something that this body has to decide to see
3 whether or not I convinced them that eminent
4 domain is not going to work.

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

8 MR. HERBST: My amendment --

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

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

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

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

24 The discussion's open on the amendment.

1 Mr. Latimer.

2 MR. LATIMER: Richard Latimer, Precinct
3 one.

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

12 Now, the case that Mr. Herbst referred
13 to and others have referred to, Pheasant Ridge
14 versus Town of Burlington, was one of the very
15 minuscule amount of cases where a Town Meeting
16 taking has been overturned by the courts. And
17 it is not correct to say, as Mr. Herbst said,
18 that we can't take a piece of property that is
19 being permitted for under 40B. In fact, in the
20 Pheasant Ridge case, they cite the case of
21 Chelmsford versus DiBiase, 370 Mass. 90, where
22 the Town acted in good faith and for a public
23 purpose, taking land which was subject to a
24 pending application for a comprehensive permit

1 under General Laws Chapter 40B, section 21.

2 That was valid.

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

12 And to do it right would be to look at
13 that project and say, "That is way too much of a
14 project, with too little affordable housing."
15 104 units and you get 26 affordable housing
16 units? That doesn't help our need for
17 affordable housing at all. What we need to do
18 is be more proactive, and say, well, we can do
19 better. We can say we're going to do a mixed
20 use development with 40 or 50 affordable
21 residences, as defined. The mixed use is
22 necessary because you have to make this
23 economical.

24 The 40 to 50 residential units at

1 affordable rates aren't going to pay, you know,
2 necessarily meet our nut for developing it. But
3 the business use, the mixed use, the businesses,
4 that's why we were looking at 704 Main Street.
5 Where, if you look at that project, it's a very
6 good, affordable project that is mixed use
7 because it has those storefronts on Main Street
8 which helped pay for the project.

9 Now, in the Burlington case, the Supreme
10 Judicial Court said it was bad faith because what
11 the Town did there was they were solely
12 interested in blocking the 40B project, not as
13 they said because of these - this infrastructure
14 issues, but they just didn't want affordable
15 housing there, at that location. That was
16 NIMBY. That was snob zoning, which 40B was
17 designed to eliminate. And what they did was
18 they proposed a park in that area. And the
19 Supreme Judicial Court said well, this isn't good
20 faith because the Town had never before indicated
21 any interest in a park in this area.

22 By contrast, we're looking at an area of
23 Main Street which is optimal for affordable
24 housing. It is within walking distance of the

1 grocery store, a drug store, several convenience
2 stores. People living there won't have to drive
3 everywhere. They, you know, maybe have a small
4 family, only has one car. Well, guess what,
5 they don't need two cars.

6 THE MODERATOR: Okay, Mr. Latimer --

7 MR. LATIMER: It's optimal for
8 affordable housing --

9 THE MODERATOR: - we're at four
10 minutes.

11 MR. LATIMER: - for people who are --

12 THE MODERATOR: Mr. Latimer, we're at
13 four minutes.

14 MR. LATIMER: - below median income --
15 Okay. Let me just - just --

16 THE MODERATOR: No, you're at four
17 minutes.

18 MR. LATIMER: What?

19 THE MODERATOR: You're at four minutes.
20 You hit the time limit.

21 Mr. Donahue.

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

24 FROM THE FLOOR: No, no.

1 THE MODERATOR: No, that's for the
2 opening presentations. Speakers get four
3 minutes the first time, two minutes the second
4 time.

5 Mr. Donahue.

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

7 THE MODERATOR: No, you're not
8 interested in that? Okay.

9 Any further discussion on the amendment?
10 Ms. Buesseler.

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

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

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

22 He initially signed on for a hotel.
23 And, that didn't happen. He - I'm sure he
24 wouldn't have signed onto that, but it's just the

1 way the chips fell. And the eminent domain
2 taking is a legal process and it has been defined
3 since the Kelo decision, Kelo versus New London.

4 And it really - I guess I'm getting off topic.

5 MS. BUESSELER: Right, well this is --

6 MR. FINNERAN: But it doesn't parallel.

7 THE MODERATOR: Ms. Buesseler.

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

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

15 MS. BUESSELER: Oh, it - okay.

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

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

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

24 MS. BUESSELER: Well, I'm very much in

1 favor of this. I just --

2 MR. FINNERAN: I think it's our only
3 choice.

4 MS. BUESSELER: Yeah, I hope - I just
5 hope we go about it the right method to achieve
6 it.

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

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

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

22 THE MODERATOR: Okay, Mr. Netto. On
23 the amendment. This is the Herbst amendment.
24 No?

1 Any further discussion on the Herbst
2 amendment? Ms. Putnam.

3 MS. PUTNAM: Rebecca Putnam, Precinct
4 nine.

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

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

24 THE MODERATOR: Okay, Mr. Duffy.

1 MS. PUTNAM: - because that's going to
2 be --

3 THE MODERATOR: Yes, Mr. Duffy.

4 MR. DUFFY: I don't think we know that
5 information.

6 MR. FINNERAN: The --

7 THE MODERATOR: Mr. Finneran.

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

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

18 MS. PUTNAM: So the issue really
19 becomes, though, not the pricing - and all that -
20 if that was redacted and such, what is the time
21 deadline that the buyer has to perform? Because
22 the buyer could have done a separate addendum.
23 Even though he proposed originally going for a
24 hotel, he may have another addendum that we're

1 not aware of between him and the seller, saying
2 that, "Now I'm going to try to go before the
3 Housing and get a 40B approved."

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

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

16 THE MODERATOR: Yes, Mr. Finneran.

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

19 MR. DUFFY: What was the question
20 again, now, that? There's several layers,
21 here. For one thing, the developer doesn't own
22 it yet; he only has an agreement with somebody
23 else, the Fays, to buy it. I don't know what
24 that agreement says.

1 THE MODERATOR: Is the seller released
2 from the obligation of a P&S with an eminent
3 domain taking?

4 MR. DUFFY: Is the seller? No.

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

8 MR. DUFFY: The seller would be the
9 owner.

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

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

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

22 MR. DUFFY: Yeah, I don't think it
23 matters. We take it; that's the end of the
24 story.

1 THE MODERATOR: Okay, Mr. Turkington.

2 MR. TURKINGTON: Eric Turkington,
3 Precinct one.

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

8 FROM THE FLOOR: Can't hear you.

9 MR. TURKINGTON: What the agreement
10 that this developer has with the Fay family is a
11 99 year lease. It's not a purchase and sale
12 agreement. It's a lease. When he gets his
13 permit to do whatever he wants to do, he will pay
14 \$100,000 a year for the first five years and then
15 105 for the next five years, and then 110 for the
16 next five years, and it keeps escalating through
17 the 99 years. That's an agreement that the
18 seller cannot break. He has a lease agreement
19 with this fellow.

20 Eminent domain - and I give Mr. Finneran
21 and the others a lot of credit for bringing it
22 up, because up to now the Board of Appeals has
23 been fighting this all by themselves. The Town
24 has not been particularly supportive of trying to

1 come up with an alternative. Eminent domain is
2 an alternative that could be in the toolbox.
3 It's a very dangerous alternative because once
4 you go into the eminent domain process, you have
5 no idea what the price tag is when you come out.
6 You do know - you make an offer. If the owner
7 accepts the offer, terrific. If the owner does
8 not accept the offer, you end up in court.
9 Twelve percent a year is the interest rate that
10 you'll be charged on whatever the final number
11 is.

12 Most towns avoid eminent domain like the
13 plague because it's so unpredictable.

14 Now, this Town has had a couple of
15 friendly takings, friendly eminent domain
16 takings, that have worked out. But this Town
17 has not had an unfriendly taking since the
18 1960's, when they took the bike path from
19 Falmouth center to Woods Hole for a price that
20 they thought was reasonable: \$60,000, and they
21 ended up paying \$400,000. That's what happens
22 when you get into eminent domain.

23 Where we are right now with this: it's
24 at the Housing Appeals Committee. The next time

1 that board is going to meet on this subject is
2 next April. So we have time to look around and
3 see what our options are. I think between now
4 and April the Town leadership should be stepping
5 up to the plate and developing a more aggressive
6 approach to dealing with this issue. It might
7 include eminent domain. But it certainly
8 shouldn't be done tonight, based on the total
9 lack of information that we seem to have.

10 THE MODERATOR: Okay, Mr. Heath.

11 MR. HEATH: Austin Heath, Precinct
12 eight.

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

22 There are also option agreements, but
23 this is difficult for us to decide tonight, what
24 to do on this, because we just don't know enough.

1 I don't know if he's been asked if he really
2 wants to get out and go away and do something
3 else. This is costing him money, it's costing
4 the Town money. So somewhere there should be a
5 deal in there.

6 Has anyone spoken to him directly, or to
7 the - directly on this?

8 MR. FINNERAN: Not I.

9 THE MODERATOR: No.

10 MR. HEATH: That might be the first
11 step.

12 [Laughter.]

13 THE MODERATOR: Okay. So, let's take
14 the first --

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

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

20 MR. HEATH: Yeah.

21 THE MODERATOR: So let's vote on the
22 Herbst amendment, here.

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

1 [Aye.]

2 THE MODERATOR: All those opposed no.

3 [No.]

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

7 FROM THE FLOOR: [Inaudible.]

8 THE MODERATOR: What's that?

9 FROM THE FLOOR: Read it again. Yes.

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

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

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

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

1 [Aye.]

2 THE MODERATOR: All those opposed no.

3 [No.]

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

7 The question is back on the main motion.
8 I'm going to go back to my original speaker's
9 list. Mr. Dufresne.

10 Yeah, Mr. Donahue.

11 MR. DONAHUE: I challenge that.

12 THE MODERATOR: Challenge what?

13 MR. DONAHUE: Challenge that vote.

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

17 So we're going to take a counted vote.
18 It couldn't have been any clearer in my ears, but
19 all those in favor of the amendment will vote 1A.
20 All those opposed to the amendment will vote 2B.

21 Can we - Rob, can we get a poll ready?
22 Oh, we're ready? Okay, we're going to use the
23 same slide, okay.

24 So this is for the amendment. Okay,

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

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

7 Open the poll, Rob.

8 FROM THE FLOOR: Two-B.

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

11 So, one is yes. Two is no.

12 [Pause while electronic voting scrolls.]

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

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

18 Mr. Dufresne.

19 MR. DUFRESNE: I'll be briefer tonight
20 than I was last night.

21 My concern - and I want to thank former
22 Selectman Turkington, Lawyer Turkington, for his
23 presentation, because the consequences of eminent
24 domain, regardless of how you do it when you end

1 up in court, you don't pay what you think you're
2 paying for.

3 FROM THE FLOOR: Speak up.

4 MR. DUFRESNE: Oh.

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

7 MR. DUFRESNE: All right.

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

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

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

24 I think we should have a committee of

1 people up here on the stage to try to negotiate
2 with the developer and buy out that project at a
3 price, but let's knock this article down.

4 Eminent domain scares the hell out of me, I'll
5 tell you right now.

6 Thank you.

7 THE MODERATOR: Okay, Ms. Connolly.

8 You're on the list, Richard.

9 MS. CONNOLLY: Hi, there. I'm Annie
10 Connolly, Precinct six. Former executive
11 director for the Falmouth Housing Trust. I was
12 asked to speak on this article by some pals out
13 there because I have built affordable housing in
14 this town.

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

23 It is important that the process be a
24 public one, that it be done with the highest

1 integrity.

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

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

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

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

24 I'm going to make an amendment. I can't

1 believe I'm doing this and I can't believe I'm
2 agreeing with Mark. No offense, Mark, but, you
3 know, we don't usually see eye to eye --

4 [Laughter.]

5 MS. CONNOLLY: - on stuff.

6 Although he has some great points,
7 sometimes the deliveries - but, whatever, he's
8 done a good job. I give him credit for this.

9 THE MODERATOR: Okay, let's make your
10 amendment because your time's running out.

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

19 Let's authorize a small amount of money
20 to enter into negotiations. The Housing
21 Appeals Court process can continue in Boston.
22 It's going to be a long time coming. We've got
23 some time. Time is on our side. And let's get
24 it together as a group and a community.

1 If we won't want this here, let's come
2 up with what we do want, and let's work together
3 and support each other. And that means come to
4 public meetings, participate, share what you
5 think is right. Create visible, sustainable,
6 quality housing for our community. Not
7 affordable housing, community housing.

8 Thank you.

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

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

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

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

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

22 MS. CONNOLLY: Okay.

23 THE MODERATOR: Yes, because you're
24 talking about legally going out and negotiating,

1 taking by eminent domain. I can't be fly by the
2 seat with a couple of words. I need to have an
3 amendment that the Clerk can put as the official
4 amendment.

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

8 THE MODERATOR: The Clerk's got to read
9 it.

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

13 FROM THE FLOOR: 100,000.

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

16 [Laughter.]

17 THE MODERATOR: Okay, Folks, Folks,
18 what - just --

19 MS. CONNOLLY: Okay.

20 THE MODERATOR: We're not going to be
21 writing amendments as a body of 243. So, you
22 write it, you submit it to us up here, and then
23 we'll - I'll read it back and we'll have
24 discussion on the amendment.

1 MS. CONNOLLY: Okay.

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

4 MS. CONNOLLY: Here you go.

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

7 MS. CONNOLLY: Can you read it?

8 [Pause.]

9 THE MODERATOR: Okay, that's it?

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

12 MS. CONNOLLY: Authorize \$100,000.

13 THE MODERATOR: From where?

14 MS. CONNOLLY: Certified Free Cash.

15 THE MODERATOR: From Certified Free
16 Cash.

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

19 THE MODERATOR: Expended under whose
20 jurisdiction? Board of Selectmen? Okay.

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

23 THE MODERATOR: Okay. And to
24 authorize the Town Manager and Board of Selectmen

1 to enter into negotiations.

2 MS. CONNOLLY: To obtain the property.

3 THE MODERATOR: No, I'm writing it now.

4 To obtain the property.

5 [Laughter.]

6 MS. CONNOLLY: I'm tired, I'm sorry.

7 THE MODERATOR: To obtain the property,

8 period?

9 MS. CONNOLLY: Yeah, I mean, if it's -
10 yeah, yeah. I don't think we should restrict
11 ourselves to eminent domain or anything else.

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

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

21 [Laughter.]

22 THE MODERATOR: It's the motion, sorry.

23 You struck it in its entirety. This is why we
24 don't do it on the floor of Town Meeting, these

1 type of detailed motions.

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

4 THE MODERATOR: We're adding at the
5 bottom the property classification.

6 MS. CONNOLLY: Okay.

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

9 MS. CONNOLLY: Parcel it, yeah.

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

12 Okay, discussion on the amendment.
13 We're opening up a new list. We're on this
14 amendment.

15 Mr. Netto.

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

19 THE MODERATOR: Yeah, go ahead.
20 Quickly. Quickly, let's go.

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

23 MS. PETIT: Yes.

24 MR. NETTO: Thank you very much. And

1 it would be improper for me to ask if we had two
2 and a half million in Free Cash for the main
3 motion? Or can I ask that now and save some
4 time?

5 THE MODERATOR: Yes.

6 MS. PETIT: Can I?

7 THE MODERATOR: Yes, go ahead.

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

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

13 MR. PETIT: Yes.

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

20 Mr. Turkington left off Katherine Lee
21 Bates Road, which cost us millions, didn't it,
22 Eric?

23 And you know who beat us in court? A
24 gentleman that wasn't a lawyer represented

1 himself, Nate Denman. That's the biggest
2 eminent domain case that I will - you will not
3 get my support to take land by eminent domain.

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

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

20 Thank you.

21 THE MODERATOR: Okay, on this
22 amendment. Mr. Walker. With the microphone,
23 please. I don't think it's on, for some reason.
24 No, can you - did the batteries die, here?

1 MR. WALKER: It says on.

2 THE MODERATOR: There it is, yes. Yes.

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

5 In the amendment the wording "obtain the
6 property", can that be understood to include
7 buying out the lease as was mentioned by a
8 previous speaker?

9 THE MODERATOR: Yes, is what I'm
10 getting from up here.

11 MR. Latimer.

12 MR. LATIMER: Richard Latimer, Precinct
13 one.

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

22 Certainly if we did a taking and the
23 owner was satisfied, there would be no lawsuit.
24 So I think it would be a good idea to just put

1 this off, and so I would support this amendment.

2 Thank you.

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

5 Ms. Harris.

6 FROM THE FLOOR: No. Question.

7 Question. Question.

8 THE MODERATOR: Ms. Harris, on the
9 amendment.

10 MS. HARRIS: Mary Harris, Precinct
11 five.

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

19 MR. DUFFY: To answer your question,
20 the first hearing date is April 2nd, 2018, which
21 is exactly one week before the April Town
22 Meeting. It's unlikely that we will have a
23 decision at that time, so and I believe you do
24 have a clear path to April.

1 If the Town of Falmouth or the Zoning
2 Board of Appeals is unhappy with the decision at
3 the Housing Appeals Committee, it does have an
4 appeal, but it's up to them to decide whether or
5 not to exercise it.

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

9 [Aye.]

10 THE MODERATOR: All those opposed no.

11 [No.]

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

14 So, discussion on the main motion as
15 amended, which was striking everything up there
16 and it's the negotiating with the - what is it,
17 \$100,000 in Free Cash.

18 FROM THE FLOOR: [Inaudible.]

19 THE MODERATOR: What's that?

20 FROM THE FLOOR: [Inaudible.]

21 THE MODERATOR: No, you have to - so,
22 you had a main motion; you had an amendment. An
23 amendment failed, you had another amendment. The
24 amendment passed. So now we're on the main

1 motion as amended. So, the language is the
2 exact language of the amendment because you
3 struck everything in the amendment.

4 So, is there any further discussion on
5 the amendment - the main motion as amended?

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

11 [Aye.]

12 THE MODERATOR: All those opposed no.

13 [No.]

14 THE MODERATOR: The ayes have it by the
15 majority.

16 [Applause.]

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

19 Madame Chairman of the Finance Committee
20 for the main motion.

21 CHAIRMAN VOGEL: Mr. Moderator, I move
22 Article 28 with the following change. In the
23 recommendation, it starts by saying that the Town
24 vote to authorize the Board of Selectmen to

1 purchase or take by eminent domain. We are
2 striking the words "or take by eminent domain".
3 And the motion is that I move Article 28 with the
4 deletion of "or take by eminent domain".

5 THE MODERATOR: Okay, so the main
6 motion is what's printed in your recommendation,
7 striking "or take by eminent domain" from the
8 first paragraph.

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

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

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

17 I'm sure most of you are familiar with
18 The 300 Committee. We've been acquiring land
19 for conservation purposes since 1985, and over
20 this time period we've accumulated about 2400
21 acres, which some is owned by the Town, some is
22 owned by The 300 Committee and we're doing this
23 in partnerships with the state, federal and non-
24 profit organizations.

1 In addition to buying land -- this is
2 just background for people who aren't familiar
3 with The 300 Committee - we also can acquire
4 conservation restrictions in which we don't own
5 the land but it is permanently protected.

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

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

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

21 We've also been involved in raising
22 money for this project, as well, too. We've
23 submitted grants with the Town for \$400,000 to
24 the state land grant agency, and we're also going

1 to be committing \$450,000 in funds from The 300
2 Committee towards the purchase of the farm,
3 itself. In addition, we'll also be coming up
4 with \$950,000 for the purchase of these pond
5 front parcels, which in the map next I will show
6 to you.

7 If you can see these clearly, I'm not
8 sure how well it shows up, the blue parcels are
9 the one that are - which Peter is showing us,
10 here. The blue parcels are the farm parcels;
11 these total 36.7 acres. In addition to the farm
12 parcels within the farm area, there are two house
13 lots, A2 and A3. And finally the land along
14 Pond 14 is the what we call the pond front
15 parcels; sometimes they're called the Ronnie Road
16 parcels. So this is the - those parcels, The
17 300 Committee would own outright. The farm
18 parcels, the Town would own.

19 We would have the conservation
20 restriction on the farm parcels; the Town would
21 have the conservation restriction on the pond
22 front parcels. These total 46 and a half acres
23 and these two purchases are linked so that one
24 cannot happen without the other one.

1 So, a little bit of an update before I
2 turn it over to Peter. We have helped the Town
3 execute a purchase and sale agreement. That was
4 done by the Town. And there's due diligence is
5 ongoing, as well, too, including environmental
6 assessments, land surveys and title work.

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

16 And, as I mentioned before, we have a
17 \$400,000 before the state. We hope to learn by
18 the December whether that's yes or no.

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

23 And I'd like to close my end of this
24 presentation before I turn it over to Peter,

1 noting that special places don't stay special by
2 accident. We have to take action on these.

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

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

14 So I will turn this over to Peter now.

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

17 THE MODERATOR: Yes.

18 MR. JOHNSON-STAUB: Peter Johnson-
19 Staub, Assistant Town Manager. As usual, I get
20 stuck with the boring part of the presentation.
21 So I thought I'd just start on a personal note.
22 I was speaking to Joe Andrews yesterday and he
23 mentioned that today would be his father's
24 birthday. Tony Andrews birthday, today.

1 FROM THE FLOOR: Aw.

2 MR. JOHNSON-STAUB: Funny coincidence.

3 So I'm going to review the financial
4 aspect of the article. And to begin with, I just
5 want to make sure everyone's clear on the basics
6 of the acquisition price. The Town is
7 purchasing 36.7 acres of farmland. The purchase
8 price for that farmland is \$2 million. The
9 funding sources are as shown here: Free Cash with
10 the potential reimbursement of the Land Grant of
11 \$400,000, offsetting that \$750,000 Free Cash
12 allocation. \$800,000 from the Community
13 Preservation Fund and a donation from The 300
14 Committee of \$350,000. That makes up the
15 purchase price.

16 In addition, there is \$50,000 for due
17 diligence and incidental costs from Free Cash.

18 Someone is probably looking at their
19 book and adding up the numbers and saying that
20 they don't add to two million and fifty, and as a
21 reminder we did have a prior Town Meeting Article
22 that approved 225,000. So when we take the
23 April Town Meeting Article of 225 and we add it
24 to the amounts included for Article 28, we again

1 arrive at that 2,050,000.

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

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

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

24 The Town has commissioned an

1 environmental review and I'm pleased to report
2 that the review found no evidence of hazards
3 other than a history of pesticide and herbicide
4 use, and that use has - is more than a decade
5 ago. They have not been using pesticides and
6 herbicides recently.

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

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

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

17 It is the Town's intent to continue
18 farming and minimize the cost to taxpayers. We
19 will negotiate a one year license with the farmer
20 to continue farming operations, and during that
21 time we will be working to develop a request for
22 proposals process, a competitive process to
23 select the farm manager that is best able to
24 achieve the community goals for the farm.

1 While it is clearly the goal of the
2 Selectmen, the Agricultural Commission, the
3 Conservation Commission to continue farming, we
4 recognize that the Town will own this land not
5 just for ten or 20 years, but in perpetuity. And
6 certainly no one can say it will be feasible to
7 continue farming 50 or 100 years from now, so
8 there has to be a fallback plan if at some point
9 in the future the Town decides it is too
10 expensive to continue farming. And that
11 fallback plan is to have the land revert to open
12 space and passive recreation.

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

19 This is another aerial that shows those
20 lots. With this acquisition a conservation
21 restriction will be applied to the two larger
22 parcels, so - whoops. Lot A1 is this large lot,
23 excluding A2 and A3. And then all of Parcel B,
24 the conservation restriction will apply to the

1 vast majority of this 36.7 acre, with the sole
2 exception of these two residential lots, A3 and
3 A2.

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

10 THE MODERATOR: Okay, Mr. Johnson-
11 Staub, we're at ten.

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

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

19 All those in favor, signify by saying
20 Aye.

21 [Aye.]

22 THE MODERATOR: All those opposed no.

23 [None opposed.]

24 THE MODERATOR: The ayes have it

1 unanimously.

2 Go ahead.

3 MR. JOHNSON-STAUB: Thank you.

4 So, again, we - there will be more
5 community dialogue to determine the future uses
6 of the house lots. The way that we have
7 structured this with the conservation restriction
8 affords that flexibility.

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

16 What we can say at this point is we are
17 likely to require an additional appropriation at
18 the April Town Meeting, and our best estimate is
19 that that cost may be in the range of 50 to
20 200,000 dollars.

21 I'd now like to turn it over to Karen
22 Schwalbe to address more specifically the
23 prospects for farming at this parcel. Karen is
24 the Executive Director of the Southeastern

1 Massachusetts Agricultural Partnership and has
2 served on the Falmouth Agricultural Commission
3 for ten years.

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

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

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

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

24 We have learned a lot about what the

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

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

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

1 Massachusetts, the Cape and the Islands.

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

5 85 percent of the soils on Tony Andrews
6 Farm are USDA prime agricultural soils. These
7 soils, which have been nurtured and cultivated
8 over generations, are a rarity on the Cape. To
9 develop them would be a travesty. Farms are lost
10 to development all the time, but they never come
11 back to farming.

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

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

23 If you're very lucky, you can still go
24 back and visit that place. But for the most

1 part, these places are no longer, lost forever to
2 development.

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

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

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

15 This is a quote from Marina Andrews.
16 It's from the time capsule buried in the Village
17 Green. "To my great, great, great grandchild, I
18 do hope I have many. I bequeath to you this
19 beautiful town, with its lush fields, beautiful
20 trees, lovely streams and waterways. I hope 2076
21 will find it so."

22 We ask that you vote yes on Article 28.
23 We feel strongly that this purchase will be of
24 value to the citizens of Falmouth.

1 THE MODERATOR: Okay, discussion is
2 open on the main motion on Article 28.

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

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

6 THE MODERATOR: Oh, 29, okay.

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

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

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

21 These folks say they do not want it to
22 become another failed attempt at farming like the
23 cranberry bogs, or a debacle like the Peterson
24 farm. This farm is 90 years old and, if not the

1 oldest, then one of the oldest working farms on
2 Cape Cod.

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

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

21 I would like to walk to Tony Andrews
22 Farm in 2027 and see much of what I see today in
23 2017: a jewel of agricultural landscape. A
24 healthy, vibrant and working farm providing us

1 food as it has for 100 years.

2 Thank you.

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

5 Mr. Donahue.

6 MR. DONAHUE: Robert Donahue, Precinct
7 three.

8 I want to ask: is this going to be -
9 this land taken off of our tax records or is the
10 farmer going to be responsible for paying the tax
11 bill or some kind of a fee in lieu of taxes?
12 Just a question.

13 THE MODERATOR: Mr. Johnson-Staub.

14 MR. JOHNSON-STAUB: Yes, the property
15 will be owned by the Town and as such there will
16 not be any taxes. Whether or not there is a
17 lease payment is something that could be
18 determined through a request for proposal, but
19 you know, I want to say that all of the
20 discussions to this point have been that the
21 emphasis and the hope is that we will have a
22 viable farm for the long-term and there's no
23 expectation that there will be revenue to the
24 Town coming out of the property.

1 So, any rent that might be charged to a
2 farmer would be in a dedicated fund to support
3 the long-term viability of the farm.

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

9 MR. JOHNSON-STaub: That's to be
10 determined.

11 MR. DONAHUE: Okay, thank you.

12 THE MODERATOR: Okay, Mr. Johnson.
13 With a microphone, please, Mr. Johnson.

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

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

23 All those in favor of Article 28,
24 signify by saying Aye.

1 [Aye.]

2 THE MODERATOR: All those opposed no.

3 [No.]

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

6 [Applause and cheers.]

7 THE MODERATOR: Many of you may
8 remember that one of my predecessors began Town
9 Meeting and missed the pledge of allegiance.
10 And Marina Andrews got up - this is some 40 some-
11 odd years ago and said, "Mr. Moderator, you
12 didn't do the Pledge of Allegiance." And Mrs.
13 Andrews began - I'm going to get emotional, but -
14 she began the - sorry - the Town Meeting Pledge
15 of Allegiance until the year she got sick, and
16 she asked me, "Would you lead Town Meeting in the
17 Pledge of Allegiance?" And that's why when we
18 appoint people at every Town Meeting, I still
19 lead the Pledge of Allegiance, because Mrs.
20 Andrews asked me to do that.

21 [Applause.]

22 THE MODERATOR: Happy birthday, Tony!

23 Article 29. Madame Chairman of the
24 Board of Selectmen for the main motion.

1 CHAIRWOMAN MORAN: That the Town vote
2 Article 29 as printed.

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

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

7 MS. MURPHY: [No mic:] Yes.

8 THE MODERATOR: Okay.

9 This is to authorize the Board of
10 Selectmen to lease or let the property for no
11 more than 20 years. Any discussion on Article
12 29?

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

15 All those in favor, signify by saying
16 aye.

17 [Aye.]

18 THE MODERATOR: All those opposed no.

19 [None opposed.]

20 THE MODERATOR: The ayes have it
21 unanimous.

22 At this point, I want to notify Town
23 Meeting members that at this Town Meeting you
24 spent \$9,279,014.

1 And, before you go, on the stage we have
2 an individual that oversaw the process for that
3 nine million plus dollars, the Chairwoman of the
4 Finance Committee; this will be her last Town
5 Meeting. Wendy Vogel, we want to thank you for
6 your service to the Town.

7 [Applause.]

8 THE MODERATOR: And your service as
9 the Chair of the Finance Committee. Thank you.

10 And she tells me she's not leaving the
11 Finance Committee, just stepping down as Chair.

12 At this time, I'll recognize the Board
13 of Selectmen for notification of the next Annual
14 Town Meeting.

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

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

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

21 So moved.

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 and

4 this meeting is dissolved.

5 [11:00 p.m., whereupon Town Meeting ended.]

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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 Annual Town Meeting, taken by me on Tuesday, November 7, 2017. To the best of my ability the within transcript is a complete, true and accurate record of said Town Meeting.

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

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

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